

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

Agency Name

Division

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4765-7-09

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Approval of Ohio EMS continuing education programs.**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. 4765.11**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4765.15, 4765.16, 4765.17**

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.

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 conditions under which an organization may operate EMS continuing education training programs, in addition to the renewal requirements for a certificate of approval. This rule has been amended to identify that the dates and availability of materials incorporated by reference in Chapters 4765-1 to Chapter 4765-10 and Chapters 4765-12 to Chapter 4765-19 are located in O.A.C. rule 4765-1-03.

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 the "Application for a Certificate of Approval" or form EMS 1650 (April, 2010) and "Certificate of Approval Renewal Application" or form EMS 1651 (April, 2010) by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to rule 4765-1-03, which addresses the version/date of materials, as well as availability at http://ems.ohio.gov/ems_education.stm for this chapter and Chapters 4765-2 to 4765-10 and 4765-12 to 4765-19 of the Administrative Code.

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:

N/A

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: **5/13/2014**

(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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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:

This rule is not expected to result in any cost of compliance to stakeholders.

Source: The estimated cost of compliance was determined by the Education Committee of the Board and replies to a statewide survey sent to all accredited institutions to ascertain adverse impact. The committee members include EMS and continuing education training program directors, EMS instructors, EMS providers, and employers for private ambulance agencies and full-time and volunteer fire departments.

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? **Yes**

This rule and other provisions in Chapter 4765-7 of the Administrative Code (O.A.C.) require institutions to receive approval from the Emergency Medical, Fire, and Transportation Services Board (Board) for a certificate of approval prior to offering EMS continuing education (CE) training intended to meet the renewal requirements of an EMS certificate to practice. Provisions in section 4765.50 of the Revised Code (R.C.), establish that no person shall operate an EMS training program without a certificate of accreditation issued under R.C. 4765.17.

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 the terms set forth in this rule may result in an application for a certificate of approval to be denied, while other provisions in 4765.18 of the Revised Code (R.C.) establish that the Board may impose an administrative sanction, up to and including revocation of a certificate of approval, for any violation of R.C. Chapter 4765 or any rule adopted under it.

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