

**60 Day Requirement ([IC 4-22-2-19](#))**

LSA Document #18-416

February 4, 2019

On behalf of the Indiana State Department of Health (ISDH), I am submitting this notice in compliance with [IC 4-22-2-19](#), which requires an agency to begin the rulemaking process for new rules not later than 60 days after the effective date of the statutes that authorize the rule, unless a notice is filed with the Publisher that includes the reasons why rulemaking began more than 60 days after the effective date.

The statutory authority for rulemaking that requires ISDH to promulgate rules to establish a program to certify perinatal levels of care designation for all hospitals and birthing centers, including rules for interfacility patient transfer, is [IC 16-21-13-5](#).

ISDH did not begin the formal rulemaking process within 60 days of the effective date of the authorizing statute because ISDH needed time to develop the program and thoroughly review the rules before beginning the rulemaking process. The proposed rule was submitted to the Office of Management and Budget on September 20, 2018, to obtain an exception to the rulemaking moratorium before ISDH could begin the rulemaking process. We received moratorium approval September 28, 2018.

ISDH began the rulemaking process by publishing a Notice of Intent on October 3, 2018 (DIN: [20181003-IR-410180416NIA](#)), and anticipates the rule to be approved within the one year deadline under [IC 4-22-2-25\(a\)](#).

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