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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

LSA Document #05-189

April 6, 2006

VIA HAND DELIVERY

Representative Michael Murphy, Chair
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

RE: LSA #05-189

Dear Representative Murphy:

On behalf of the Indiana State Department of Health (Department), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the Department has determined that the promulgation of the captioned rule to establish rules regarding the reporting, monitoring, case management, and preventive procedures to protect from lead poisoning will 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 August 1, 2005 (28 IR 3324). The rule is to be published as a proposed rule in the April 1, 2006 Indiana Register. The authority for rule adoption is IC 16-41-39.4-1.

The promulgation of this rule has taken longer than anticipated. The latest Centers of Disease Control and Prevention (CDC) guidelines and recommendations were studied and incorporated as appropriate. The draft received scrutiny and went through numerous revisions before the Department adopted the proposed rules pursuant to the statutory mandate, IC 16-41-39.4-1, on January 11, 2006. A public hearing is scheduled for May 9, 2006.

The body with the authority to adopt rules, the Indiana State Department of Health Executive Board meets every other month. If the Department is able to present the rule for final adoption to the Indiana State Department of Health Executive Board at their next meeting following the public hearing, it is highly unlikely that the rule can be submitted to the Attorney General for legal review, and then be signed by the Governor before the 365 day time period runs out on July 31, 2006.

This notice setting forth the expected date of approval of LSA #05-189 as April 1, 2007 is being submitted in a timely manner. April 7, 2006 is the two hundred and fiftieth day after publication of the notice of intent to adopt a rule.

Sincerely,

Sue Uhl
Deputy State Health Commissioner

cc: Stephen Barnes, Managing Editor, Legislative Services Agency