

NOTICE OF PUBLIC HEARING

The Director of the Ohio Department of Health has proposed to amend rules 3701-64-01 to 3701-64-03, and 3701-64-05 of the Ohio Administrative Code (O.A.C.) pertaining to investigations of abuse, neglect, and misappropriation by nurse aides in long-term care facilities. These rules are authorized by Revised Code 3721.26; and they have been reviewed pursuant to R.C. 119.032 (five-year review).

The proposed amendments to these rules are as follows:

Rule 3701-64-01: a revision of definitions for "chemical restraint," "licensed health professional," and "nurse aide" consistent with recent statutory revisions in H.B. 66 of the 126th General Assembly; and the addition of a definition for "religious non-medical health care institution."

Rule 3701-64-02: the replacement of the phrase "bureau of enforcement" with "bureau of diagnostic safety and personnel certification."

Rule 3701-64-03: a statement is added that, for the purposes of determining whether a hearing request is timely, the date of submission is the date of receipt by the director of health, if sent by electronic mail, as well as, hand delivery, or telecopier.

Rule 3701-64-05: the deletion of the term "residential care facility" from the provision pertaining to neglect, abuse, or misappropriation by nurse aides, because residential care facilities do not employ nurse aides.

In accordance with Chapter 119 of the Revised Code, the Director, or his designee, will conduct a public hearing on the proposed action on Thursday, June 1, 2006 at 10:00 a.m., immediately following a hearing, which has already been publicized, for rules 3701-18-22 to 3701-18-25, and 3701-18-27 of the Ohio Administrative Code. The hearing will be conducted in the 6th Floor Large Conference Room of the Ohio Department of Health, 246 North High Street, Columbus, Ohio 43215.

At the hearing, persons affected by the proposed action may appear and be heard in person, by their 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 preregister by writing Kaye Norton, Office of the General Counsel, Ohio Department of Health, P.O. Box 118, Columbus, Ohio 43216-0118, or by telephoning (614) 466-4882.

A copy of the proposed rule may be found on the Register of Ohio website: www.registerofohio.state.oh.us/jsps/PublicDisplayRules/searchrulenumbr.jsp; or it may be requested from Ms. Norton at the address or phone number listed above. Comments should be submitted to Ms. Norton at the above address or faxed to (614) 728-7813, before 9:00 a.m., June 1, 2006.

April 28, 2006