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

LSA Document #03-302

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

From: Donna Stolz Sembroski, Staff Attorney

Re: LSA #03-302

Date: August 3, 2004

Cc: Chuck Mayfield, Legislative Services Agency
Rachel McGeever, 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 will 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 December 1, 2003 (27 IR 906). The proposed rule has not yet been published. The rule implements a nursing home quality assessment fee for the purpose of funding enhanced nursing home facility reimbursement. It also adds provisions for additional reimbursement for closing or converting nursing facilities. The state cannot implement these changes until approval is received from the federal Centers for Medicare and Medicaid Services (CMS), and the substance of the proposed rule may depend on CMS's action. The state submitted a state plan amendment and waiver request to CMS on September 30, 2003, but CMS has not yet acted on the state plan amendment and waiver. After CMS approves the state plan amendment and waiver, we will publish the proposed rule. The agency expects that the rule can be approved by the governor by August 31, 2005.

This notice setting forth the expected date of approval of LSA #03-302 as August 31, 2005 is being submitted in a timely manner. August 7, 2004 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.