

NOTICE OF PUBLIC RULES HEARING [*Revised*]

DATE: Monday, June 16, 2014
TIME: 3:00 p.m.
PLACE: OHIO DEPARTMENT OF HEALTH
246 N. High Street
Columbus, Ohio 43215
ROOM: 8th Floor Large Conference Room

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 to consider the following proposed rules:

O.A.C. Rule 3701-3-16 – Reporting Requirements – Trauma Centers:

O.A.C. Rule 3701-3-16 required hospitals verified as trauma centers by the American College of Surgeons to report preparedness and capacity to respond to acts of bioterrorism, mass casualties, and disasters on a biannual basis. In 2013, the General Assembly repealed R.C. 3701.072 which authorized this rule; therefore, rule 3701-3-16 is proposed for rescission.

O.A.C. Rule 3701-8 – Reporting Requirements – Help Me Grow Program:

By authority of R.C. 3701.61, the Director is proposing to amend O.A.C. rules 3701-8-01, 3701-8-03, 3701-8-04, 3701-8-06, 3701-8-06.1, 3701-8-07, 3701-8-07.1, and 3701-8-08.1, and -09; and to rescind current and propose new rule 3701-8-08; these rules pertain to the Help Me Grow Program. Changes are proposed due to: 1) Notice from the U.S. Department of Education, Office of Special Education Programs (federal funders) that the Early Intervention Systems of Payment policy needed clarification; 2) stakeholder requests for clarification and/or flexibility; 3) evolved understanding of evidence-based home visiting; and/or 4) the partnership to oversee Early Intervention with the Ohio Department of Developmental Disabilities.

O.A.C. Chapter 3701-19-01 to -28 – Hospice Care Programs:

By authority of R.C. 3712.03 and to fulfill five-year review requirements, the Director is proposing numerous changes to the Hospice Care Program rules. Many of the existing rules have been combined and/or renumbered within the rule set to improve the clarity of the licensing and regulatory processes. The most notable amendment to the rules is the removal of all “Interpretative Guidelines” from the rule-body of individual rules. New “Interpretive Guidelines” have been drafted for hospice care programs as a separate document that will be available via the ODH Hospice Care Program website. Additionally, revisions have been made to require the inspection of hospice care programs prior to initial licensing and at least once every three years.

Amendments have been made to rules: 3701-19-01; 3701-19-03 (to incorporate existing rule 3701-19-06 renewal requirements); 3701-19-05; 3701-19-07; 3701-19-09; 3701-19-11; 3701-19-12; 3701-19-13; 3701-19-16; 3701-19-17; 3701-19-18; 3701-19-19; 3701-19-20; 3701-19-21; and 3701-19-23.

New rules to replace and/or renumber existing rules: 3701-19-06 (replaces existing rules - 3701-19-08 and 3701-19-22); 3701-19-08 (replaces existing rule 3701-19-27); 3701-19-10 (replaces existing rule 3701-19-10); 3701-19-14 (replaces existing rule 3701-19-14); 3701-19-15 (replaces existing rule 3701-19-15); 3701-19-22 (replaces and combines existing rules 3701-19-24, 3701-19-25, and 3701-19-26); and rule 3701-19-24 (replaces existing rule 3701-19-28).

Rules being rescinded and replaced or renumbered: 3701-19-06; 3701-19-08; 3701-19-10; 3701-19-14; 3701-19-15; 3701-19-22; 3701-19-25, 3701-19-26; 3701-19-27; and 3701-19-28. Rule 3701-19-02 is proposed without change and is not subject to this hearing.

O.A.C. Chapter 3701-32 – Lead Hazard Abatement Activities

By authority of R.C. 3742.03 and 3742.50 and in fulfillment of five-year review requirements, the Director proposes to amend the following two rules:

3701-32-08 – Lead abatement contractor; scope of practice and standards of conduct
3701-32-19 – Levels of lead hazardous to human health and clearance examination standards

Rule 3701-32-08 sets forth the responsibilities of a lead abatement contractor at a worksite. Chief amendments will now require: 1) the lead hazard control order, if issued, to be included in the written pre-abatement plan; and 2) a designated lead abatement worker, who has knowledge of the work scope and is responsible for maintaining and providing all onsite paperwork to be present at the work site at all times when the designated lead abatement contractor or lead abatement project designer is not onsite.

Rule 3701-32-19 sets forth the level of lead considered dangerous to human health when lead-based paint and/or lead contaminated dust is present on various surfaces. The rule was originally filed without change; however, at JCARR's request the no change filing was withdrawn so that ODH could add a date to a citation.

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 to the Office of the General Counsel, 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. 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 10:00 a.m. June 16, 2014.

May 30, 2014