

Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #09-682

April 30, 2010

Honorable Scott Pelath, Chairperson
Administrative Rules Oversight Committee
c/o Sarah Burkman, Indiana Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789

RE: LSA Document #09-682 - Rule for Establishing an Indoor Air Quality (IAQ) Inspection, Evaluation, and Parent and Employee Notification Program

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 August 26, 2009 ([20090826-IR-410090682NIA](#)). On May 12, 2010, the agency will preliminarily adopt LSA [Document] #09-682. The agency has not been able to preliminarily adopt the rule before this time because meetings of the Executive Board scheduled for January 13, 2010, and March 10, 2010, were canceled. Once the rule is preliminarily adopted, the agency will send the Office of Management and Budget (OMB) a copy of the Proposed Rule and fiscal analysis as required under [IC 4-22-2-28](#). Under [IC 4-22-2-28](#), the agency cannot send the Proposed Rule for publication in the Indiana Register and schedule a public hearing until the agency receives OMB approval. There is no time limit on how long the OMB can take to approve the Proposed Rule and fiscal analysis.

Following the public hearing, the agency 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 forty-five 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 agency's control. Thus promulgation of this rule may not be completed by August 26, 2010.

This notice setting forth the expected date of approval of LSA [Document] #09-682 as August 26, 2011, is being submitted in a timely manner. May 3, 2010, is the two hundred and fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Gregory N. Larkin, M.D., F.A.A.F.P.
State Health Commissioner

Posted: 05/19/2010 by Legislative Services Agency
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