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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

LSA Document #04-99

December 23, 2004

Senator Luke Kenley
Representative Jerry Denbo
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

RE: LSA #04-99

Dear Senator Kenley and Representative Denbo:

On behalf of the Indiana State Department of Health, I am submitting this notice 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 department published its notice of intent to adopt a rule for the captioned document on May 1, 2004 (27 IR 2523). The rule has not been published as a proposed rule at this time.

The department requires additional time to compose an appropriate draft that will comply with both state and federal law. Studies of similar rules for other state's programs are ongoing.

The Indiana State Department of Health Executive Board meets only every other month. Necessary State Budget Agency approval and Executive Board approval of the rule may not be completed for several months. 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 department expects that the rule can be approved by the governor by December 31, 2005.

This notice setting forth the expected date of approval of LSA #04-99 as December 31, 2005 is being submitted in a timely manner. January 5, 2005 is the two hundred and fiftieth day after publication of the notice of intent to adopt a rule.

Sincerely,

Jill D. Russell, Chief Counsel
Indiana State Department of Health

cc: M. Elizabeth Carroll, Deputy State Health Commissioner
Stephen Barnes, Managing Editor, Legislative Services Agency