

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

Agency Name

Division

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4766-2-08

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Vehicle inspections.**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:

The rule sets forth the requirement for MTOs to annually demonstrate proof of

compliance with the specifications set forth in Chapter 4766.07, which require the inspection of the medical equipment, communication system, and interior of medical transportation vehicles to determine the operational condition and safety of the equipment and interior of the vehicle. This rule identifies the forms that are completed by EMFTS-designated inspectors during the required inspections, which may be unannounced, of ambulances and non-transport vehicles that medical transportation organizations seek to permit and the notification form that is issued to document violations found during inspections. The rule includes information to direct MTOs to the forms. The inspections are conducted to determine compliance with road worthiness and equipment requirements, and vehicles receiving violation notifications are required to be placed out of service by the MTO until they are reinspected or documentation of the violation correction is provided to the Division of EMS. The rule sets forth the standards for permanently affixing the name of the MTO and the permit decal to each permitted vehicle and for the registration requirements for permitted ambulance and non-transport vehicles.

O.A.C. rule 4766-2-08 clarifies the fact that a designee of the board may conduct inspections and has been revised to incorporate the names of inspection forms and a violation notification form and refer to the date and location of forms in the chapter's incorporated by reference rule. The Board-approved inspection forms available at the Division of EMS "Forms & Applications" Web site have been designated to replace the permit requirements, which have been deleted from the rule and the equipment requirements, which has been deleted from rule O.A.C. 4766-10. The Medical Transportation Committee reviewed these rules with a strategic mandate to avoid putting "undue financial burden on all providers," and determined that more frequent review and modification of the equipment list will produce a list that is more representative of industry best practices. Removing equipment that no longer meets industry standards from the list will provide opportunity for cost savings. Paragraphs, formerly part of the rescinded O.A.C. 4766-10, have been added to specifically allow the use of disposable equipment and require that equipment be securely stored and, when applicable, have a current expiration date. A reference to O.R.C. section 4766.07 has been added to replace a more general statement regarding specifications. The requirements for displaying the company name on each permitted vehicle and for responding to violation notifications have been revised to make them easier to understand. A reference to sections of 4503. of the O.R.C. has been added to provide information about vehicle registration.

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 "Ambulance Inspection" the "Non-Transport Vehicle Inspection" forms, and the "Violation Notification" form. 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 date of the forms and the Web site address where the forms 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? O.A.C. 4766-2-08 incorporates the "Ambulance Inspection" form, dated September 2016, and the "Non-Transport Vehicle Inspection" form, dated September 2016, which will be accessed at the Division of EMS "Forms & Applications" Web site at:

<http://www.ems.ohio.gov/forms.aspx> when the rule becomes effective. The predecessor forms, "Ambulance Inspection" dated July 2013, and the "Non-Transport Vehicle Inspection (EMSO)" form, dated July 2013, are available at the Division of EMS "Forms & Applications" Web site currently, and will remain available until the revised 4766-2-08 becomes effective. PDFs of the "Ambulance Inspection" form, dated September 2016, and the "Non-Transport Vehicle Inspection" form, dated September 2016, are being filed with this package, and Word and PDF versions of both forms will be launched at the Web site on the date the rule becomes effective. This rule also incorporates the "Violation Notification" form, dated April 2015, which is available as a sample form at the Division of EMS "Forms & Applications" Web site at: <http://www.ems.ohio.gov/forms.aspx>.

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.

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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:

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 opportunity for cost savings.

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**

O.A.C. 4766-2-08 requires medical transportation organizations (MTOs) to comply with inspection requirements for vehicles and equipment in order to obtain and maintain an ambulance or mobile intensive care permit.

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

O.A.C. 4766-2-08 does not require specific expenditures, however it requires medical transportation organizations that receive a seventy-two hour violation notification to provide documentation to the Division or EMS that the violation has been corrected before the cited vehicle can be placed back into service.