

# NOTICE OF PUBLIC RULES HEARING

DATE: Thursday, October 29, 2020  
TIME: 2:00 p.m.  
LOCATION: Via Electronic Teleconference  
CALL-IN INFO: [Join Microsoft Teams Meeting](#)  
[+1 614-721-2972](#) United States, Columbus (Toll)  
Conference ID: 301 099 642#

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 3701-12 – Certificate of Need**

The proposed rules are under review as required by Ohio Revised Code 3702, these rules designate The Ohio Department of Health as the radiation control agency, as well as discuss the requirements, procedures and fees dealing with types of radiation-generating equipment and the registration by its handler. The legislation requires the Ohio Department of Health to adopt rules establishing these standards and procedures.

### **Information regarding rule package proposed:**

This rule package consists of three amended rules, one rescinded rule, and one new rule proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on December 10, 2019, and the public comment period was held open through January 10, 2019.

The rules contained in this package establish the reviewability, application, approval and monitoring requirements for the Certificate of Need (“CON”) program. The CON program ensures the public access to quality long-term care services by requiring review and approval of activities involving the location and utilization of long-term care beds and services. Revisions have been made to the rules to incorporate recent changes to Chapter 3702. of the Ohio Revised Code that include, but are not limited to, requiring the Director of Health to issue a determination within 180 days of declaring an application complete, eliminates the right of an affected person to request an appeal and replaces it with the right to receive an administrative review, and reduces the number of days a person has to request a reviewability ruling from 30 to 14. The revisions set forth the requirements for both applicants and the Ohio Department of Health.

## **Ohio Revised Code (O.A.C.) Chapter 3701-45 – Ohio Hearing Aid Assistance Program.**

The proposed rules are under review as required by Ohio Revised Code 119, these rules concern Temp Law Section 291.20 AM Sub HB 166 GA – 133 that was renewed with this budget period which provides assistance to eligible families with children up to twenty-one years of age with hearing impairments to purchase hearing aids and assistive listening devices.

### **Information regarding rule package proposed:**

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This Ohio Department of Health (Department) rule package consists of four amended rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on September 23, 2019 and the public comment period was held open through October 23, 2019.

Ohio Administrative Code (OAC) Chapter 3701-45 covers the Ohio Hearing Aid Assistance Program (OHAAP), which aids children with hearing impairments. Proposed rules include definitions, requirements for the administration of the program, eligibility requirements for the program, and eligibility requirements for audiologists and hearing aid dealers and fitter's involvement in the program. Amendments to the rules include updates to references, expanding the scope of audiology and hearing services to include assistive listening device selection and assistive listening device adjustments, updates to the eligibility parameters, removal of co-payments and addition of a sliding fee scale.

## **Ohio Revised Code (O.A.C.) Chapter 3701:1-50 – Packaging and Transportation of Radioactive Material**

The proposed rules are under review as required by Ohio Revised Code 3702, these rules establish regulations related to the packaging and transportation of radioactive material. These rules set forth the scope of regulations, record keeping, and licensing requirements as well as state general transportation requirements and exemptions for materials with only low levels of radiation. They also establish general licenses for certain types of material transport and regulations regarding exemption, determinations, and assumptions of unknown properties. The amendments made are largely being made to update references to federal regulations.

### **Information regarding rule package proposed:**

This rule package consists of thirteen amended rules and eight no-change rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on October 22, 2019 and the public comment period was held open through November 22, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on October 22, 2019.

Ohio Administrative Code (OAC) Chapter 3701:1-50 establishes regulations related to the packaging and transportation of radioactive material. OAC 3701:1-50-01 through OAC 3701:1-50-04 set forth the definitions used throughout the Chapter, the scope of the regulations, and record keeping and licensing requirements. OAC 3701:1-50-05 and 3701:1-50-06 state general transportation requirements and exemptions for materials with only low levels of radiation. OAC 3701:1-50-07 and OAC 3701:1-50-10 through 3701:1-50-12 establish general licenses for certain types of material transport, including packages approved by the United States Nuclear Regulatory Commission and fissile material. OAC 3701:1-50-13, 3701:1-50-15, 3701:1-50-16, and 3701:1-50-17 establish regulations regarding exemptions, determinations of shipped packages, and assumptions of unknown properties. OAC 3701:1-50-18 describes the requirements for plutonium to be transported by air. OAC 3701:1-50-20 and 3701:1-50-23 through 3701:1-50-26 concern the remaining recordkeeping, notification, exemption, and quality assurance requirements for licensees.

### **Hearing and Contact Information:**

Information about the hearing, people affected by the proposed action may appear via teleconference and be heard or in tandem with 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.

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To aid in getting the call to be organized and go as smooth as possible, any persons intending to testify on the tele-Public 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](mailto:odhrules@odh.ohio.gov) no later than Friday, October 23, 2020.

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](mailto:ODHRules@odh.ohio.gov) by 5:00 p.m. on Friday, October 23, 2020.**