

Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #09-47

August 20, 2009

Representative Scott Pelath, Chairperson
Administrative Rules Oversight Committee
Indiana Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
ATTN: Sarah Burkman

RE: LSA Document #09-47 – Women, Infants, and Children's rule

Dear Representative Pelath:

On behalf of the Indiana State Department of Health (Department), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the Department has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

The Department published its Notice of Intent to Adopt a Rule for the captioned document on January 28, 2009 (DIN: [20090128-IR-410090047NIA](#)). Preliminary adoption of this rule was delayed because of issues with contractors. On July 8, 2009, the Department preliminarily adopted a proposed rule. The Department is now waiting for approval of the fiscal analysis by the Office of Management and Budget, as required under [IC 4-22-2-28](#). Under [IC 4-22-2-28](#), the Department may not send the proposed rule for publication in the Indiana Register until the Department receives OMB approval. Once approval is received, the proposed rule must be published and a public hearing held 21 days after publication of the notice.

Following the public hearing, the Department must consider and respond to public comments and present the rule to the ISDH Executive Board for final adoption. Pursuant to [IC 4-22-2-32](#), the Attorney General has 45 days to complete review of the rule. Whether a quorum is present at the ISDH Executive Board meeting, and the Attorney General's time frame for rule review, are outside of the Department's control. Thus promulgation of this rule will likely not be completed by January 28, 2010. The Department expects that the rule can be approved by the Governor by January 28, 2011.

This notice setting forth the expected date of approval of LSA *[Document]* #09-47 as January 28, 2011, is being submitted in a timely manner. October 5, 2009, is the two hundred and fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Loren Robertson, M.S., R.E.H.S.
Deputy State Health Commissioner

Posted: 09/09/2009 by Legislative Services Agency
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