

Rule Summary and Fiscal Analysis (Part A)**Ohio Medical Transportation Board**

Agency Name

Division

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4766-2-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Transportation records.**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: **4766.03**5. Statute(s) the rule, as filed, amplifies or implements: **4766.04, 4766.06**

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. 106.03 periodic rule 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. 4766-2-05 sets forth the record keeping requirements for licensed

ambulance and mobile intensive care services, including: (1) the documents which must be maintained or readily available at headquarters facilities; (2) the documents which must be maintained or readily available at each satellite base; (3) the original certifications of licensure which must be displayed at each headquarters and satellite base facility; and (4) a description of the requirements for maintaining patient records.

Changes to this rule include: replacing "Ohio medical transportation board" with state board or emergency medical, fire, and transportation services," (EMFTS) due to the merger of the two organizations into EMFTS in 2014; replacing "warning devices" with "lights and other warning devices"; including language explaining that board functions may be performed by board designees; specifying "medical" protocols; revising language or adding information to make the rule more readable and understandable; adding a requirement for the maintenance of periodic mechanical safety inspection documentation, which is related to the addition of required inspections proposed in the amendments to O.A.C. 4766-2-09; describing the list of patient records to be maintained as a "minimum" requirement; and modifying the medical personnel documentation to be maintained to include "EMS providers and other" medical personnel. A paragraph has been added to clarify that a list of vehicles and related information is not required when the certificate of liability insurance indicates "any autos" or "all autos owned."

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 two parts of the Code of Federal Regulations--45 C.F.R. 164.512 and 29 C.F.R.1910.1030. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to O.A.C. Rule 4766-2-18, which provides the Web site address where September 12, 2016 citations for 45 C.F.R. 164.512 and 29 C.F.R.1910.1030 may be accessed.

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:

If not, why, and how will the materials be accessed? The Code of Federal Regulations (C.F.R.) is voluminous and is available by subscription from the U.S. Government Publishing Office (GPO) at the following Web site:

<https://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print/annual-cfr-p>

The C.F.R. can be viewed electronically online from the "Electronic Code of Federal Regulations" (e-CFR) Web site main page, <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>, using the C.F.R title number and part number. The two regulations listed in rule O.A.C. 4766-2-05 are effective September 12, 2016, which can be located using the "Browse / Search Previous" toggle in the left navigation pane of the e CFR main page.

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: **1/13/2017**

(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.

0.00

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**

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**

As set forth in rule O.A.C 4766-2-17, the EMFTS board may, pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code and section 4766.08 of the Revised Code, and by a vote of the majority of all members, suspend, revoke, or refuse to renew any license or permit or issue a fine not to exceed more than fifteen hundred dollars, for any violation of R.C. Chapter 4766. or the rules adopted thereunder, including this rule.

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

