

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

Agency Name

Division

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**4765-14-03**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Enforcement of state or regional trauma triage protocols.****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: **4765.11, 4765.40**

5. Statute(s) the rule, as filed, amplifies or implements: **4765.40**

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

This rule is being filed in accordance with Section 4765.40(C) of the Revised Code which requires the State Board of Emergency Medical, Fire and Transportation Services to review these rules at least every three years and to modify them as necessary to minimize overtriage and undertriage.

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 specifies that EMS medical directors are responsible for enforcing triage protocols through a performance improvement or peer review process. This rule also requires the EMFTS Board to investigate all complaints regarding violations of triage protocols.

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: 9/11/2014 and 09/10/2019

(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 estimated costs of compliance for stakeholders include indeterminate costs for slightly longer transports for a small fraction of an emergency medical services' patients to get the trauma victim to a trauma center instead of the closest hospital.

It is impossible to make a legitimate estimate of the cost of compliance as valid cost data are not available. An assumption can be made that there will be a minimal cost to primary EMS providers due to the need to transport a slightly larger number of their injured patients a longer distance to a trauma center. These costs will be more than offset by an anticipated decrease in the costs to the trauma victim associated with subsequent transfers of these same patients from local hospital emergency departments to a trauma center which will necessitate the use of another ambulance or a costly helicopter air medical transport. These assumptions are made on patient care data collected by the Department of Public Safety from EMS in the EMS Incident Reporting System and from acute care hospitals in the Ohio Trauma Registry.

16. Does this rule have a fiscal effect on school districts, counties, townships, or

municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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**

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**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The estimated costs of compliance for stakeholders include indeterminate costs for slightly longer transports for a small fraction of an emergency medical services' patients to get the trauma victim to a trauma center instead of the closest hospital.

It is impossible to make a legitimate estimate of the cost of compliance as valid cost data are not available. An assumption can be made that there will be a minimal cost to primary EMS providers due to the need to transport a slightly larger number of their injured patients a longer distance to a trauma center. These costs will be more than offset by an anticipated decrease in the costs to the trauma victim associated with subsequent transfers of these same patients from local hospital emergency departments to a trauma center which will necessitate the use of another ambulance or a costly helicopter air medical transport. These assumptions are made on patient care data collected by the Department of Public Safety from EMS in the EMS Incident Reporting System and from acute care hospitals in the Ohio Trauma Registry.

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	Yes	Yes

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The fiscal impact of this rule on the 1,333 emergency medical service agencies operated by counties, townships and municipal corporations in Ohio is impossible to determine as no valid cost data for providing EMS care exist. EMS providers are required to transport trauma patients to trauma centers in order to maximize the patient's chances of survival. Of the 1.1 million emergency runs made by EMS each year, this affects approximately 30,000 (2.7%). This estimate is based on patient care data collected by the Department of Public Safety in the Ohio Trauma Registry.

Cost of compliance will vary considerably across the state, dependent upon distance from the jurisdiction in which an injury occurs to a trauma center. These costs will be more than offset by an anticipated decrease in preventable deaths and disabilities and in the costs to the trauma victim associated with subsequent transfers of these same patients from local hospital emergency departments to a trauma center. These transfers necessitate the use of another ambulance or a costly helicopter air medical transport. These assumptions are made on patient care data collected by the Department of Public Safety from local EMS agencies in the EMS Incident Reporting System and from hospitals in the Ohio Trauma Registry. EMS agencies in remote, rural areas may invoke one of several exceptions to the transport requirement and will therefore see no increased costs associated with longer transports.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement

for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

It is not possible to estimate the cost of this rule as no valid cost data exist upon which to base an estimate, although several general assumptions can be made regarding costs in the following areas:

(a) Personnel Costs

There will be no increases in the number of EMS personnel as a result of this rule or their pay.

(b) New Equipment or Other Capital Costs

There is no additional equipment or other capital outlay required by this rule.

(c) Operating Costs

There will be a small number of EMS patients (<3% of total patient population) who will need to be transported directly to a trauma center, resulting in increased vehicle operating expenses. This will vary considerably across the state, dependent upon distance from the jurisdiction in which an injury occurs to a trauma center. EMS agencies in remote, rural areas may invoke one of several exceptions to the transport requirement and will therefore see no increased costs associated with longer transports.

(d) Any Indirect Central Service Costs

There are no anticipated increases in these costs.

(e) Other Costs

There are no anticipated increases in these costs.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

Local EMS agencies are eligible to receive grants from the EMS/trauma grant program to help fund ambulance purchases which would help offset any increased ambulance operating expenses resulting from increased travel to trauma centers as required by R.C. 4765.40.

7. Please provide a statement on the proposed rule's impact on economic development.

This rule will not have any direct impact on economic development.