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

LSA Document #01-301

To: Honorable Jerry Denbo, Chairperson  
c/o Mr. George Angelone  
The Administrative Rules Oversight Committee

From: Donna Stolz Sembroski, Staff Attorney

Re: LSA #01-301, Amendments to Medicaid Medical Supplies Rule

Date: April 26, 2002

cc: George Angelone, Legislative Services Agency  
Karen Davis, General Counsel, FSSA  
Melanie Bella, Assistant Secretary, OMPP

On behalf of the Family and Social Services Administration, Office of Medicaid Policy and Planning, 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 September 1, 2001 (24 IR 4014). The publication of the proposed rule has been delayed while the agency conducts the research and analysis needed to support a reimbursement change. This research and analysis has taken longer than expected, in part due to other priorities and cost-containment initiatives. The agency expects to publish its proposed rule on July 1, 2002.

Any rule adopted by the agency must be approved by the Family and Social Services Committee (see IC 12-8-3), a committee that meets only once per month. 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 rule review are outside of 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 #01-301 as January 31, 2003, is being submitted in a timely manner. May 9, 2002, is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.