

Document: AROC Notice, **Register Page Number:** 28 IR 2461

Source: May 1, 2005, Indiana Register, Volume 28, Number 8

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

LSA Document #04-75

To: Senator R. Michael Young, Chairperson
C/o Indiana Legislative Services Agency
200 W. Washington St.
Suite 301
Indianapolis, IN 46204-2789

From: Kevin Wild, Staff Attorney

Re: LSA #04-75

Date: March 23, 2005

Cc: Steve Barnes, Indiana Register
John Davis, General Counsel, FSSA

On behalf of the Family and Social Services Administration, Division of Disability and Rehabilitative Services, I am submitting this memo to the Administrative Rules Oversight Committee because this filing of the above-captioned rule will not comply with 4-22-2-19(c)(1).

Promulgation of this rule was required when a similar rule which it replaces was invalidated in part by a decision of the Indiana Court of Appeals in 2003. The rule was rewritten so that its provisions fully comply with the Court's decision. There was no corresponding change or addition to the statutory authority. The impetus for promulgation of this rule was outside its statutory authority, that is: the Court decision. The rule promulgation could therefore not be started within sixty days of the effective date of the enabling statutes.

Please feel free to contact me at 233-2582 if you have any further questions about this rule or this notice.