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From: Ohio Department of Health <OhioCSI.ODH@public.govdelivery.com>

Subject: Public Hearing Notification

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November 6, 2023

Notice of Public Rules Hearing

December 14, 2023 at 11:30am

In accordance with Chapter 119 of the Revised Code (R.C.), the Director of the Ohio Department of Health announces a Public Hearing at the date and time listed above to hear comments regarding the following action:

3701-65-01 - BMI Collection in Ohio Schools

This rule package sets forth the process for city, exempted village, local school districts, and chartered non-public schools to collect and report the body mass index (BMI) and weight of its students and is amended to streamline language and update a website link. ODH notes that BMI screenings are voluntary and that this rule only applies to schools whose board of education or governing authority have decided to conduct BMI screenings.

3701-61 - Transfer and Discharge Responsibilities of the Home

This rule package specifies definitions pertaining to nursing home transfers and discharges. The rule is amended to clarify what constitutes a resident transfer and a room change; outlines the reasons for which a nursing home may transfer or discharge a resident and states that residents or their sponsors have the right to challenge a transfer or discharge. The rule is amended to update language and prohibit a nursing home from initiating a transfer or discharge if a resident has an ongoing appeal of denial of Medicaid with the Ohio Department of Medicaid (ODM) or has submitted an amended or substitute application that is accepted for review by ODM; sets forth requirements for a nursing home with respect to providing notice to a resident and their sponsor or legal representative of any proposed transfer or discharge, as well as requirements regarding a hearing request. The rule is amended to update language and require the nursing home to provide multiple types of contact information as part of the notice.

3701-86 - Newborn Safety Incubators

This rule package sets forth the requirements for the requirements for the installation, registration, and use of newborn safety incubators.

3701-52-05 and -09 - Smoke Free Workplace

This rule package sets forth the smoking exemption requirements for retail tobacco stores as it relates to the statutory prohibition against smoking in all public places of employment. The new rule clarifies the exemptions to the stores in operation prior to December 7, 2006. While stores that began operations after December 7, 2006, are only granted an exception if the tobacco store is a freestanding structure and the smoke from this store does not migrate into an area where smoking is prohibited, stores in operation before this date are exempted from this requirement. This new rule also eliminates the appendices originally contained in the rule and reorganizes some of the sections within the rule. In the time since this rule was initially reviewed by the CSI Office, ODH eliminated a restriction on stores that were covered by the grandfathering exception but changed locations or ownership by allowing these stores to maintain their exceptions through an ownership or location change. In addition to this more substantive change, ODH also made two non-substantive changes to reorganize and streamline the rule language.

Hearing and Contact Information:

Information about the hearing, people affected by the proposed action may appear via teleconference and be heard or in tandem with an attorney. They may present their positions, arguments, or contentions orally or in writing; may offer witnesses; and may present evidence showing that the proposed rule, if adopted or effectuated, will be unreasonable or unlawful.

To aid in getting the call to be organized and go as smooth as possible, any persons intending to testify on the tele-Public Hearing or planning to observe are encouraged to email

Alicyn.Carrel@odh.ohio.gov immediately.

Please include in the subject of your email – TESTIFYING IN PUBLIC HEARING and the DATE of the Public Hearing in which you are testifying.

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Copies of the proposed rules will be available on the Register of Ohio website:

<http://www.registerofohio.state.oh.us/rules/search> approximately one day after the rule is filed, or from the Office of the General Counsel, Ohio Department of Health (<https://odh.ohio.gov/health-rules-laws-and-forms>)

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From: Ohio Department of Health <OhioCSI.ODH@public.govdelivery.com>
Subject: Public Hearing Notification

3701-65-01, 3701-61, and 3701-86, 3701-52-05 and -09

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