

# NOTICE OF PUBLIC RULES HEARING

DATE: Wednesday, November 22, 2017  
TIME: 9:30 a.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 (Director) announces a Public Hearing at the date and time listed above to consider the following draft rules:

**O.A.C. Chapter 3701-17-50 to 3701-17-68 (to be rescinded) and proposed new Chapter 3701-16-01 to 3701-16-18 – Residential Care Facilities.**

Residential care facilities (RCF) provide care and services to adults who, by reason of age and/or infirmity elect to receive or require the provision of such care. RCFs can provide skilled nursing care that, with some exception, is limited to 120 days in a 365 day period.

Pursuant to R.C. 3721.04 and to satisfy five-year review requirements (FYR), the Director proposes to rescind O.A.C. rules 3701-17-50 to 3701-17-68 and to replace them with new rules 3701-16-01 to 3701-16-18. This move is designed to eliminate confusion between the RCF rules and the nursing home rules (rules 3701-17-01 to 3701-17-28) that currently share the same chapter of the Administrative Code.

Amendments include but are not limited to: 1) modifying and updating terms to meet current professional standards; 2) updating cross-references and dietary terminology; 3) allowing RCFs to request an expedited initial survey and setting a timeframe in which the inspection must be completed; 4) requiring RCFs to check the nurse aide registry and professional registries, of both Ohio and states in which an applicant for employment is known or suspected to have lived, for findings of abuse, neglect, or misappropriation; 5) requiring RCFs to check the Ohio Sex Offender Registry prior to admitting residents; 6) clarifying what both the initial health assessment of residents and periodic health assessment must cover; and 7) requiring carbon monoxide detectors be installed and maintained.

**Previously Announced:** Chapter 3701-34 rules pertaining to the Asbestos Hazard Abatement Program are proposed for rescission to comply with House Bill 49 of the 132<sup>nd</sup> General Assembly and will be on the November 22, 2017 hearing agenda.

## **Procedure and Public Comment:**

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 (ODHrules@odh.ohio.gov) any written comments by 5:00 p.m., November 21, 2017.**

10/19/2017