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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

LSA Document #05-193

April 6, 2006

VIA HAND DELIVERY

Representative Michael Murphy, Chair
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

RE: LSA #05-193

Dear Representative Murphy:

On behalf of the Indiana State Department of Health (Department), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the Department has determined that the promulgation of the captioned rule to require hospitals to implement a medical errors reporting system and report medical errors reporting data to the department may not be completed within one year after publication of the notice of intent to adopt a rule.

The Department published its notice of intent to adopt a rule for the captioned document on August 1, 2005 (28 IR 3325). The rule was published as a proposed rule in the February 1, 2006 Indiana Register. The authority for rule adoption is IC 16-19-3-5, IC 16-21-1-7, and IC 16-40-4-9.

The promulgation of this rule has taken longer than anticipated. The Department drafted and adopted proposed rules on January 9, 2006. A public hearing was held on February 23, 2006. This rule has been delayed to allow LSA Doc. #05-321, a similar rule, to be adopted at the same time as this rule. These two rules complement and affect each other.

The Department's Executive Board, which is the final authority for rulemaking in the agency, meets every other month.. Whether a quorum is present at a bi-monthly meeting of the Executive Board and the time frame for rule review by the Attorney General's office is beyond the control of the department. Even with a quorum present it may not be possible to finally adopt this rule in one meeting. For these reasons, it is unlikely that the rule can be submitted to the Attorney General for legal review, and then be signed by the Governor before the 365 day time period runs out on July 31, 2006.

This notice setting forth the expected date of approval of LSA #05-193 as January 1, 2007 is being submitted in a timely manner. April 7, 2006 is the two hundred and fiftieth day after publication of the notice of intent to adopt a rule.

Sincerely,

Sue Uhl
Deputy State Health Commissioner

cc: Stephen Barnes, Managing Editor, Legislative Services Agency