

NOTICE OF PUBLIC RULES HEARINGS

DATE: January 14, 2010
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 two public rules hearings at its January 14, 2010 meeting. The PHC meeting will begin at 10:00 a.m. in the 8th Floor Large Conference Room of the Ohio Department of Health, 246 N. High Street, Columbus; the rules hearings will commence immediately following an introductory presentation on the Certificate of Need Program.

HEARING #1: By authority of R.C. 3702.57, the PHC proposes to amend Ohio Administrative Code (O.A.C.) rules 3701-12-01; 3701-12-04, 3701-12-05, 3701-12-09, 3701-12-11, 3701-12-18, 3701-12-19, 3701-12-20, and 3701-12-23.2; and to rescind current and propose new rules 3701-12-08 and 3701-12-23. Proposed changes to these Certificate of Need Program rules reflect new statutory language adopted in Amended Substitute House Bill 1 of the 128th General Assembly. Most notably, the proposed amendments 1) establish several new definitions, such as "reviewability ruling," "non-reviewability determination," and "political subdivision," 2) remove specific health care services from the CON requirements; 3) establish a comparative review process and timeframes for CON applications; 4) establish a new state bed need calculation rate; 5) set forth the criteria for establishing preferences in CON applications; and 6) establish additional application requirements for facilities seeking to relocate beds or replace a facility.

HEARING #2: By authority of R.C. 3701.07, the PHC proposes to amend O.A.C. rules 3701-59-01 and 3701-59-05, pertaining to Hospital Registration and Reporting. Most notably, the proposed changes 1) add several new definitions of hospital types, such as "cancer hospital," "critical access hospital," and "heart hospital;" and 2) clarify registration and reporting requirements for facilities providing inpatient services at geographically separate locations from a primary hospital location.

At the hearing, 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.

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 5:00 p.m. on January 13, 2010.

December 10, 2009