

**NOTICE OF PUBLIC HEARINGS**

In accordance with Chapter 119 of the Revised Code, the Public Health Council will conduct the following four public hearings beginning at **10:00 a.m. on Thursday, December 7, 2006**, in the 8<sup>th</sup> Floor Conference Room of the Ohio Department of Health, 246 N. High Street, Columbus, Ohio:

**Hearing No. 1: Proposal to amend Ohio Administrative Code (O.A.C.) rules 3701-17-50 to 3701-17-61, 3701-17-63 to 3701-17-65, and 3701-17-67 pertaining to Residential Care Facilities (RCF).**

These rules have been reviewed pursuant to Revised Code 119.032 (five-year review). Besides changes for clarity, or for grammatical, and technical reasons, the following include some of the proposed changes:

Rule 3701-17-51: Paragraph (D) includes statutory changes which allow hospice residents to stay past the 120-day skilled nursing care maximum.

Rule 3701-17-52: A new paragraph (C) was added to require facilities that advertise or represent themselves as providing care to special populations to develop policies and procedures that address the increased needs of such populations.

Rule 3701-17-53: New paragraph (F) allows the Director, at his discretion, to provide the RCF with an opportunity to correct a deficiency.

Rule 3701-17-57: New paragraph (B) sets forth new admission and discharge criteria and restates discharge criteria from section 3721.011 of the Revised Code and rule 3701-17-59.1 of the Administrative Code.

Rule 3701-17-58: Paragraph (A) requires RCFs to offer influenza and pneumonia vaccinations to residents on an annual basis as mandated by statute.

Rule 3701-17-61: New paragraph (E) prevents facility employees from serving as a resident's guardian unless related by blood to the resident.

3701-17-64: New paragraph (D)(9) sets forth new toilet room requirements for new builds and converted RCFs. An allowance is made for building where there is a secured financial commitment prior to or on the effective date of these rules.

**Hearing No. 2: Proposal to amend O.A.C. rules 3701-43-01, 3701-43-08, 3701-43-09, and 3701-43-20 pertaining to Children with Medical Handicaps.**

ODH reviewed these rules during its five-year review process and is proposing technical amendments for the purpose of clarifying references to federal regulations.

**Hearing No. 3: Proposal to amend O.A.C. rule 3701:1-38-20 pertaining to Records on Sources of Radiation; and to adopt new rule 3701:1-38-24 concerning Testing for Leakage or Contamination of Sealed Sources.**

The proposed amendment to rule 3701:1-38-20 eliminates the requirement to forward certain records to the department upon termination of a radioactive material license. Proposed new rule 3701:1-38-24 puts into rule the requirement that sealed sources of radioactive material be tested for leakage. Currently this requirement is communicated to affected radioactive material

licensees through license conditions.

**Hearing No. 4: Proposal to amend O.A.C. rules 3701:1-40-18 and 3701:1-40-21 pertaining to Licensing Requirements for By-product and Accelerator-produced Radioactive Materials.**

Like rule 3701:1-38-20 in Hearing No. 3, the proposed amendments to Rules 3701:1-40-18 and 3701:1-40-21 eliminate the requirement to forward certain records to the department upon termination of a radioactive material license.

At the hearings, people affected by the proposed actions 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 pre-register by writing Kaye Norton, Office of the General Counsel, Ohio Department of Health, 246 North High Street, P.O. Box 118, Columbus, Ohio 43216-0118, or by telephoning at (614) 466-4882.

Copies of the proposed rules are available from Ms. Norton at the address listed above. Also, the rules are available on the internet at <http://www.registerofohio.state.oh.us/>. Written comments may be submitted to Ms. Norton at the above address or FAX to (614) 728-7813, on or before 9:30 a.m. on December 7, 2006.

November 2, 2006