

NOTICE OF PUBLIC RULES HEARING

DATE: Thursday, May 5, 2011

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 three public rules hearings at its May 5, 2011 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 public hearings will commence soon thereafter.

HEARING #1: Because the statutory authority was repealed with the passage of House Bill 1 of the 128th General Assembly, the Public Health Council proposes to rescind Ohio Administrative Code (O.A.C.) rules 3701-16-01 to 3701-16-24; these rules pertain to Community Alternative Homes.

HEARING #2: By authority of R.C. 3748.04, the Public Health Council proposes to amend O.A.C. rules 3701:1-66-03 and 3701:1-66-13. These rules pertain to the certification of radiation experts (CREs) and industrial analytical radiation-generating equipment, respectively.

Proposed amendments to rule 3701:1-66-03 include: 1) adding a requirement for the applicant or CRE to provide the Department certified copies of felony convictions, and thus allowing the Director to deny, suspend or revoke a certification if the conviction is related to a crime involving a public health or safety risk; 2) updating the qualifications for therapeutic CREs to be consistent with the requirements for a therapy medical physicist as listed in rule 3701:1-67-02 of the O.A.C; 3) approving electronic payments; and 4) eliminating a loophole concerning the required continuing education that allowed a CRE to simply apply again without having completed any of the course work.

Some notable changes to rule 3701:1-66-13 are proposed to 1) strengthen the role of individuals responsible for radiation protection to require them to develop and ensure training and safety procedures for the operators of industrial analytical radiation-generating equipment; and 2) establish standards for hand held open beam analyzers.

HEARING #3:

By authority of R.C. 3748.04, the Public Health Council proposes to adopt new rule 3701:1-67-11. This rule sets equipment and radiation protection standards for the use of electronic radiation therapy other than brachytherapy. The intent of this proposed rule is to keep Ohio radiation protection standards current with the continuing emergence of electronic radiation therapy technology.

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 odhrules@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 May 4, 2011.

April 1, 2011 - amended