

NOTICE OF PUBLIC RULES HEARINGS

DATE: July 29, 2010

TIME: 10:00 A.M.

PLACE: 8TH 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 five public rules hearings at its July 29, 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 43215; the rules hearings will commence soon thereafter. The hearings are as follows:

HEARING #1: By authority of R.C. 3701.242, the PHC proposes to rescind current and propose new O.A.C. rule 3701-3-11, pertaining to requirements related to human immunodeficiency virus testing. The proposed new rule was drafted in response to legislative changes to R.C. 3701.242 that became effective in July 2009. Changes are proposed to do the following: 1) eliminate a separate informed consent for HIV testing in Ohio; 2) eliminate the pre-test counseling requirement for all individuals testing for HIV in Ohio; and require post-test counseling only for patients who have tested positive for the HIV virus; and 3) require all clinical personnel who administer the HIV test to inform the patient of his or her right to anonymous testing, and, if requested, refer the patient to an anonymous testing site in his or her region.

HEARINGS #2 THROUGH #5: The rules considered in hearings #2 through #5 pertain to various aspects of radiation protection standards and control (See below for the specific rule numbers and subject matter). The more significant amendments to these rules reflect changes in federal law and corresponding changes to U.S. Nuclear Regulatory Commission (NRC) regulations. Because federal law has given the NRC jurisdiction over naturally-occurring or accelerator-produced radioactive material in certain states, corresponding regulations in those states must be revised. Other amendments are proposed to update the rules and to make editorial changes for the purpose of clarification.

HEARING #2: By authority of R.C. 3748.04, the PHC is proposing to amend O.A.C. rules 3701-1-38-01, -12, and -13. These rules pertain to general radiation protection standards for sources of radiation.

HEARING #3: By authority of R.C. 3748.04, the PHC proposes to amend O.A.C. rules 3701:1-40-01, -02, -04, -06, -07, -11 to -16, -19, -20, -22 to -28, -32, and -38; to file new rule 3701:1-40-39; and to file new and rescind current rule 3701:1-40-03. These rules pertain to radiation protection requirements, and they are being considered due to five year review.

HEARING #4: By authority of R.C. 3748.04, the PHC proposes to amend O.A.C. rules 3701:1-46-02, -05, -08, -11, -37 to -39, -42, -43, and -46; and to file new rule 3701:1-46-51. These rules pertain to radiation control general licenses and licenses for manufacturing and distribution.

HEARING #5: By authority of R.C. 3748.02 and 3748.04, the PHC proposes to amend O.A.C. rules 3701:1-58-04, -06, -07, -10, -11, -15, -24, -25, -27, -32, -34, -37, -48, -57, -60 to -63, -68, -69, -74, -79, -82, -92, -94, -101 to -103; and to rescind current and file

new rules 3701:1-58-21, -35, and -85. These rules pertain to medical uses of radioactive materials.

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.

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 July 28, 2010.

June 23, 2010