

**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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**4765-20-12**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**Equivalency for fire instructor.****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 proposed for rescission as its content has been moved to OAC rule 4765-21-12(N).

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 applying for an instructor certification by reciprocity for those individuals who were trained in another state, the District of Columbia, the United States territories, or a branch of the United States military. The content of this rule has been moved to OAC rule 4765-21-12(N).

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 an agency application. While the application is commonly known and has been made generally available to affected persons via EMS' website, this rule did not originally address the materials in compliance with sections 121.71 to 121.74 of the Revised Code. This rule is proposed for rescission as its content has been added to rule 4765-21-12 where the material is appropriately addressed.

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 agency application referenced in this rule has been replaced and is no longer available.

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 agency application referenced in this rule has been replaced and is no longer available.

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? **No**

This rule is being rescinded and its content moved to OAC 4765-21-12(N). In and of itself, this rule does not require prior authorization to engage in business. However, Chapters 4765-11, 4765-20, and 4765-21 require all firefighters, fire instructors, fire safety inspectors, and fire service chartered programs to apply for, renew, and maintain the appropriate certificate issued by the EMS executive director prior to engaging in fire services, fire services instruction, or providing fire services training programs.

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 its content moved to OAC 4765-21-12(N). However, failure to comply with the terms set forth in this rule may have resulted in an application for reciprocity to be denied, while other provisions in Chapter 4765-11 establish that an administrative sanction up to and including revocation of a fire service training program charter or classification may be imposed for violations of Chapter 4765-11 of the Administrative Code pursuant to rule 4765-23-02 of the Administrative Code.

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

This rule is being rescinded and its content moved to OAC 4765-21-12(N). However, this rule required that an applicant must submit documentation to the division demonstrating that the applicant has completed an equivalent structured fire instructor training program to be approved for reciprocity.