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**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

LSA Document #02-210

February 25, 2003

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, In 46204

Subject: 460 IAC 7; LSA Doc. #02-210

Dear Chairman:

The Division of Disability, Aging, and Rehabilitative Services is adopting rules to establish standards and requirements for individualized support plans for eligible individuals with a developmental disability. These rules will formalize standards that have been practice in the division.

Statutory authority for adoption of these rules has been in place for many years. Under IC 4-22-2-19, promulgation of rules require beginning the rulemaking process within 60 days of the enactment of such statutory authority unless an exception applies. The rulemaking process did not begin for these rules within the 60 day requirement.

Under IC 4-22-2-19(a)(3) an exception is provided for rules required by statutes enacted before June 30, 1995. IC 12-11-1.1-9 was added by P.L.272-1999 but this was a recodification of P.L.2-1992 in a similar form. Our proposed rule falls under the exception in IC 4-22-2-19(a)(3). Although IC 12-11-1.1-9 was added by P.L.272-1999, it existed in similar form in IC 12-11-1, which was added by P.L.2-1992 and repealed by P.L.272-1999.

The division is providing this written notification to the committee to explain why this rule does not comply with the timeframe specified in IC 4-22-2-19(c)(1). In the case of this rule, we could not comply with the statute that authorized the rule because this statute was enacted 10 years ago.

If you need additional information, please contact Jean Oswalt at (317) 232-1161.

Sincerely yours,

Steve Cook, Director
Division of Disability, Aging, and Rehabilitative Services