

NOTICE OF PUBLIC RULES HEARING

DATE: Thursday, September 26, 2019
TIME: 11:00 a.m.
LOCATION: Ohio Department of Health
35 E. Chestnut Street
Columbus, Ohio 43215
ROOM: ODH Basement Training Room A

In accordance with *Chapter 119* of the Revised Code (R.C.), the Director of the Ohio Department of Health announces a Public Hearing at the date and time listed above to hear comments regarding the following action:

Ohio Revised Code (O.A.C.) Chapter 3717:1-37 – Physical Protection of Radioactive Material.

The proposed rules are under review as part of the statutory 5-year rule review process. They include physical protection guidelines for any person licensed to possess or transport of radioactive materials. The requirements ensure security of the specified radioactive materials from theft or diversion and address the access, use, transfer, and transportation of the radioactive material.

Information regarding rule package proposed:

This Ohio Department of Health (Department) rule package consists of 31 rules (9 no change rules, and 22 amended rules and the public comment period was open through January 2nd, 2019.

The Department presented the draft rules to the Radioactive Material Committee (RMC) which is comprised of experts in the field of radiation safety who represent stakeholders in industrial, academic, medical, and research facilities, and the RMC assisted the Department staff in reviewing the rules. The RMC approved the rules for public comment on July 10th, 2018. During the public comment period there were no comments.

The draft rules will affect approximately 67 licensees in the State of Ohio and an additional 28 entities that are licensed by other states but authorized to operate in Ohio. The impact of these rules is manifested in the cost and time for licensees to develop and maintain security programs and compliance with the draft rules. These security programs and procedures are estimated to take 40 hours to create and 10 hours per month to ensure compliance.

Ohio Revised Code (O.A.C.) Chapter 3701-82 – Lead Training Programs.

The proposed rules are under review as part of the statutory 5-year rule review process. The rules outline the application requirements and standards of conduct for environmental lead analytical laboratories, clinical lead laboratories, and lead training courses in Ohio. The rules are being amended to update references and clarify the requirement for applicants to include third-party proficiency testing provider information in applications submitted for approval of a clinical lead laboratory.

Information regarding rule package proposed:

This rule package consists two amended rules and five ‘no change’ rules submitted by the Ohio Department of Health (Department) as part of the statutorily required five-year review. The rule package was submitted to the CSI Office on May 10, 2019, and the comment period remained open until June 9, 2019. No comments were received during this time.

NOTICE OF PUBLIC RULES HEARING

As part of early stakeholder outreach the Department notified key stakeholders of the proposed rule, including lead laboratories, lead training providers, local health departments, and environmental health organizations. The rule package reflects all feedback provided during early stakeholder outreach. The rules impact environmental laboratories seeking to perform environmental analysis of samples collected from properties in the state, clinical laboratories seeking to perform human sample analysis from residents of the state, and approved lead training course providers.

Ohio Revised Code (O.A.C.) Chapter 3701-10-01 – Breast and Cervical Cancer Project Cost Sharing.

The rule expands the eligibility criteria for Ohio's Breast and Cervical Cancer Project (BCCP) to include underinsured women. The new criteria increase income eligibility to 250% of the federal poverty level, decrease the age for cervical cancer screenings and diagnostic services to 21 years old, and detail guidelines for providing breast cancer screenings and diagnostic services for women age 25-39 who are symptomatic or high-risk.

Information regarding rule package proposed:

This rule package consists one new rule submitted by the Ohio Department of Health (Department). The comment period remained open from April 3, 2019 until May 3, 2019. No comments were received during this time.

The rule impacts providers who serve underinsured women. They will now need to bill the patient's insurance first before billing BCCP for services provided. The Department notes that providers should already be accustomed to billing for other patients who have primary and secondary insurance coverage. It also notes that providers are not required to participate in BCCP. The Department justifies the rules as necessary to extend BCCP coverage to more women who need breast or cervical cancer treatment.

Hearing and Contact Information:

At the hearing, people affected by the proposed action may appear and be heard in person or accompanied by an attorney. They may present their positions, arguments, or contentions orally or in writing; may offer witnesses; and may present evidence showing that the proposed rule, if adopted or effectuated, will be unreasonable or unlawful.

To aid in getting visitors through building security, any persons intending to testify at the hearing or planning to observe are encouraged to pre-register by writing to the Office of the General Counsel, Ohio Department of Health, 246 North High Street, 7th Floor, Columbus, Ohio 43215, or by phone to (614) 466-4882, or send an e-mail to odhrules@odh.ohio.gov.

Copies of the proposed rules will be available on the Register of Ohio website:

<http://www.registerofohio.state.oh.us/rules/search> approximately one day after the rule is filed, or from the Office of the General Counsel, Ohio Department of Health (<https://odh.ohio.gov/wps/portal/gov/odh/about-us/offices-bureaus-and-departments/Office-of-General-Counsel/laws-and-rules/>).

Please e-mail any written comments to ODHrules@odh.ohio.gov by 5:00 p.m. on September 25, 2019.