
TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM

**Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #10-420**

March 3, 2011

Senator R. Michael Young, Chairperson
Administrative Rules Oversight Committee
c/o Indiana Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
ATTN: Sarah Burkman

Re: LSA Document #10-420 – CHIP Overhaul

Dear Senator Young:

On behalf of the Family and Social Services Administration, Office of the Children's Health Insurance Program (CHIP), and Office of Medicaid Policy and Planning (OMPP), I am submitting this memo to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the agency 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 (June 30, 2011).

The agency published its Notice of Intent to Adopt a Rule for the captioned document on June 30, 2010 (DIN: [20100630-IR-407100420NIA](#)). This rule amends 11 sections of 407 IAC to update and clarify the rules and make some technical corrections. Several steps remain before these amendments rule can be fully promulgated, such as conducting a public hearing, making any necessary changes subsequent to that hearing, getting approval from the Office of the Attorney General and the Governor, and publishing the Final Rule.

In addition to the circumstances mentioned above, any rule adopted by the agency must be approved by the Family and Social Services Committee (see [IC 12-8-3](#)), a committee that meets only once per month. It is quite possible a monthly meeting could occur without a quorum and, therefore, without any action being taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the Committee and presence of a quorum. Following approval by the FSSA Committee, the rule must be submitted to the Attorney General's office. Pursuant to [IC 4-22-2-32](#), the Attorney General has 45 days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General's time frame for rule review are outside of the agency's control. For these reasons, it may not be possible for the rule to be approved by the Governor within one year of the date of publication of the notice of intent. The agency expects that the rule can be approved by the Governor by no later than March 1, 2012.

This notice setting forth the expected date of approval of LSA Document #10-420 as March 1, 2012, is being submitted in a timely manner. March 7, 2011, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Kevin Wild
Staff Attorney
Family and Social Services Administration

cc: Steve Barnes, Indiana Register, Legislative Services Agency
Michael Carter, General Counsel, FSSA
Patricia Casanova, Director, Office of Medicaid Policy and Planning

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