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**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #01-373

To: Honorable Jerry Denbo, Chairperson
c/o Ms. Susan Kennell
The Administrative Rules Oversight Committee
From: Maureen Bartolo, Staff Attorney

Re: LSA #01-373, Amendments to the Indiana Prescription Drug Program Rule

Date: June 14, 2002

cc: Susan Kennell, Legislative Services Agency
Howard Stevenson, General Counsel, FSSA
Melanie Bella, Assistant Secretary, OMPP
Grace Chandler, Director, Prescription Drug Program

On behalf of the Family and Social Services Administration, Office of the Prescription Drug Program, 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.

The agency published its notice of intent to adopt a rule for the captioned document on November 1, 2001, (25 IR 407). The publication of the proposed rule has been delayed while the agency procured a contractor for pharmacy benefit management services to benefit the Prescription Drug Program. Certain decisions could not be made until the Contractor was selected; some of which are to be reflected in the rule amendment. The agency expects to publish its proposed rule on August 1, 2002.

The Family and Social Services Committee (See IC 12-8-3), a committee that meets only once per month must approve any rule adopted by the agency. The committee currently has a number of vacancies and it is 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 forty-five 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 review are outside the agency's control. For these reasons, it is unlikely that the rule will 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 January 31, 2003.

This notice setting forth the expected date of approval of LSA #01-373 as of January 31, 2003, is being submitted in a timely manner. July 10, 2002 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.