

NOTICE OF PUBLIC HEARINGS

DATE: Tuesday, February 12, 2013
TIME: 2:00 P.M.
PLACE: Basement Training Room A
OHIO DEPARTMENT OF HEALTH
35 East Chestnut Street
Columbus, Ohio 43215

In accordance with Chapter 119 of the Revised Code (R.C.) and by authority of Revised Code 3748.04, the Director (Director) of the Ohio Department of Health (ODH), or his designee, shall conduct the following four rules hearings. The hearings will take place at the time, date, and place listed above, and they are open to the public.

HEARING #1: By authority of R.C. 3721.04 and in compliance with 129 Am. Sub. HB 487, the Director proposes to amend O.A.C. rule 3701-17-08. This rule pertains to nursing home personnel requirements. The rule amendment requires a nursing home with 121 beds or more to have a full-time social worker on staff, and for each nursing home to meet the social service needs of its residents. Facilities with 120 beds or fewer are required, in the amended rule, to have social services staff to provide for the medically-related social service needs of residents; however, the provision requiring a social worker either part-time or as a consultant is removed.

HEARING #2: By authority of R.C. 3748.04, the Director proposes to rescind Ohio Administrative Code (O.A.C.) rule 3701-39-02.1. This rule pertains to industrial radiographic operations. ODH proposes to rescind the rule because it has been superseded by O.A.C. Chapter 3701:1-43.

HEARING #3: By authority of R.C. 3748.04, the Director proposes to amend O.A.C. rules 3701:1-54-02 (Low-level Radioactive Waste Generators); and 3701:1-66-03 (Certification of Radiation Experts). Amendments to these rules reflect changes in penalty fees adopted in House Bill 487 of the 129th General Assembly. ODH original filed these rules, but placed them in TBR-status in order to revise question 19(C) on the CSI portion of the rule summary/fiscal analysis form.

HEARING #4: By authority of R.C. 3748.04, the Director proposes to amend O.A.C. rules 3701:1-67-01 and 3701:1-67-02, to rescind rule 3701:1-67-03, and to propose new and rescind current rules 3701:1-67-05, 3701:1-67-06, 3701:1-67-07, 3701:1-67-08, and 3701:1-67-09. These rules pertaining to Therapy Radiation-generating Equipment, were originally scheduled to go to public hearing on January 9th of this year; however due to a filing mistake (one rule was omitted from the filing in error), ODH placed the rules 3701:67-02 through -09 in TBR (to be re-filed) status to keep the rules on the same schedule. All nine rules are now filed, will be considered at this hearing.

Changes to O.A.C. Chapter 3701:1-67 rules are being considered due to comments both from staff required to administer them and from affected parties. Significant changes reorganize and move subject matter for the purpose of clarity, and also add definitions.

At the hearings, people affected by the proposed actions may appear and be heard in person, by an attorney or both; may present their positions, arguments, or contentions

orally or in writing; may offer witnesses; and may present evidence tending to show that the proposed rules, if adopted or effectuated, will be unreasonable or unlawful. To aid in getting visitors through building security, both persons intending to testify at one or more e hearing and those simply intending to observe are encouraged to pre-register by writing the Office of the General Counsel [Rules], Ohio Department of Health, 246 North High Street, Columbus, Ohio 43215, by telephoning (614) 466-4882, or by sending an e-mail to odhrules@odh.ohio.gov.

Copies of the proposed rules are available on the Register of Ohio website. A link to this site may be found at <http://www.odh.ohio.gov/rules/pending.aspx> or from the Office of the General Counsel, Ohio Department of Health. Please FAX [(614) 564-2509], mail, or e-mail any written comments by 10:00 a.m. on February 12, 2013.

January 8, 2013