

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4766-2-16
Rule Type: No Change
Rule Title/Tagline: Investigations.
Agency Name: Ohio Medical Transportation Board
Division:
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/29/2021 and 11/01/2026
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?** 4766.03
5. **What statute(s) does the rule implement or amplify?** 4766.08, 4766.11
6. **What are the reasons for proposing the rule?**

This rule is being filed according to a RC 106.03 periodic rule review.

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

Rule 4766-2-16 sets forth the investigations process that will be used by the Ohio State Board of EMFTS to investigate complaints against medical transportation organizations and, based on those findings, the initiation of disciplinary proceedings under RC Chapter 119. and OAC Chapter 4766-2. The rule sets forth the role of the Division of EMS to act on behalf of the EMFTS Board, the circumstances under which a case may be

closed, the requirement to protect patient confidentiality, and the role of EMFTS Board members in the investigation and adjudication processes.

8. **Does the rule incorporate material by reference? No**
9. **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.**

Not Applicable

10. **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

11. **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.

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Not Applicable.

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

Following an investigation and 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.

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

15. **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

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

17. **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? 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**

Following an investigation and 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.

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

As part of an an investigation, the division may refer to records provided by an MTO or its employees and the division may request additional information.

- 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**

It is estimated that this rule will not result in any costs of compliance for stakeholders who operate in compliance with the laws and rules governing licensed medical transportation operators. However, as set forth in rule O.A.C 4766-2-17, stakeholders may be subject to the suspension of, revocation of, or refusal to renew any license or permit or to 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.