

NOTICE OF PUBLIC RULES HEARING

DATE: Thursday, December 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: 112 849 796 0
[Alternate VTC instructions](#)
Or call in (audio only)
[+1 614-721-2972,46499167#](tel:+1614721297246499167) United States, Columbus
Phone Conference ID: 464 991 67#

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 3701-48-02 – Save Our Sight Fund

The rules set forth in Chapter 3701-48 of the Ohio Administrative Code (“OAC”) covers the Save Our Sight Fund screening program, including the procedures for 501(c) organizations requesting funding, definitions of terms used, and parameters for the Director of the Department to utilize funds. Proposed amendments include updated links to referenced documents and the reduction of the minimum training requirement from six hours to four hours for screener training or certification programs that are awarded funding under the rules.

Information regarding rule package proposed:

This rule package consists of one amended rule. The draft rules were submitted to the CSI Office on March 3, 2020, and the public comment period was open through April 2, 2020. There was one comment received.

Ohio Administrative Code (OAC) Chapter 3701-48 impacted communities including 501(c) organizations that offer vision services in all of Ohio’s counties who have also shown experience in providing services that are eligible for funds under these rules. Adverse impacts of the rules include the application process to receive funding and adherence to the parameters and procedures of the application. Applicants must submit proof of organizational status, a statement of the proposed use of the funds, a budget proposal, details and impact of the proposed project, a demonstration of experience in the statewide delivery of vision services, letters of support, and any other requested information. The Department argues that the rules are justified as the organizations applying for funding under the rule experience a minimal impact to potentially receive monetary compensation through the fund.

Ohio Revised Code (O.A.C.) Chapter 3701:1-38-01, -03, -05, -07, -13, -15, -16, -18, -19, -20, -21 – General Radiation Protection Standards for Sources of Radiation

The rules set forth in Chapter 3701:1-38 of the Ohio Administrative Code (“OAC”) establishes the general protection standards for sources of radiation. OAC 3701:1-38-01 provides definitions for the terms used throughout the Chapter and includes amendments that update rule citations and effective dates, as well as

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the addition of a definition related to handling radioactive material. OAC 3701:1-38-02 establishes the procedure for assessing fees to licensees for inspections, applications, and renewal. OAC 3701:1-38-03 describes the process for applying for registration as a handler of radiation-generating equipment and is being amended to include reference to OAC Chapter 3701:1-68. OAC 3701:1-38-04 through 3701:1-38-07 set forth requirements for inspection fees, administrative penalties, and license adjudication orders. OAC 3701:1-38-07 is being amended to update the name of the ODH Bureau of Environmental Health and Radiation. OAC 3701:1-38-08 through 3701:1-38-10 establish requirements for waivers and variances, inspections and investigations, and notices. OAC 3701:1-38-11 through 3701:1-38-14 set forth general provisions, dose limits, and requirements for surveys and monitoring. OAC 3701:1-38-13 is being amended to update references to the Code of Federal Regulations. OAC 3701:1-38-15 through OAC 3701:1-38-19 include requirements for controlling exposure, storage and packaging, and waste disposal for radioactive sources. Amendments made to these rules include updates to citations and referenced rules. OAC 3701:1-38-20 through 3701:1-38-25 set forth requirements for record keeping, reporting, and facility decommissioning.

Information regarding rule package proposed:

This rule package consists of eleven amended rules. The draft rules were submitted to the CSI Office on December 16, 2019, and the public comment period was open through January 19, 2020. There was one comment received.

Ohio Administrative Code (OAC) Chapter 3701:1-38 - The business community impacted by these rules includes 720 radioactive material licensees and 9,957 radiation-generating equipment registrants operating in Ohio. ODH also notes that 69 businesses located in other states are impacted by these rules through reciprocity agreements. The adverse costs created by the rules include the cost of license fees and the time and effort spent by businesses adhering to the requirements of the rules. Radioactive material license fees range in cost from \$302 to \$23,944 per year, depending on the amount of material, scope of activities, and number of authorized locations and inspections required. ODH states in the BIA that these rules protect the public from unnecessary exposure to radiation and ensure the Department complies with both state and federal statute.

Ohio Revised Code (O.A.C.) Chapter 3701-8 – Help Me Grow

The rules set forth in Chapter 3701-48 of the Ohio Administrative Code (“OAC”) outlines the requirements of home visiting service delivery for ODH funded programs. The regulations outline participant and provider eligibility, personnel requirements, quality assurance and monitoring, record keeping, rights and privacy practices, criteria for reimbursement, and responsibilities of the central intake and referral contractor.

Information regarding rule package proposed:

This rule package consists of six amended rules. The draft rules were submitted to the CSI Office on May 3, 2021, and the public comment period was open through June 2, 2021. There were four comments received during the first posting period and no comments during the second posting period. The rules in this package were previously submitted to the CSI Office on February 22, 2021 and were withdrawn on April 16, 2021 to consider stakeholder comments.

Ohio Administrative Code (OAC) Chapter 3701-8 impacted by the rules includes all providers of home visiting services through the Help Me Grow program. The adverse impact created by the rules includes requirements to enter into an agreement with ODH to provide services. ODH states in the BIA that the rules are necessary to ensure that providers are complying with evidence-based and promising-practice models of service provision.

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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 Alicyn.Carrel@odh.ohio.gov by 5:00 p.m. on Wednesday, December 8, 2021.