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TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #02-299

June 9, 2003

Chairperson, Administrative Rule Oversight Committee
c/o George Angelone
Legislative Services Agency

RE: LSA Document #02-299

Dear Chairperson:

On November 1, 2002, the Department of Insurance published a notice of intent to amend 760 IAC 1-21. The Department held a public hearing on February 28, 2003. On March 14, 2003, Judge Dreyer of Marion Superior Court 10 issued an opinion that impacts the liability of the Patient's Compensation Fund and thus the proposed amendment to the surcharge calculation contained in Rule 21. It is necessary for the actuary to review his previous recommendations in light of this judicial decision.

The Department will be unable to meet the one-year requirement of IC 4-22-2-25. The Department plans to receive the actuary's revised comments by September 1, 2003 and if necessary will publish a revised proposed rule and notice of public hearing by November 1, 2003. A final rule will be adopted by January 1, 2004.

Unless I hear from you to the contrary, the Department will assume that this time period is agreeable to the Committee. If you have any questions I can be reached at 232-0143.

Very truly yours,

Amy E. Strati
Chief Counsel