

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

Agency Name

Division

Anna Firestone

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4766-2-17

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Grounds for suspension, revocation, or denial of license or permit.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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, 4766.05, 4766.06, 4766.07, 4766.08, 4766.13 and 4766.99**

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. 119.032 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 for the conditions under which the board may suspend, revoke, or deny a license or permit held by an medical transportation organization (MTO). This rule has been amended to correct the O.A.C. rule reference in paragraph (H) from 4766-2-12 to O.A.C. rule 4766-2-13, the required staffing of a MTO vehicle.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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. 119.032 Rule Review Date: **7/11/2014**

(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:

N/A

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 not expected that this rule will result in any costs of compliance.

Source: The estimated cost of compliance was determined by the Medical Transportation Committee of the Board. The committee members include EMS providers, owners and administrators for medical transportation agencies and full-time and volunteer fire departments.

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**

In and of itself, this rule does not require prior authorization to operate a line of business. However, some provisions in O.A.C. Chapter 4766-2 require an MTO to comply with state and federal regulations set forth in this chapter, which includes licensing, permits and board approval, prior to operating a line of business.

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**

This rule sets forth disciplinary sanction, which in accordance with section 4766.08 of the Revised Code, may result in an administrative sanction, up to and including a penalty of not more than \$1500 for any violation and the revocation of an MTO license or permit issued by the board.

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

In and of itself, this rule has no cost of compliance. However some provisions in O.A.C. Chapter 4766-2 require an MTO to comply with state and federal regulations set forth in this chapter, which includes the cost of inspections, licenses, permits, equipment, and document retention. In addition, some provisions in O.A.C. Chapter 4766-2 require an MTO to submit written notice of change in the MTO's business information within 10 days of the date the change occurred.