

Rule Summary and Fiscal Analysis (Part A)**State Board of Emergency Medical, Fire, and Transportation Services**

Agency Name

Division

Anna Firestone

Contact

**1970 West Broad Street Suite 531 Columbus OH
43223-0000**

Agency Mailing Address (Plus Zip)

614-466-7014

Phone

Fax

lafirestone@dps.state.oh.us

Email

4765-11-03

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Chartering of training programs.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4765.55**

5. Statute(s) the rule, as filed, amplifies or implements: **4765.55**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed pursuant to a completed R.C. 119.032 five-year rule review. This rule is being proposed for rescission due to LSC's fifty percent guideline. It is estimated that changes to the rule strike approximately half of the existing text while adding a comparable amount of new text. This rule is simultaneously being proposed as a new rule under the same rule number.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the requirements for the issuance of a charter to an applicant who meets or exceeds the requirements and establishes that approved charters shall maintain documentation of fire service training that is conducted.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates National Incident Management System (NIMS) courses IS-700 and IS-100 and National Fire Protection Association (NFPA) standards. While these courses and materials are commonly known and have been made generally available to affected persons via the Federal Emergency Management Agency's (FEMA) and NFPA websites, this rule did not originally address the materials in compliance with sections 121.71 to 121.74 of the Revised Code. This rule is simultaneously proposed for rescission and adoption under this same rule number, in part, to address these materials. The new rule, under this same rule number, will refer readers to rule 4765-11-01(N) where all materials incorporated by reference in Chapter 4765-11 and Chapters 4765-20 to 4765-23 are appropriately addressed including date/version of materials, as well as availability via http://ems.ohio.gov/ems_fire_srvcs.stm.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

The materials incorporated by reference in this rule are not being filed as part of this package as the material is copyrighted and available only via the FEMA and NFPA websites. To comply with sections 121.71 to 121.74 of the Revised Code, these materials are fully addressed in rule 4765-11-01(N), which provides full citation, date/version of the material, and availability via http://ems.ohio.gov/ems_fire_srvcs.stm.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

The materials incorporated by reference in this rule are not being filed as part of this package as the material is copyrighted and available only via the FEMA and NFPA websites. To comply with sections 121.71 to 121.74 of the Revised Code, these materials are fully addressed in rule 4765-11-01(N), which provides full citation, date/version of the material, and availability via http://ems.ohio.gov/ems_fire_srvcs.stm.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **1/16/2014**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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The rescission of this rule is not expected to impact the agency's budget in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

It is estimated that the rescission of this rule will not result in any cost of compliance to stakeholders.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

This rule is being rescinded and simultaneously proposed for adoption under this same rule number. However, this rule and other provisions in Chapter 4765-11 required fire service training programs to receive approval from the EMS executive director for a program charter prior to offering courses at the following classification levels: volunteer firefighter, firefighter I, firefighter II, fire safety inspector, fire instructor or fire safety instructor.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

This rule is being rescinded and simultaneously proposed for adoption under this same rule number. However, this rule provided that failure to comply with the terms set forth in this rule, as well as provisions of other rules in Chapter 4765-11 of the Administrative Code, may have resulted in an application for a charter to be denied.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

This rule is being rescinded and simultaneously proposed for adoption under this same rule number. In and of itself, it does not require specific expenditures or the report of information. However, it is part of a filing package that does, as some provisions in Chapter 4765-11 require fire chartered programs to comply with curriculum objectives and instructional hours set forth in this chapter, which would include the cost of instructional materials, instructor time, and equipment as the program deems necessary. Additionally, other provisions of Chapter 4765-11 require chartered programs to submit written notice of change in a program's business information within 10 days of the date the change occurred.