

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

LSA Document #19-685

February 4, 2020

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 statute that authorizes 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 adding regulations to implement the certificate of need for comprehensive care health facility program required by [IC 16-29-7](#) is [IC 16-29-7-19](#).

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 (OMB) on September 6, 2019, to obtain an exception to the rulemaking moratorium before ISDH could begin the rulemaking process and was under review by OMB until we received moratorium approval December 17, 2019.

ISDH began the rulemaking process by publishing a Notice of Intent on December 25, 2019 (DIN: [20191225-IR-410190685NIA](#)), and anticipates the rule to be approved within the one year deadline under [IC 4-22-2-25\(a\)](#).

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*Posted: 02/12/2020 by Legislative Services Agency*  
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