

**Document:** AROC Notice, **Register Page Number:** 29 IR 2671

**Source:** May 1, 2006, Indiana Register, Volume 29, Number 8

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

**TITLE 410 INDIANA STATE DEPARTMENT OF  
HEALTH**

LSA Document #05-190

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 #05-190

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 regulate who may operate a radiation machine and what level of training and experience are required for the operator 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 16-41-35-29.

The promulgation of this rule has taken longer than anticipated. The Department drafted and adopted proposed rules pursuant to the statutory mandate, IC 16-41-35-29, on November 9, 2005. The proposed rule was submitted to the Office of Management and Budget on November 22, 2005. The proposed rule was approved for fiscal impact by the Office of Management and Budget on February 15, 2006. A public hearing is scheduled for April 24, 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 a meeting after 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 #05-190 as January 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