

NOTICE OF PUBLIC HEARING

DATE: JUNE 26, 2008
TIME: 10:00 A.M.
PLACE 8TH FLOOR CONFERENCE ROOM
OHIO DEPARTMENT OF HEALTH
246 N. HIGH STREET
COLUMBUS, OHIO 43215

In accordance with Chapter 119 of the Revised Code (R.C.), the Public Health Council (PHC) will conduct three public hearings beginning at 10:00 a.m. on Thursday, June 26, 2008, in the 8th Floor Conference Room of the Ohio Department of Health (ODH), 246 N. High Street, Columbus, Ohio. The hearings concern the following rules and actions:

HEARING #1: In order to achieve consistency with recent revisions to the Revised Code, the PHC proposes to amend Ohio Administrative Code (O.A.C.) rules 3701-12-01, 3701-12-08, 3701-12-09, 3701-12-11, 3701-12-19, 3701-12-23, and 3701-12-23.2. Authorized by R.C. 3702.51 and 3702.57, these rules pertain to Certificate of Need applications for long term care facilities and beds. Most notably, the proposed amendments do the following: 1) change the timeframe the Director of Health (Director) has to request additional information or to issue a letter of completeness to an applicant from fifteen to thirty days; 2) change the timeframe the Director has to grant or deny an application from ninety to sixty days; 3) allows the approval of a certificate for the relocation of beds to a facility with existing Life Safety, building, or fire code violations; and 4) corrects citation errors. Finally, revisions to rule 3701-12-01 incorporate statutory language changes (effective June 13, 2008), pertaining to county homes and county nursing homes that are to be included in the definition of an "existing health care facility."

HEARING #2: By authority of R.C. 3313.71, the PHC proposes to rescind O.A.C. rule 3701-15-04, which pertains to tuberculin testing and examination in schools. This proposal is based upon the following: 1) statewide TB screening of school employees upon hire has not identified an active case of TB in nearly three decades; 2) single step Mantoux skin test screening is not consistent with standard screening practice and screening of low risk populations is not recommended by current CDC guidelines; and 3) the CDC recommends that school policy should be developed for each district based upon local TB morbidity, and risk assessment of the student/employee population.

HEARING #3: By authority of R.C. 3701.021, the PHC proposes to amend O.A.C. rules 3701-43-01 to 3701-43-04, 3701-43-08, 3701-43-09, 3701-43-11, 3701-43-12, 3701-43-14, 3701-43-15, 3701-43-17 to 3701-43-20, and 3701-43-22; and to rescind current and file new rule 3701-43-13. These rules pertain to children with medical handicaps. Proposed amendments to rules 3701-43-03, 3701-43-13, 3701-43-18, and 3701-43-20 are based upon recommendations of the 2006 Legislative Commission for the Future Funding of BCMH committee, the Medical Advisory Committee ("MAC") and/or the MAC Parent Advisory subcommittee. In addition, a number of changes are proposed as clarification or for consistency throughout the chapter.

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, 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 26, 2008.

May 23, 2008