

NOTICE OF PUBLIC RULES HEARINGS

DATE: November 18, 2010
TIME: 10:00 A.M.
PLACE: 8TH FLOOR LARGE CONFERENCE ROOM
OHIO DEPARTMENT OF HEALTH (ODH)
246 N. HIGH STREET
COLUMBUS, OHIO 43215

In accordance with Chapter 119 of the Revised Code (R.C.) the Public Health Council (PHC) will conduct five public rules hearings at its November 18, 2010 meeting. The PHC meeting will begin at 10:00 a.m. in the 8th Floor Large Conference Room of the Ohio Department of Health, 246 N. High Street, Columbus 43215; the rules hearings will commence soon thereafter. The hearings are as follows:

HEARING #1: By authority of R.C. 3701.23, and 3701.34, the PHC proposes to amend O.A.C. rules 3701-3-01 to 3701-3-05, pertaining to infectious disease reporting. Proposed changes to rules 3701-3-01, 3701-3-03, 3701-3-04, and 3701-3-05 include removing references to the Infectious Disease Control Manual (IDCM), thus re-establishing the IDCM as a guidance document, not a standard.

Proposed amendments to rule 3701-3-02 do the following: 1) change the descriptions of two of the major classifications of disease reporting categories to accurately reflect the public health significance of the diseases in each category; and 2) remove congenital herpes as a reportable disease.

HEARINGS #2 By authority of R.C. 3702.57 and to reflect changes in HB 398 of the 128th General Assembly, the PHC proposes to amend O.A.C. rules 3701-12-01, 3701-12-11, 3701-12-18, 3701-12-23, and 3701-12-23.2. Some proposed changes do the following: 1) incorporate statutory definitions of the terms "actual harm, but not immediate jeopardy deficiency," and "immediate jeopardy deficiency;" 2) clarify statutorily based review criteria as they relate to deficiencies, ownership, and multiple facilities; 3) clarify the obligation of capital expenditure requirements to maintain the validity to rule 3701-12-18; and 4) clarify that the definition of an "existing health care facility" for the purposes of replacement of long-term care beds includes a hospital that has provided services for at least three hundred and sixty-five consecutive days within the twenty-four months preceding the date the CON application is filed with the Director of Health.

HEARING #3: By authority of R.C. 3701.344, the PHC proposes to amend O.A.C. rules 3701-28-02 and -05; to propose new and rescind current rules 3701-28-01, -03, -04, -06, -07 to -11, -12, -13 to -19; and to rescind rules 3701-28-06.1, -06.2, -07.1, -11.1, -12.1, -12.2, -20, and -21. These rules pertain to private water systems, and they are being considered pursuant to five year review. The Bureau of Environmental Health (BEH) with the aid of a workgroup that included representatives from the Association of Ohio Health Commissioners, Ohio Water Well Association, Ohio Environmental Health Associated, and the Ohio Water Quality Association has reviewed the rules pursuant to the five year review requirement, and is proposing the rules with substantive revisions.

HEARING #4: By authority of R.C. 3701.132, the PHC proposes to amend O.A.C. rules 3701-42-01, -06 to -14; and to propose new and rescind current rules 3701-42-02, -03, and -05. these rules pertain to the Women, Infants and Children (WIC) Program and they are being reviewed pursuant to R.C. 119.032 (five year review). Substantive changes are as follows: 1) the addition of a definition for "food sales" and "pattern" and deletion of the

definition for "cost containment" in rule 3701-42-01; 2) the addition of the option to deliver special infant formula to participants through a distribution center in rule 3701-42-02; 3) change of the application period to reflect one final deadline; combining Cuyahoga county (Region 5) into Region 2; elimination of the cost containment contract criteria; and revision of the participant to store ratio to establish maximum number of vendors per county in rule 3701-42-03; 4) the addition of a requirement to store authorized supplemental food in a sanitary manner in rule 3701-42-05; and 5) elimination of the requirement to record the number of food items purchased on the WIC food instrument in rules 3701-42-06 and 3701-42-07.

HEARING #5: By authority of R.C. 3701.07, the PHC proposes to amend O.A.C. rule 3701-59-05 pertaining to hospital registration and reporting requirements. The recommended revisions clarify that: 1) the term "certified independently" refers Centers for Medicare and Medicaid Services certification of that facility; 2) facilities certified independently of the hospital in which they are located must report separately; 3) facilities will be required to provide the legal name of the business entity operating the facility for the purpose of identification and classification in the ODH hospital registration system; and 4) to correct a citation error in paragraph (A)(9)(f).

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. Persons intending to testify are encouraged to pre-register by writing Kaye Norton, Office of the General Counsel, Ohio Department of Health, 246 North High Street, Columbus, Ohio 43215, by telephoning (614) 466-4882, or by e-mail to Kaye.norton@odh.ohio.gov.

Copies of the proposed rules are available on the Register of Ohio website (ODH has a link to that website at www.odh.ohio.gov/rules/pending.aspx) or from Ms. Norton. Please FAX [(614) 728-7813], mail, or e-mail any written comments to Ms. Norton before 5:00 p.m. on November 17, 2010.

October 18, 2010