

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4765-20-09

Rule Type: Amendment

Rule Title/Tagline: Reinstatement of a revoked firefighter, fire safety inspector, or hazard recognition officer certificate.

Agency Name: State Board of Emergency Medical, Fire, and Transportation Services

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 10/1/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4765.55
5. What statute(s) does the rule implement or amplify? 4765.55
6. What are the reasons for proposing the rule?

This rule is part of a package of rules being filed to correct errata remaining in the September 2017 filing of the comprehensive rule review and reorganization of the fire training rules; to incorporate revisions required due to the publication of 2019 NFPA standards; and to address inconsistencies created by the EMS IT system.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

OAC Rule 4765-20-09 sets forth the requirements to reinstate a revoked firefighter, fire safety inspector, or hazard recognition officer certificate including timelines, examination requirements, and continuing education requirements. The rule prohibits reinstatement of a permanently revoked certificate and provides the executive director discretion in determining whether to grant a request for reinstatement. The rule refers readers to an incorporated by reference rule.

OAC Rule 4765-20-09 revises language in paragraph (G)(4) from evidence to documentation.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

OAC rule 4765-20-09 incorporates the "Firefighter, Fire Safety Inspector, and/or Hazard Recognition Officer Reinstatement Application" form. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to OAC rule 4765-25-02, which provides the editions and dates of the materials and the Web site addresses where the information may be accessed.

The following form is posted at the EMS forms and applications Web page
(<http://www.ems.ohio.gov/forms.aspx>):

"Firefighter, Fire Safety Inspector, and/or Hazard Recognition Officer Reinstatement Application" or form "EMS 0116" (January 2018)

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The estimated cost of compliance for stakeholders to apply for reinstatement of a certificate is \$75. The \$75 reinstatement fee must be paid when a certification has expired, becomes invalid due to voluntary surrender, or has been previously revoked. In addition, the cost of compliance may include costs of classes or testing to obtain the required level of skill and knowledge or continuing education credit. These costs may vary from \$0 to \$2500, depending on the time elapsed since the expiration, surrender, or revocation and the certification level sought. Other cost variables include the rate of pay for instructors, the size of the charters/ institutions, and student enrollment. Tuition may be paid by the fire department sponsoring a student. Fire departments may request reimbursement of costs through the State Fire Marshal Fire training grant programs.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

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 does not require prior authorization to engage in or operate a line of business

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 does not impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply in regard to operating a line of business.

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

This rule does not require specific expenditures or the report of information as a condition of compliance in regard to operating a line of business.