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

LSA Document #02-214

To: Honorable Jerry Denbo, Chairperson  
c/o Ms. Susan Kennell  
The Administrative Rules Oversight Committee

From: Donna Stolz Sembroski, Staff Attorney

Re: LSA #02-214, Amendments to Medicaid Hospice Services Rule

Date: April 3, 2003

cc: Susan Kennell, Legislative Services Agency  
Catherine Rudd, Deputy 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 August 1, 2002 (25 IR 3809). The final rule was adopted by the Secretary of Family and Social Services on March 31, 2003.

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. 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 possible that the rule will not 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 December 31, 2003.

This notice setting forth the expected date of approval of LSA #02-214 as December 31, 2003, is being submitted in a timely manner. April 8, 2003 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.