



June 10, 2025

### Notice of Public Rules Hearing

July 10, 2025 at 2:30pm

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:

3701-3-01 through 13 - This rule package consists of six amended rules and one new rule proposed by the Ohio Department of Health (ODH) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on November 26, 2024, and the public comment period was held open through December 26, 2024. The rule package contains definitions for terms pertaining to communicable diseases, amended to provide examples of microorganisms that can be killed by antimicrobials, clarify that an individual being evaluated for immunity due to vaccination or previous instances of a disease is not considered an infected individual, and include a definition for the term "pan-non-susceptible, lists the diseases that health care providers must report to their local board of health, updates language, as well as, add and remove reportable conditions, provides for the notification of reportable diseases by health care providers. The rule is amended to update language and require reports of cases or suspect

cases to include the race and ethnicity of the patient, provides for the reporting of laboratory results. The rule is amended to update language, require laboratory reports to include the race and ethnicity of the patient, and require laboratories to submit certain isolates and patient specimens to the ODH Laboratory, outlines information regarding illnesses and health conditions that must be reported by dedicated emergency departments and health care providers, requires health care workers, hospitals, clinics, agencies, and other institutions providing care or treatment to an individual suffering from a communicable disease to provide the Director of ODH (Director) access to the patient's medical record, amended to update language and require that access to a patient's medical record also be provided to the health commissioner of the local board of health and a designee of the health commissioner or the Director, outlines the

isolation requirements for individuals infected with certain specified diseases or conditions, amended to update language, revise the requirements for amebiasis to reflect the completion of chemotherapy, specify that the requirements for plague are for pneumonic plague, revise the requirements for scabies to specify crusted scabies, reference the existing code set for tuberculosis standards, and add and remove requirements for certain diseases and conditions.

3701-62-01 through -14 - This rule package consists of ten amended rules and four no-change rules proposed by the Ohio Department of Health (ODH) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on November 12, 2024, and the public comment period was held open through December 12, 2024. Chapter 3701-62 establish the do-not-resuscitate (DNR) order and protocol. The amended rules contain revisions that primarily update language, grammar, and citations. The rule package contains definitions for terms pertaining to the DNR order and protocol, establishes the authority and immunity of advanced practice registered nurses (APRNs) and physician assistants (PAs) with respect to DNR orders, provides immunity from criminal, civil, and professional actions to health care workers and emergency medical services (EMS) personnel who withhold or withdraw cardiopulmonary resuscitation (CPR) from a patient with a valid DNR order, outlines the items that are approved as DNR identification and explains how they can be obtained. Four appendices are also provided. Appendix A provides a copy of the Ohio DNR order form and is revised to update language, reorganize the formatting, and remove the requirement for a physician's signature in addition to an APRN's or PA's. Appendix B depicts the hospital-type DNR bracelet insert. Appendix C presents the DNR comfort care logo. Appendix D shows the DNR comfort care wallet identification card, establishes the DNR protocol and describes when it takes effect, Appendix A constitutes the DNR protocol for the state of Ohio, provides for the revocation of DNR identification or a DNR order. The rule package describes the proper way for EMS personnel to follow the DNR protocol, prohibits an attending physician, APRN, PA, or health care facility that is unwilling or unable to comply with the DNR protocol for an individual who possesses DNR identification from preventing or delaying the transfer of the individual to a different physician, APRN, PA, or health care facility where the protocol will be followed, sets forth the responsibilities of a health care facility when transferring to another health care facility an individual who possesses DNR identification or has been issued a DNR order, explains when DNR identification based upon a valid order does and does not take effect in situations where there may be conflicts between living will declarations and durable powers of attorney for health care. The rule is proposed without changes, declares that the death of an individual from the withholding or withdrawal of CPR pursuant to the DNR protocol does not constitute homicide or suicide. The rule is proposed without changes, describes the effect of DNR identification or a DNR order on insurance, establishes the rights of an individual concerning DNR identification and orders as they pertain to informed consent

and living will declarations, lists prohibited actions related to DNR identification or orders.

3701-72-01 and 04 - This rule package consists of two amended rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on April 18, 2024, and the public comment period was held open through May 2, 2024. This rule package lists definitions pertaining to medical radiologic personnel, is amended to update language and include localization among computed tomography (CT) procedures, authorizes radiologic licensees to operate ionizing radiation-generating equipment or use radiopharmaceuticals if certain requirements are met and amended to update language.

3701-22 and 3701-84 - This rule package consists of forty-one new rules and fifty-four rescinded rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on November 27, 2024, and the public comment period was held open through December 27, 2024. Ohio Administrative Code (OAC) Chapter 3701-84 establishes quality standards for providers of health care services (HCS) in Ohio. Such standards concern facilities, equipment, personnel, and patient selection criteria. The requirements found therein are applicable to a variety of HCS, namely solid organ transplantation, bone marrow transplantation, adult cardiac catheterization, adult open-heart surgery, pediatric intensive care, pediatric cardiac catheterization, pediatric cardiovascular surgery, and operation of a linear accelerator/gamma knife/cobalt radiation therapy unit. The rules in OAC Chapter 3701-84 are rescinded, with their contents relocated into the proposed new rules in OAC Chapter 3701-22. As part of the integration into OAC Chapter 3701-22, the rules are revised to update language and citations, make technical corrections, align with current hospital licensure procedure, reflect the fact that the HCS program grants waivers rather than variances, extend the deadline for open-heart surgery services and level I, level II, and level III cardiac catheterization services to submit certain information to ODH from March 1st to June 1st each year, and allow the Director of ODH (Director) to suspend the operations of any HCS under certain conditions.

3701-7 and 3701-22 - This rule package consists of twenty-one new rules and eighteen rescinded rules submitted by the Ohio Department of Health (ODH) as a part of the statutory five-year review process. This rule package was submitted to the CSI Office on August 9, 2024, and the public comment period was held open through September 9, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 9, 2024. After the initial comment period had ended, ODH elected to open the rules for a second comment period beginning on November 5, 2024, and ending on November 15, 2024. The rules in this package regulate the licensing of hospital maternity/newborn care services. These rules are to be rescinded and reorganized in the hospital licensure rules contained in OAC Chapter 3701-22 and contain various changes made as a part of their five-year review. These rules contain facility requirements, standards for maternity units and newborn

care nurseries for level I, II, III, and IV services, requirements for freestanding children's hospitals with level III or level IV neonatal care services, newborn nutrition requirements, and recordkeeping requirements. These new rules contain changes that clarify the role or services of anesthesiologists, physician assistants, limited practical nurses, respiratory therapists, nurse leaders, nurse specialists, and nurse educators, clarify an employment requirement related to International Board-Certified Lactation Consultants, add requirements for the availability of lactation services, allow a level I obstetrical service to provide care to patients with preeclampsia under certain conditions, add education and assessment requirements, add follow-up or referral requirements, add transfer requirements related to the identification of infants at risk of retinopathy of prematurity, add language related to telephone or telehealth, add perinatal pathology service requirements, add staff training requirements, add education requirements, add references, as well as update and streamline language.

#### Hearing and Contact Information:

Information about the hearing, people affected by the proposed action may appear via teleconference or in person at The Ohio Department of Health 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 at 35 East Chestnut Ave., Columbus, Ohio are encouraged to email [Alicyn.Carrel@odh.ohio.gov](mailto: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. Also, please include the way in which you would like for your testimony to be entered into the record; if you will be submitting written testimony or if you will be testifying in the hearing.

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>)

The Microsoft Teams link can be found below:

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