

**Document:** AROC Notice, **Register Page Number:** 27 IR 3344

**Source:** July 1, 2004, Indiana Register, Volume 27, Number 10

**Disclaimer:** This document was created from the files used to produce the official CD-ROM Indiana Register.

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

LSA Document #03-245

To: The Honorable Jerry Denbo, Chairperson  
C/o Ms. Sarah Burkman  
The Administrative Rules Oversight Committee

From: Kevin Wild, Staff Attorney  
Office of General Counsel  
Family and Social Services Administration

Re: LSA #03-245, Bureau of Aging and In-Home Services Provider Standards Rule

Date: June 2, 2004

Cc: Steve Barnes, LSA  
Rachel McGeever, General Counsel, FSSA  
Kristen Schunk, Director, DDARS

On behalf of the Family and Social Services Administration, Division of Disability, Aging and Rehabilitative Services, 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 October 1, 2003 (27 IR 209). Due to the several personnel changes within the Division, including the departure of some working with development of this rule, the length and complexity of this rule, and the need for significant research and discussion regarding its provisions, this rule has taken longer than expected to fully develop. In order to complete the research and development of the rule, the agency needs additional time.

In addition, 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 may not be possible for the rule to 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 1, 2004.

This notice setting forth the expected date of approval of LSA #03-245 as December 1, 2004, is being submitted in a timely manner. June 7, 2004 is the two hundred fiftieth day after the date of publication of the notice of intent to adopt a rule.