

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

Agency Name

Division

**Joseph Kirk**

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**4766-2-06**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Communication requirements.****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, 4766.07**
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 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:

This rule sets forth the required communications devices and standards of

operation, including required radio/communications log documentation, for licensed medical transportation organizations and the permitted ambulance and non-transport vehicles they operate.

Changes to this rule include: deleting overly specific references such as radio, mobile radio, cellular phone, base station, hard wired, hand held, and battery operated and referring instead to dedicated two-way communications device; deleting a voltage requirement; and describing the list of radio/communications log documents to be maintained as a "minimum" requirement.

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: **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, and it may provide for cost savings. The proposed changes to the rule have been made to provide stakeholders greater flexibility to obtain and use the dedicated two-way communications device of their choice. A stakeholder comment received on July 7, 2016 asked if the proposed changes would require that "each ambulance have a separate radio communication device" and stated, "For MTO's, cell phones have become the industry standard due to the cost savings and reliability. Many MTO's also use other electronic forms of communications (such as an in-vehicle system that has constant communications with the base station and relays information such as when the ambulance is on scene, transporting, etc. In a response provided to the stakeholder, the changes to the rule were described as allowing "the dispatch center, ambulances, and non-transport vehicles to be equipped with a communication device that allows for two way communication between dispatch, medical facilities, and medical control." Also, the communication device would only be required in the vehicle while it is in use. The

intent of the proposed changes is to broaden the choice of communications equipment to allow for use of new technology."

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? **No**

This rule, in and of itself, does not impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply. However, 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? **Yes**

This rule does require the report of information as a condition of compliance. Medical transportation organizations may contract for the use of another communications center for dispatch purposes, if the communications center that is used provides written certification of compliance with Chapter 4766. of the R.C. and the agency 4766 of the O.A.C. In addition, the rule requires licensed medical transportation organizations to maintain a detailed radio/communications log as set forth in this rule, although there is no requirement that the log be submitted as a

report.