

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

Agency Name

Division

**Joseph Kirk**

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**4765-5-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Criteria for eligibility.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **4765.06, 4765.07, 4765.11, 4766.03**
5. Statute(s) the rule, as filed, amplifies or implements: **4765.06, 4765.07**
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. 106.03 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:

O.A.C. 4765-5-02 sets forth the criteria for grantees eligible to receive grants from the Division of EMS trauma and emergency medical services fund. R.C. 4765.07 requires the State Board of Emergency Medical, Fire, and Transportation Services (EMFTS) to administer the grant program. Proposed changes to O.A.C. 4765-5-02 include: incorporating recommendations to eliminate potential conflicts of interest in the grant approval process by delegating some duties to the Division of EMS from the State Board of EMFTS; specifically restricting eligible grantees to "Ohio-based" organizations providing services in "Ohio" communities; deleting "letter" as acceptable documentation of an agreement between an organization and a local government entity and adding as acceptable documentation "memorandum of understanding" or "memorandum of agreement;" adding R.C. Chapter 4766. as a compliance requirement for eligible grantees, due to the merger of the Medical Transportation Board with the EMFTS Board in 2014; deleting a reference to (A)(6) of R.C. 4765.07, because it refers to grants distributed no later than the award year ending June 30, 2017, which exceeds the timeframe of the effective date of the proposed rules; removing a phrase including "Effective January 1, 2013" from paragraph (F); and adding an option for a grantee to be found ineligible for failure to report the qualifications of or changes in the qualifications of its designated medical director.

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. Five Year Review (FYR) Date: **10/28/2016**

(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.

0.00

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:

Not applicable.

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 this rule will not result in any costs of compliance for 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, in and of itself, does not require a license, permit, or other prior authorization to engage in or operate a line of business. However, some provisions in the Chapter 4765-5 filing package may subject grantees to investigation by the attorney general's office for failure to comply and may require the report of information as a condition of compliance.

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 or civil penalty, or other sanctions, or create a cause of action for failure to comply. However, some provisions in the Chapter 4765-5 filing package may subject grantees to investigation by the attorney general's office for failure to comply and may require the report of information as a condition of compliance.

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

An EMS organization that fails to report the qualifications of or changes in the qualifications of its designated medical director may be deemed to be ineligible to receive a Division of EMS grant award. O.A.C. 4765-5-02 does require the report of information as a condition of eligibility but not as a condition of compliance.