

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4765-7-09

**Rule Type:** Amendment

**Rule Title/Tagline:** Approval of Ohio EMS continuing education programs.

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

**Division:**

**Address:** 1970 West Broad Street PO box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 8/29/2023
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?** 4765.11
5. **What statute(s) does the rule implement or amplify?** 4765.15, 4765.16, 4756.17
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being is being filed according to a R.C. 106.03 periodic rule review. In addition, Rule 4765-7-09 is amended to simplify the comment related to the incorporated by reference rule, revise the title of a form, and update the categories of discrimination prohibited as a basis for accepting students. In addition, paragraphs

(E) and (F) are amended and paragraph (G) is added to distinguish between "initial" and "renewal" certificates of approval.

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

Rule 4765-7-09 sets forth sets forth the requirements for EMFTS Board approval of an EMS CE program offered by an EMS approved institution. Certificates of approval are valid for up to five years. EMS approved institutions are required to maintain documentation as set forth in the rule. The rule refers readers to the incorporated by reference rule. Rule 4765-7-09 is amended to simplify the comment related to the incorporated by reference rule, revise the title of a form, and update the categories of discrimination prohibited as a basis for accepting students. In addition, paragraphs (E) and (F) are amended and paragraph (G) is added to distinguish between "initial" and "renewal" certificates of approval.

**9. Does the rule incorporate material by reference? Yes**

**10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

OAC rule 4765-7-09 incorporates the forms "Application for Certificate of Approval" (April, 2015) or EMS form 1650 and Certificate of Approval - Renewal Application" (April, 2015) or form EMS 1651). To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to OAC rule 4765-1-03, which provides the editions and dates of the materials and the website addresses where the information may be accessed.

"Application for Certificate of Approval" and "Certificate of Approval - Renewal Application" are published at the EMS "Forms & Applications" website at: <https://ems.ohio.gov/forms-and-applications>.

**11. 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**

**12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

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

Costs of compliance for stakeholders could include the cost of instructional materials, instructor time, and equipment as the program deems necessary. OAC Chapter 4765-7 does not require any EMS approved institution to provide specific continuing education training; the CE training is provided at the discretion of the approved institution. The costs incurred by the EMS approved institutions will vary depending on the affiliations of the institution, the CE training being offered, and increases in administrative costs. Institutions adding additional CE training may see cost increases based on the need to add additional instructional, administrative, and equipment resources.

SOURCE: Division of EMS Education & Training Section

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

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

**16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

### **III. Common Sense Initiative (CSI) Questions**

**17. Was this rule filed with the Common Sense Initiative Office? Yes**

**18. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Entities seeking to operate an EMS continuing education program are required to obtain and maintain a certificate of approval.

- 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**

Renewal of a certificate of approval requires compliance with requirements set forth in section 4765.16 of the Revised Code.

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

Applicants seeking to obtain or renew a certificate of approval to operate EMS continuing education programs are required to submit an "Application for Certificate of Approval" or a "Certificate of Approval - Renewal Application."

Costs of compliance for stakeholders could include the cost of instructional materials, instructor time, and equipment as the program deems necessary. OAC Chapter 4765-7 does not require any EMS approved institution to provide specific continuing education training; the CE training is provided at the discretion of the approved institution. The costs incurred by the EMS approved institutions will vary depending on the affiliations of the institution, the CE training being offered, and increases in administrative costs. Institutions adding additional CE training may see cost increases based on the need to add additional instructional, administrative, and equipment resources.

SOURCE: Division of EMS Education & Training Section

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable