

**NOTICE OF PUBLIC HEARINGS**

DATE: OCTOBER 1, 2009  
 TIME: 10:00 A.M.  
 PLACE: 8<sup>th</sup> 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 the following public rules hearings beginning at 10:00 a.m. on October 1, 2009 in the 8<sup>th</sup> Floor Large Conference Room of the Ohio Department of Health, 246 N. High Street, Columbus, Ohio:

**HEARING #1:** By authority of R.C. 3721.04, the PHC proposes to amend Ohio Administrative Code (O.A.C.) rules 3701-17-07 and 3701-17-10. These nursing home licensing rules pertain to personnel qualifications and health; and resident assessments and tuberculosis testing, respectively.

If adopted, proposed amendments to O.A.C. 3701-17-07 and 3701-17-10 will allow a facility to choose the tuberculosis testing method it uses for required tuberculosis testing of staff and residents consistent with guidance from the federal Centers for Disease Control and Prevention (CDC). Choices would be either the blood assay for *M. tuberculosis* (BAMT) test or the Mantoux test. Additionally, proposed new language clarifies that testing is not necessary when an employee or resident leaves a home for a period of time prior to the annual testing anniversary. Finally, new additions to O.A.C. 3701-17-10 reflect statutory provisions requiring nursing homes to offer vaccinations for influenza and pneumococcal pneumonia.

**HEARING #2:** By authority of R.C. 3733.02, the PHC proposes to rescind current and file new O.A.C. rule 3701-27-04.3 pertaining to cost methodology for determining manufactured home park fees. Changes to the rule are a result of efforts to create a uniform cost methodology for all environmental health programs; thus, new rule 3701-27-04.3 simply references proposed new O.A.C. rule 3701-36-14.

**HEARING #3:** In an effort to make environmental health programs self-supporting, the PHC proposes amendments to raise fees for the following rules:

<u>RULES</u>	<u>PROGRAM</u>	<u>R.C. AUTHORITY</u>
3701-26-02 and -04	Recreational Parks and Camps	3729.02, 3709.09
3701-27-04, -06, -06.1, -07.2, -07.3	Manufactured Home Parks	3733.02, 3733.021, 3733.04
3701-28-06 and -20	Private Water Systems	3701.344
3701-31-02.1 and -03	Public Pools, Spas, and Special Use Pools	3749.02
3701-35-02	Marina Licenses	3733.22, 3733.25

At the hearings, people affected by the proposed actions may appear and be heard in person, by an 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](mailto: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](http://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 by 5:00 p.m. on September 30, 2009.

August 25, 2009