

NOTICE OF PUBLIC RULES HEARING

DATE: Thursday, September 9, 2021
TIME: 1:30 p.m.
LOCATION: Via Electronic Teleconference
CALL-IN INFO: **Microsoft Teams meeting**
Join on your computer or mobile app
[Click here to join the meeting](#)
Join with a video conferencing device
682042763@t.plcm.vc
Video Conference ID: 119 884 952 0
[Alternate VTC instructions](#)
Or call in (audio only)
[+1 614-721-2972](tel:+16147212972), [171019742#](tel:+171019742) United States, Columbus
Phone Conference ID: 171 019 742#

In accordance with *Chapter 119* of the Revised Code (R.C.), the Director of the Ohio Department of Health announces a Public Hearing at the date and time listed above to hear comments regarding the following action:

Ohio Revised Code (O.A.C.) Chapter 3701-12-11, -18 – Certificate of Need (CON)

The proposed rules are under review as required by Ohio Revised Code 3702, The rules set forth in Chapter 3701-12 of the Ohio Administrative Code (“OAC”) establish the reviewability, application, approval and monitoring requirements for the Certificate of Need (“CON”) program. The CON program ensures the public access to quality long-term care services by requiring review and approval of activities involving the location and utilization of long-term care beds and services.

Information regarding rule package proposed:

This rule package consists of two previously filed no change rules that were required to be refiled due to a change in rule 11 of a rule reference and a change in 18 in the amplifying statute within the TAG. This rule package was submitted to the CSI Office on November 25, 2020, and the public comment period was held open through December 25, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on November 25, 2020.

Ohio Administrative Code (OAC) Chapter 3701-12 establishes requirements for the Certificate of Need (CON) program, which allows for ODH review of projects that include the development, replacement, or renovation of a long-term care facility, the addition or transfer of patient beds, or increased expenditures.

Ohio Revised Code (O.A.C.) Chapter 3701-25 – Resident Camps

The proposed rules are under review as required by Ohio Revised Code 3702, these rules establish requirements for resident camps, which are defined as tracts of land for the express purpose of overnight camping and additional activities. OAC 3701-25-01 defines the terms used throughout the Chapter and is being amended to remove and introduce new definitions and update the content of other definitions. OAC 3701-25-02 through 3701-25-10 are being rescinded and the content of these rules is largely being incorporated into new rules OAC 3701-25-02, 3701-25-03, and 3701-25-04. OAC 3701-25-02 establishes the responsibilities of the Board of Health in each

NOTICE OF PUBLIC RULES HEARING

respective city or general health district in evaluating, inspecting, and approving permits for resident camps. OAC 3701-25-03 sets forth the responsibilities of resident camp operators. The rule includes requirements for the creation of safety practices, design, and operation of facilities, and ensuring that sewage and water systems are maintained according to proper statutes. OAC 3701-25-04 establishes requirements for resident camp plan review package submission and design. The rule details information to be included in review packages and the types of facility requirements resident camps must meet. There were questions brought to the Department's attention and after much discussion we are moving forward with the rules as they were originally filed, and they are being heard at another Public Hearing.

Information regarding rule package proposed:

This rule package consists of one amended rule, three new rules, and nine rescinded rules proposed by the Ohio Department of Health (ODH). This rule package was initially submitted to the CSI Office on July 1, 2019 and the public comment period was held open through July 31, 2019. The package was resubmitted to the CSI Office on September 19, 2019 and the public comment period was held open through September 30, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 19, 2019.

Ohio Revised Code (O.A.C.) Chapter 3701-30-02 – Childhood Lead Poisoning Prevention, Investigation and Reporting

The proposed rules are under review as required by Ohio Revised Code 3702, these rules cover childhood lead poisoning prevention, investigation, and reporting. Specifically, the rules address responsibilities of primary health care providers, blood lead screening tests and religious exemptions, record keeping and reporting, delegation of duties to local boards of health, public health lead investigations and risk assessments, lead hazard control orders, methods of controlling lead hazards, refusal of a property owner to comply with an order, the lead poisoning prevention fund, and the Ohio Lead Advisory Council. Amendments include changes to align certain definitions with those found elsewhere in rules and statute, add language to prohibit children from visiting homes undergoing lead abatement and to reinforce that a confirmed blood lead test is a venous blood lead test, update requirements for lead screenings of a child at risk of lead poisoning, remove a requirement for the Department director's written approval prior to demolition of a property, and remove the requirements that proposed methods of lead hazard control be sent to the director ten days prior to work.

This individual rule was accidentally filed with the incorrect rule and will now be filed correctly with the rule that went through the Public Comment period.

Information regarding rule package proposed:

This rule package consists of one amended rule to replace the current rule that was filed and became effective 6-13-2021.

Ohio Revised Code (O.A.C.) Chapter 3701-66 – Pregnancy-Associated Mortality Review (PAMR)

The proposed rules are under review as required by Ohio Revised Code 3702, The Ohio Department of Health (ODH) established the Ohio Pregnancy Associated Mortality Review (PAMR) to comprehensively assess the causes and factors that contribute to maternal deaths so that recommendations can be made to prevent future deaths. It was officially established by Ohio Revised Code Chapter 3738: Pregnancy-Associated Mortality Review Board.

NOTICE OF PUBLIC RULES HEARING

Information regarding rule package proposed:

This rule package consists of four new rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on February 19, 2021, and the public comment period was held open through March 21, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 19, 2021.

Ohio Revised Code (O.A.C.) Chapter 3701-72 – Radiologic License

The proposed rules are under review as required by Ohio Revised Code 3702, these regulations require individuals who medically expose human beings to ionizing radiation to meet education and examination standards to be licensed as radiographer, radiation therapist, nuclear medicine technologist or General X-ray Machine Operator (GXMO). Please see the attachment for a listing of specific amendments.

Information regarding rule package proposed:

This rule package consists of four amended rules that were posted for Public Comment three different times.

This rule package was originally submitted to the CSI Office on January 13, 2020, and the public comment period was held open through February 13, 2020. Following stakeholder feedback, the rules were resubmitted to the CSI Office on November 18, 2020, and the public comment period was held open through December 17, 2020. On February 22, 2021, ODH notified the CSI Office that OAC 3701-72-03 would be removed from this rule package and refiled separately. 3701-72-03 was submitted to the CSI Office on March 1, 2021, and the public comment period was held open through March 15, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on March 1, 2021.

Hearing and Contact Information:

Information about the hearing, people affected by the proposed action may appear via teleconference and be heard or in tandem with an attorney. They may present their positions, arguments, or contentions orally or in writing; may offer witnesses; and may present evidence showing that the proposed rule, if adopted or effectuated, will be unreasonable or unlawful.

To aid in getting the call to be organized and go as smooth as possible, any persons intending to testify on the tele-Public Hearing or planning to observe are encouraged to email Alicyn.Carrel@odh.ohio.gov immediately. Please include in the subject of your email – TESTIFYING IN PUBLIC HEARING and the DATE of the Public Hearing in which you are testifying.

Copies of the proposed rules will be available on the Register of Ohio website: <http://www.registerofohio.state.oh.us/rules/search> approximately one day after the rule is filed, or from the Office of the General Counsel, Ohio Department of Health (<https://odh.ohio.gov/wps/portal/gov/odh/about-us/offices-bureaus-and-departments/Office-of-General-Counsel/laws-and-rules/>).

Please e-mail any written comments or RSVP if you are planning on testifying to ODHRules@odh.ohio.gov by 5:00 p.m. on Tuesday, September 7, 2021.