

## NOTICE OF PUBLIC RULES HEARINGS

DATE: April 22, 2010  
TIME: 10:00 A.M.  
PLACE: 8<sup>TH</sup> FLOOR LARGE CONFERENCE ROOM  
OHIO DEPARTMENT OF HEALTH (ODH)  
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 six public rules hearings at its April 22, 2010 meeting. The PHC meeting will begin at 10:00 a.m. in the 8<sup>th</sup> Floor Large Conference Room of the Ohio Department of Health, 246 N. High Street, Columbus; the rules hearings will commence soon thereafter. The hearings are as follows:

**HEARING #1:** By authority of R.C. 3717.05, the PHC jointly with the Director of Agriculture proposes to amend O.A.C. rule 3717-1-09, pertaining to criteria for reviewing facility layout and equipment specifications for Ohio food service operations and retail food establishments. Changes are proposed to improve readability.

**HEARING #2:** By authority of R.C. 3701.132, the PHC proposes to amend O.A.C. rule 3701-42-10 pertaining to farmers' authorizations for the Women, Infant, Children (WIC) Program. Proposed changes add a new paragraph specifying appeal rights for farmers whose applications are denied. Also, a typographical error is corrected.

**HEARING #3:** By authority of R.C. 3748.04, the PHC proposes to amend O.A.C. rules 3701:1-66-01, -02, and -12. These rules pertain to the radiation-generating equipment program. Amendments are proposed for rules concerning definitions, general program administration, and industrial radiography. In rule 3701:1-66-01, definitions are proposed for such words as "air kerma," "fluoroscopic irradiation time," "hand-held radiation-generating equipment (RGE)," and "lateral fluoroscope." Also, the term "executive administration" was enhanced to include specific responsibilities and the level of authority necessary to be eligible for sitting on the quality assurance committee. Besides minor editorial and renumbering changes in rule 3701:1-66-02, a proposed change will no longer exempt dental intraoral radiography without using an intensifying screen. Finally, in rule 3701:1-66-12, new language adds a timeframe (6-month intervals) by which industrial radiographers and industrial radiographer assistants must be audited by the registrant's individual responsible for radiation protection.

**HEARING #4:** By authority of R.C. 3721.04 and in response to Governor Strickland's Executive Order 2009-13 S, the PHC is proposing new rule 3701-17-15.1. This rule prohibits the use of "prone restraints" and limits when "transitional holds" may be used in nursing homes licensed facilities by ODH.

**HEARING #5:** By authority of R.C. 3712.03, the PHC is proposing to amend O.A.C. rules 3701-19-01, -02, and -03, pertaining to the hospice care program. The draft amendments are proposed to ensure consistency changes to O.A.C. Chapter 3712. that became effective on October 16, 2009. Proposed amendments do the following: 1) modify the definition of "palliative care" in rule 3701-19-01; 2) correct a citation error in paragraph (D)(3) of rule 3701-19-02; and 3) increase the current hospice application fee from three hundred dollars to six hundred dollars in O.A.C. 3701-19-03.

**HEARING #6:** By authority of R.C. 3722.10, the PHC is proposing to amend O.A.C. rules 3701-20-01 to 3701-20-05, 3701-20-07, 3701-20-08, 3701-20-10, 3701-20-11, 3701-20-13 to 3701-20-20, 3701-20-22, and 3701-20-24 to 3701-20-26; and to rescind rule 3701-20-06. These rules pertain to the licensing of adult care facilities. The PHC is proposing changes to ensure consistency with recent statutory changes that took effect on October 16, 2009. Some changes include the following: 1) clarification of several definitions and the addition of new definitions for "mental health program participation agreement" and "PASSPORT;" 2) clarification of restrictions pertaining to the placement of an individual in an ACF facility; 3) new language to prohibit individuals from applying for an ACF license if they have had a previous license revoked or denied within the preceding twenty-four months; 4) a new requirement that facilities submit a Plan of Correction to the Director of Health when found in violation of R.C. Chapter 3701-13; 5) clarification of training requirements for staff and managers in facilities accepting patients with a mental illness; and a new requirement that owners and managers enter into a mental health resident program participation agreement with the local Alcohol, Drug Addiction, and Mental Health Services Board serving the location prior to accepting any patients with a mental illness.

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 before 5:00 p.m. on April 21, 2010.

March 16, 2010