

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

Agency Name

Division

Winston Ford

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4765-4-08

Rule Number

NO CHANGE

TYPE of rule filing

Rule Title/Tag Line

Failure to report.**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: **R.C. 4765.06, 4765.11**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4765.06**

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

This rule is being filed according to a R.C. 119.032 review of 4765-4 of the Administrative Code.

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 consequences for an entity should that entity fail to report as required by Chapter 4765-4 of the Administrative Code.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **2/20/2013** and **12/26/2017**

(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.

0

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 basic internet access (to submit the required information) and a small amount of time for data entry. While no sources exist to verify, it can be safely assumed that internet access is universally available throughout Ohio and is a cost already being borne by affected stakeholders for other purposes, including and especially for medical billing. Cost for data entry time will vary widely as both hospitals, using paid medical records staff, and volunteer EMS agencies, using unpaid staff, will spend between 10 and 20 minutes per record. The number of records submitted will also vary, dependent on the submitting entity's size and its patient volume. There is no cost to collecting the data as it is already collected as a matter of routine clinical record-keeping practice.

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? **Yes**

Failure to comply with submission to the clinical data systems created in R.C. 4765.06 may result in ineligibility for grants administered by the Ohio State Board of Emergency Medical Services under R.C. 4765.07, as well as notification of chief executives of non-compliant entity of their non-compliant status.

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

R.C. 4765.06 creates clinical data systems for research and system monitoring. This rule defines sanctions for failing to report information to those systems.

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 limited to those agencies that A) fail to comply with Revised Code section 4765.06, and B) apply for grants from the Ohio State Board of Emergency Medical Service's EMS/Trauma Grant program. Only 60% of all EMS agencies apply for these grants, and the average award is \$4,500. Less than 5% of grant applicants fail to comply with this rule.

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 complying with this rule as no valid cost data exist upon which to base an estimate. Several general assumptions can be

made regarding costs associate with this rule in the following areas:

(a) Personnel Costs

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

(b) New Equipment or Other Capital Costs

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

(c) Operating Costs

The data collected by the clinical data systems is a subset of data already collected by EMS agencies. The only operating cost that may be incurred would be for time to submit the data.

(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. The cost of NOT complying with this rule would be approximately \$4,500 per year (when not in compliance with RC 4765.06) in lost grants for training and equipment. These could be construed as personnel, equipment or operating costs, depending on how the grantee intended to spend the money.

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.

While there are no new requirements imposed by this "no change" rule, EMS agencies are eligible to receive grants from the Ohio State Board of Emergency Medical Service's EMS/Trauma Grant program, if they remain compliant with this rule. This would offset (in most cases, completely) any computer hardware or software upgrade/replacement costs incurred to maintain compliance with Revised Code 4765.06.

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.