

## NOTICE OF PUBLIC RULES HEARING

DATE: Monday, January 6, 2014  
 TIME: 3:00 p.m.  
 PLACE: OHIO DEPARTMENT OF HEALTH  
 35 East Chestnut Street  
 Columbus, Ohio 43215  
 ROOM: Basement Training Room A

In accordance with Chapter 119 of the Revised Code (R.C.), the Director (Director) of the Ohio Department of Health (ODH), or his designee, shall conduct a public rules hearing at the date, time, and place listed above. The hearing will consider changes to the following Ohio Administrative Code (O.A.C.) rules:

### **O.A.C. 3701-55 – Genetic, Endocrine, or Metabolic Screening of Newborn Infants**

3701-55-01	Definitions	Amend
3701-55-03	Public health laboratory responsibilities	Amend
3701-55-05	Initial specimen collection	Amend
3701-55-06	Required further screening if initial specimen collected at least than twenty-four hour	Amend
3701-55-07	Required further screening or diagnostic testing if initial specimen abnormal	Amend
3701-55-08	Procedure following repeat screening or diagnostic testing	Amend
3701-55-09	Religious exception	Amend
3701-55-10	Supplemental studies	Amend

These rules are being proposed for amendment by authority of Revised Code 3701.501, and as a result of five-year review. The proposed amendments add three new definitions, make a small change to the bureau's name, and make minor clarifications based upon the ODH's experience with the rules.

### **O.A.C. 3701-62 – Do Not Resuscitate (DNR) Protocol**

3701-62-01	Definitions	Amend
3701-62-02	Authority of certified nurse practitioners and clinical nurse Specialists	Rescind
3701-62-02	Authority of certified nurse practitioners, clinical nurse specialists, and physician assistants	New
3701-62-03	Immunity from criminal prosecution, civil liability, and professional disciplinary action	Amend
3701-62-04	Do-not-resuscitate identification	Amend
3701-62-05	Do-not resuscitate protocol	Amend
3701-62-06	Revocation of DNR identification or DNR order	Amend
3701-62-07	Emergency medical services personnel; compliance with DNR protocol	Amend

3701-62-08	Attending physician, PA, CNP, or CNS as provided in rule 3701-62-02 of the Administrative Code, or health care facility unwilling or unable to comply with DNR protocol	Amend
3701-62-10	Relationship of DNR orders and identification with declarations and durable powers of attorney for health care	Amend
3701-62-12	Effect of DNR identification or order on insurance	Amend
3701-62-14	Prohibitions	Amend

ODH has reviewed O.A.C. Chapter 3701-62 rules in compliance with five-year review requirements. The authorizing statutes for the DNR in Ohio were amended, effective March 22, 2013, to provide physician's assistants the authority and immunity standards set forth in section 2133.211 of the Revised Code. Therefore, these rules are revised to include physician's assistants on the DNR order form and all other aspects of the DNR rules where appropriate. The rules are revised to make grammatical and formatting changes to comply with Legislative Service Commission rule drafting requirements.

#### **O.A.C. 3701:1-50 – Packaging and Transportation Requirements for Radioactive Materials**

3701:1-50-01	Definitions	Amend
3701:1-50-23	Advance notification of shipment of nuclear waste	Amend

These rules are proposed for amendment by authority of Revised Code 3748.04. Minor amendments are proposed to keep the rules compatible with federal regulations found in 10 CFR 71.

#### **Hearing and Comment Procedure:**

At the hearing, 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 the 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 phoning (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 (<http://www.registerofohio.state.oh.us/jsps/publicdisplayrules/searchRuleNumber.js>) 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 5:00 p.m. on January 3, 2014.

*November 27, 2013*