

NOTICE OF PUBLIC RULES HEARING

DATE: Friday, February 20, 2020
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 3701-54-04 – Newborn Screening for Genetic, Endocrine, or Metabolic Disorders.

The proposed rules are under review as required by Ohio Revised Code 119, these rules concern R.C. 3701.5010 which requires newborns and infants to be screened for critical congenital heart disease prior to hospital discharge. The legislation requires the Ohio Department of Health to adopt rules establishing standards and procedures for the screening.

Information regarding rule package proposed:

This Ohio Department of Health (Department) rule package containing rules 01, 02, and 03 have already gone through this process. We are rescheduling this rule for a Public Hearing only because of a correction being made to the statutory amplification referral on the Tag of the codified version of the rule. If any part of the Tag is changed, the rule is required to be filed as an amended rule, even though there were no substantive changes made, however The Ohio Department of Health is filing this rule to follow the Five-Year Review required by the Joint Committee on Agency Rule Review. The rule was previously filed as a No Change rule and passed through the entire process as a No Change Rule but is being refiled with a simple change to the one of the Tag Lines in the Rule.

Ohio Revised Code (O.A.C.) Chapter 3701-83-15 – Definitions – Ambulatory Surgical Facilities.

The proposed rules are under review as required by Ohio Revised Code 3702.30, these rules provide the necessary state-based framework for the Department of Health to ensure the safety and quality of care of HCFs for Ohio's health care consumers. The rules provide a means by which the Department of Health identifies HCFs and may determine and enforce safety standards. Furthermore, the rules reduce negative health care outcomes through required actions such as, but not limited to, requiring adherence to industry standards and establishing minimum safety requirements.

Information regarding rule package proposed:

Rule 3701-83-15 of the Ohio Administrative Code (OAC) establishes the definitions associated with the ambulatory surgical facility (ASF) rules in Chapter 3701-83 OAC. The rule is being amended to incorporate statutory changes to section 3702.30 of the Ohio Revised Code included in House Bill 166 of the 133rd Ohio General Assembly. The revisions include the removal of existing paragraphs (A)(1) through (A)(5) from the definition of “ambulatory surgical” and replaces the existing language with new statutory language clarifying:

- An ambulatory surgical facility may only admit patients who do not require inpatient care;
- Patients will receive services for less than 24 hours;

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- Surgical services are provided in a building that is separate from another building in which inpatient care is provided regardless of whether the separate building is part of the same organization; or
- The surgical services are provided within a building in which inpatient care is provided in the entity that operates the ambulatory surgical facility is not the entity and operates the remainder of the building.

Finally, paragraph (B), which previously provided the definition of “ambulatory surgical fee,” has been removed.

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 February 17, 2020.