

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

Agency Name

Division

Anna Firestone

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4765-12-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Emergency medical responder scope of practice.**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? **Yes**

Bill Number: **HB284**General Assembly: **129**Sponsor: **Representatives
Gonzales and Letson**

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: **R.C. 4765.11, 4765.35**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4765.35**

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

This rule is being filed according to a RC 119.032 review.

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:

The rule sets forth the emergency medical services that may be performed by an emergency medical responder and the conditions under which they may be performed. In accordance with RC 4765.11, this rule was amended to add emergency medical services to the emergency medical responder scope of practice. The Board approved the administration of epinephrine auto-injectors by an emergency medical responder to a patient suffering from anaphylactic shock and the administration of naloxone via intranasal route by emergency medical responders.

Additionally, this rule was amended to include statutory changes to R.C. 4765.35 as set forth by Am. Sub. H.B. 284, 129th General Assembly. The regulation adds a physician assistant, designated by a physician, to the list of health care professionals from which EMS personnel may obtain authorization through a direct communication device to perform certain emergency medical services.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

Not Applicable.

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: **5/13/2014**

(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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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:

The rule sets forth the emergency medical services that may be performed by an emergency medical responder and the conditions under which they may be performed. This rule, in and of itself, does not require specific expenditures, report of information, or the purchase of equipment. The EMS organization and its medical director, determine the level of emergency medical services provided and the extent to which the scope of practice is adopted into local protocol. Stakeholders indicated students typically incur training costs of \$0 to \$300 however

It is estimated that the additional training may cost \$0 to \$100 dependent upon where the training is obtained.

It is not expected that the amendment to this rule will result in any additional costs of compliance. Free training courses, which cover the administration of epinephrine via auto-injector and naloxone via intranasal route by an emergency medical responder, have developed by the Medical Oversight Committee of the Board and approved by the State Medical Director. This regulation does not mandate the EMS provider to complete the Board-developed courses, however the courses are available, at no charge, to the EMS provider at http://ems.ohio.gov/ems_education.stm.

Surveys were sent to all accredited institutions to ascertain adverse impact and cost associated with the proposal. The variance in costs is dependent upon whether or not an individual's department provides in-service training and what performance skills have been approved, through written protocol, by the department's medical director. In addition, variance in costs may be impacted by instructors' pay rate, whether or not an affiliation agreement is utilized, the institution's choice of instructional materials, the number of students enrolled in the course.

Source: The estimated cost of compliance was determined by the Education Committee and the Medical Oversight Committee of the Board and replies to a statewide survey sent to all accredited institutions to ascertain adverse impact. The committee members include EMS and continuing education training program directors, EMS instructors, EMS providers, the State medical director, emergency medical physicians, pediatric physicians, registered nurses, and employers for private ambulance agencies and full-time and volunteer fire departments.

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? **No**

This rule, in and of itself, does not require prior authorization to engage in business. However, provisions in RC 4765.50, establish that no person shall represent himself as an EMS provider unless appropriately certified under RC 4765.30.

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? **No**

This rule, in and of itself, does not impose a criminal penalty or sanction. However, some provisions in RC 4765.33 establish that the Emergency Medical, Fire, and Medical Transportation Board (Board) may impose an administrative sanction, up to and including revocation of a certificate to practice, for any violation of RC chapter 4765 or any rule adopted under it.

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

The rule sets forth the emergency medical services that may be performed by an emergency medical responder and the conditions under which they may be performed. This rule, in and of itself, does not require specific expenditures, report of information, or the purchase of equipment. The EMS organization and its medical director, determine the level of emergency medical services provided and the extent to which the scope of practice is adopted into local protocol. Stakeholders indicated students typically incur training costs of \$0 to \$300 however it is estimated that the additional training may cost \$0 to \$100 dependent upon where the training is obtained.

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