

NOTICE OF PUBLIC HEARINGS

DATE: October 16, 2008
TIME: 10:00 A.M.
PLACE 8TH FLOOR LARGE 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 eight public hearings beginning at 10:00 a.m. on Thursday, October 16, 2008, in the 8th Floor Large 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: By authority of Revised Code 3701.34, the PHC proposes to amend current Ohio Administrative Code rules 3701-3-01, -02.1, -11 to -13, and -28 to -30; to rescind current and file new rules 3701-3-02, -03 to -06, and -08; and finally, to rescind current rules 3701-3-09 and -20 to -25. These rules pertain to infectious disease reporting. The proposed rules incorporate suggestions noted during the survey process. The proposed changes include 1) reorganization of the named reportable infectious diseases; 2) creation of a specified "outbreak" class; 3) accommodations for the increased use of electronic reporting; 4) modifications in the isolation requirements; 5) establishment of the Infectious Disease Control Manual (IDCM) as a standard rather than for guidance; and 6) clarification, updates, and correction of errors.

HEARING #2: As a result of mandatory five-year review and by authority of R.C. 3701.146, the PHC proposes to amend O.A.C. rule 3701-15-01 and -03, and to file new and rescind current rule 3701-15-02. These rules pertain to the tuberculosis program. Proposed changes to rule 3701-15-01 update definitions to include new laboratory screening technology. Current rule 3701-15-02 is proposed for rescission and a new rule filed to do the following: 1) clarify acceptable reporting methods for TB, specify turn around time for reports of isolation and identification and susceptibility testing for *M. tuberculosis*; and 3) deletion of references to ORC 339.77, which was repealed. Rule 3701-15-03 is proposed for amendment to update how to obtain copies of TB guidelines, and to allow for tuberculosis screening through the use of blood assay testing where Mantoux skin test was used exclusively in the past.

HEARING #3: By authority of R.C. 3722.10, the PHC proposes to amend O.A.C. rules 3701-20-14 and -18. These rules pertain to tuberculosis testing requirements for adult care facilities. Most significantly, changes to these rules would authorize the use of blood assay for *M. tuberculosis* (BAMT) tests for the required tuberculosis testing of residents. Also, the changes would require annual testing of residents within thirty days of the anniversary date of previous testing.

HEARING #4: By authority of R.C. 3748.04, the PHC proposes to amend Ohio Administrative Code rule 3701-39-02.1. This rule pertains to standards for handling radioactive material. Changes are proposed to delete references to a Code of Federal Regulations (CFR) citation within the rule, and to rescind Appendix A to the rule.

HEARING #5: By authority of R.C. 3748.04, the PHC proposes to amend Ohio

Administrative Code rule 3701:1-40-17. This rule pertains to financial assurance requirements for radioactive material licenses. Amendments are proposed to clarify the quantity of radioactive material in sealed sources that require various levels of financial assurance.

HEARING #6: By authority of R.C. 3748.04, the PHC has proposed to amend O.A.C. rules 3701:1-46-43, and -44. These rules pertain to licenses for manufacturing and distribution of radioactive material for certain laboratory and medical uses. Amendments are proposed for these rules to ensure that Ohio's rules pertaining to training and experience of authorized users on medical licenses are compatible with United States Nuclear Regulatory Control (USNRC) regulations.

HEARING #7: By authority of R.C. 3748.04, the PHC has proposed the following actions: 1) to amend O.A.C. rules 3701:1-58-01, -08, -16, -17, -26, -30, -32, -34, -37, -41, and -52; 2) to propose new and rescind current rules 3701:1-58-09, -18 to -22, -33, -36, -40, -42, -51, -54, and -71; and finally 3) to propose new rule 3701:1-58-104. These rules pertain to medical radiation safety. As with the previous set of rules, amendments are proposed to these rules to make them compatible with USNRC regulations.

HEARING #8: By authority of R.C. 3748.04, the PHC has proposed to amend O.A.C. rule 3701:1-66-04; and to rescind current rule and to propose new rule 3701:1-66-07. These rules pertain to quality assurance for radiation generating equipment registrants, and fluoroscopic generating equipment, respectively. Changes are primarily proposed to rule 3701:1-66-04 to clarify existing standards. Most significantly, a new version of rule 3701:1-66-07 is proposed to 1) specify field limitations to coincide with current federal requirements; 2) specify requirements on fluoroscopic equipment manufactured on or after June 10, 2006 to coincide with current federal requirements; 3) replace "entrance exposure" rate measurements with "air kerma" rates and specify how air kerma rates are measured; 4) add a new requirement for recording the cumulative time for exposure; 5) reorganize and clarify requirements relating to tests required for dose, image quality and spot films, and allowing a designee to perform air kerma tests following maintenance for the radiation expert, and 6) establish requirements for computed tomography scanners equipped with fluoroscopic capabilities.

At the rules 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 4:30 p.m. on October 15, 2008.

September 15, 2008