

NOTICE OF PUBLIC RULES HEARING

DATE: Wednesday, December 11, 2013
 TIME: 3:00 p.m.
 PLACE: OHIO DEPARTMENT OF HEALTH
 35 East Chestnut Street
 Columbus, Ohio 43215
 ROOM: Basement Training Room A

In accordance with Chapter 119 of the Revised Code (R.C.), the Director (Director) of the Ohio Department of Health (ODH), or his designee, shall conduct a public rules hearing at the date, time, and place listed above. The hearing will consider changes to the following Ohio Administrative Code (O.A.C.) rules:

O.A.C. 3701-43 – Medically Handicapped Children

3701-43-03	Standards and procedures for determining eligibility of providers	Amend
3701-43-05	Medical equipment suppliers	Amend
3701-43-18	Authorization for provision of treatment services and goods	Amend
3701-43-23	Appeal procedures for decisions concerning the program for medically handicapped children	Amend
3701-43-26	Manufacturer discount program	New

These BCMH rules are proposed by authority of R.C. 3701.021 and to satisfy five-year review requirements. The rules pertain to the operation and administration of the benefit program Children with Medical Handicaps, contained within the Bureau for Children with Developmental and Special Health Needs.

Some proposed changes include:

In 3701-43-01, the elimination of the ability to have provisional sub-specialty status with CMH program based solely on letter of recommendation from the chief of services of the sub-specialty area in a hospital;

In 3701-43-05, the elimination of the ability of physician who solely is a neuro-developmental disabilities or developmental-behavioral pediatrician, or a pediatrician who is a member of a program-approved multi-disciplinary team to approve orthotic, prosthetic or wheelchair services; and

In rules 3701-43-18 and 3701-43-23, the correction of citation errors.

Finally, new rule 4701-43-26 is proposed to allow manufacturers of prescription drugs and nutritional formulas to provide the Ohio Department of Health with a discount on CMH approved formulary prescription drugs and nutritional formulas. Rule 3701-43-26 is proposed pursuant to House Bill 153 of the 129th General Assembly.

OAC 3701:1-40-09 – Radiation Protection Requirements: Certain items containing radioactive material

The Director is proposing to amend this rule pursuant to Revised Code 3748.02 and 3748.04 and to satisfy five-year review requirements. Proposed changes make minor changes for consistency in units, and add products containing small quantities of radioactive material that are exempt from licensing requirements, unless a person desires to apply radioactive material to, or to incorporate radioactive material into, the exempt products.

O.A.C. 3717-1-01 – State of Ohio Uniform Food Safety Code and Definitions

Pursuant to Ohio Administrative Code 3717.04 and 3717.05, the Directors of the Department of Health and the Department of Agriculture jointly propose to amend O.A.C. Rule 3717-1-01. The proposed amendment changes the definition of “micro markets” to allow this type of operation to offer additional food items.

Hearing and Comment Procedure:

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. To aid in getting visitors through building security, both persons intending to testify at the hearing and those simply intending to observe are encouraged to pre-register by writing the Office of the General Counsel [Rules], Ohio Department of Health, 246 North High Street, Columbus, Ohio 43215, by phoning (614) 466-4882, or by sending an e-mail to odhrules@odh.ohio.gov.

Copies of the proposed rules are available on the Register of Ohio website (<http://www.registerofohio.state.oh.us/jsps/publicdisplayrules/searchRuleNumber.js>) or from the Office of the General Counsel, Ohio Department of Health. Please FAX [(614) 564-2509], mail, or e-mail any written comments by 5:00 p.m. on December 10, 2013.

November 1, 2013