

**NOTICE OF PUBLIC HEARINGS**

DATE: Tuesday, October 30, 2012  
TIME: 3:00 P.M.  
PLACE: 8<sup>th</sup> Floor Large Conference Room  
OHIO DEPARTMENT OF HEALTH  
246 N. High Street  
Columbus, Ohio 43215

In accordance with Chapter 119 of the Revised Code (R.C.), the Director of the Ohio Department of Health (ODH), or his designee, shall conduct the following public rules hearings at the time, date, and place listed above:

**HEARING #1:** By authority of R.C. 3748.04 and pursuant to R.C. 119.032 (five-year review), the Director of Health proposes to amend Ohio Administrative Code (O.A.C.) rules 3701:1-46-32, 3701:1-46-35, and 3701:1-46-42. These rules pertain to General Licenses and Licenses for Manufacturing and Distribution of Radioactive Material. The proposed changes are minimal: they correct a typo, add a hyphen, and amend a rule's title.

**HEARING #2:** By authority of R.C. 3721.04 and to satisfy five-year review requirements, the Director of Health proposes to amend O.A.C. rules 3701-17-50, 3701-17-51, 3701-54, 3701-17-55, and 3701-17-57 to 3701-17-67; and to rescind current and adopt new rule 3701-17-52. These rules pertain to Residential Care Facilities.

Throughout the rules, ODH has removed references to "home for the aging" and "community alternative homes," because it no longer licenses such homes. Additionally, the phrase "licensed health care professional acting within their applicable scope of practice" is added to allow for the inclusion such professionals as certified nurse practitioners and physician assistants.

Some other proposed changes include, but are not limited to: 1) clarification of the difference between *initial* applications and *renewal* applications; the criteria for *license denial* and *license revocation*; and what must be included in a written notice of closure (rule 3701-17-52); 2) allowing shared staffing among a RCF, a nursing home, or an adult day care program located in the same building or on the same lot (rule 3701-17-54); 3) requiring new staff members to take the American Heart Association's Heartsaver First Aid course within sixty days of hire (rule 3701-17-55); 4) defining "pressure ulcers" and mandating staging consistent with the *Updated Staging* issued by the National Pressure Ulcer Advisory Panel (rule 3701-17-57); clarification of what *initial* health assessment and the *periodic* health assessment must cover, and to update "activities of daily living" to reflect current standards (rule 3701-17-58); 5) clarification regarding topical medications; telephone orders; Ohio Board of Pharmacy and federal Drug Enforcement Administration requirements; over-the-counter medications; and admission of residents to a special care unit (rule 3701-17-59); 6) clarification of timeframes for meals, and to reflect current dietary standards (3701-17-60); requiring facilities to consider resident preferences when planning activities (3701-17-61); 7) clarification of information to be maintained in the incident log (rule 3701-17-62); and 8) changing the term "toilet rooms" to "bathrooms" to match the definition provided within the rule (rule 3701-17-64).

**HEARING #3:** By authority of R.C. 3702.11 and 3702.13, the Director of Health proposes to rescind O.A.C. rule 3701-84-55. This rule pertains Level III obstetric care services

(specific requirements for antepartum, intrapartum, and postpartum care). This rule is redundant; its rescission was overlooked in January 2012 when O.A.C. Chapter 3701-7 was implemented.

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](mailto: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 October 30, 2012.

*September 25, 2012*