

NOTICE OF PUBLIC HEARING

In accordance with Chapter 119 of the Revised Code (RC) and by authority of RC 3702.57, the Public Health Council (PHC) will conduct a public hearing to consider amending the following Ohio Administrative Code (OAC) rules pertaining to certificates of need for long term care facility beds: rules 3701-12-01, 3701-12-05, 3701-12-08, 3701-12-18, 3701-12-23, and 3701-12-23.2. The hearing will begin at 10:00 a.m. on Thursday, June 28, 2007, in the 8th Floor Conference Room of the Ohio Department of Health, 246 N. High Street, Columbus, Ohio.

The PHC is proposing these amendments to ensure consistency with recent revisions to the Ohio Revised Code and to clarify the certificate of need (CON) review process. Most notably, the proposed amendments: 1) change the definition of "existing health care facility" in keeping with statutory revisions; 2) incorporate a definition for "commencement of construction" into the rules; 3) clarify the types of activities that are subject to CON review by the Director of Health; 4) extend the deadline for newspaper publication of a proposed CON project, and require a written explanation of the failure to timely comply with this requirement; 5) specify that the Director may waive the fifty bed minimum project requirements for proposed facilities that will serve special health care needs and continuing care of retirement or life care communities, provided that certain criteria are met; 6) expand the requirements for approval of a CON application to include quality review criteria; and 7) correct citation and grammatical errors.

At the hearing, 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, Columbus, Ohio 43215, by telephoning (614) 466-4882, or by e-mail to Kaye.norton@odh.ohio.gov.

Copies of the proposed rules are available on the Register of Ohio website (ODH has a link to that website at www.odh.ohio.gov/rules/pending.aspx) or from Ms. Norton. Please FAX [(614) 728-7813], mail, or e-mail any written comments to Ms. Norton before 9:00 a.m. on June 28, 2007.

May 21, 2007