

# NOTICE OF PUBLIC RULES HEARING

DATE: Tuesday, August 9, 2016  
 TIME: 2:00 p.m.  
 35 E. Chestnut Street  
 Columbus, Ohio 43215  
 ROOM: Basement Training Room A

In accordance with Chapter 119. of the Revised Code (R.C.), the Director of the Department of Health is proposing changes to the following Ohio Administrative Code (O.A.C.) rules:

## **O.A.C. Chapter 3701-3 – Infectious Disease Reporting**

By authority of R.C. 3701.23 and to satisfy five-year review requirements, the Director proposes to amend O.A.C. Rules 3701-3-01, 3701-3-02, and 3701-3-03 to 3701-3-06 pertaining to Infectious Disease Reporting. Of the six rules, only rule 3701-3-02 (Diseases to be reported) is proposed with textual changes. The rule is amended to specifically add Zika virus infection to the list of reportable diseases. Zika is currently reportable under “other arthropod-borne diseases;” however, specifically listing it as a reportable disease under the Ohio Administrative Code removes any potential confusion about whether it is a reportable disease in Ohio. Deleted from the reportable disease list is typhus fever and mycobacterial disease, other than tuberculosis (MOTT). These diseases are not on the nationally notifiable diseases list and ODH is aligning its reportable disease list to the national list.

Rules 3701-3-01 and 3701-3-03 to 3701-3-06 are being filed as amended simply to remove 3701.34 as statutory authority for filing the rule.

## **O.A.C. Chapter 3701-42 – Women, Infant, Children (WIC) Program**

By authority of R.C. 3701.132 and to satisfy five-year review requirements, the Director proposes the following actions regarding the WIC rules:

3701-42-01	Definitions	New/Rescind
3701-42-02	Food delivery system	New/Rescind
3701-42-03	WIC vendor authorization	Amend
3701-42-04	WIC vendor contract	Amend
3701-42-05	Authorized foods; required minimum foods	Amend
3701-42-06	WIC vendor responsibilities	New/Rescind
3701-42-07	Payment for food instruments	New/Rescind
3701-42-08	Abuse of the WIC program; sanctions	Amend
3701-42-09	Administrative review of adverse action affecting vendor and applicant participation	Amend
3701-42-10	Farmer’s authorization	Rescind
3701-42-10	Pharmacy vendor authorization	New
3701-42-11	Farmer contract	Rescind

3701-42-12	Farmer responsibilities	Rescind
3701-42-13	Payment for fruit and vegetable vouchers	Rescind
3701-42-14	Farmer sanctions	Rescind

The WIC program helps income eligible pregnant and breastfeeding women, women who recently had a baby, infants, and children up to five years of age who are a health risk due to inadequate nutrition. Major changes to the rules do the following:

- 1) Reflect conversion to Electronic Benefits Transfer (EBT) from the coupon environment;
- 2) Make vendor friendly initiatives including: a) flexibility in maximum vendors to a statewide total instead of on a county basis; b) flexibility in adding stores to an existing authorized vendor's contract; c) removal of the price survey requirement; and d) elimination of minimum food instrument redemption requirements;
- 3) Strengthen business integrity contract requirements; and
- 4) Rescind rules 3701-42-10 to 3701-42-14 related to farmers accepting fruit and vegetable vouchers.

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](mailto:odhrules@odh.ohio.gov). Copies of the proposed rules will be available on the Register of Ohio website: <http://www.registerofohio.state.oh.us/jsps/publicdisplayrules/searchRuleNumber.jsp> approximately a half day after the rules are filed, or from the Office of the General Counsel, Ohio Department of Health (address listed above). Please FAX [(614) 564-2509], mail, or e-mail any written comments by 9:00 a.m. on August 9, 2016.

6/30/2016