

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

Agency Name

Division

**Joseph Kirk**

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**4766-2-17**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Disciplinary grounds.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
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, 4766.08**
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. This rule is also proposed to replace the existing rule due to LSC's fifty percent guideline. It is estimated that changes to the new rule strike approximately fifty percent of the text in the existing rule while adding a comparable amount of new text

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 sanctions that may be imposed by the EMFTS Board on licensed medical transportation organizations for violations of R.C. Chapter 4766. and any rules adopted thereunder. The EMFTS Board is authorized, pursuant to an adjudicatory hearing under R.C. Chapter 119. and section 4766.08 of the Revised Code, and by a vote of the majority of all members, to suspend, revoke, or refuse to renew any license or permit or issue a fine not to exceed more than fifteen hundred dollars. Sanctionable violations include refusing to permit the Board or its designees to conduct inspections; failing if meet vehicle standards; violating orders issued by the board; and failure to comply with any agreement entered into with the Board. The Board is provided a sixty day period from the receipt of a complete application to deny an application that does not meet the requirements of R.C. Chapter 4766 and the rules promulgated under R.C. Chapter 4766.

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:

(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 who operate in compliance with the laws and rules governing licensed medical transportation operators. However, as set forth in rule O.A.C 4766-2-18, 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.

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**

This rule, in and of itself, does not require prior authorization to engage in or operate a line of business. However, it is part of a filing package that does, as some provisions in the Chapter 4766-2 require medical transportation organizations (MTOs) to obtain and maintain the appropriate licenses and vehicle permits to engage in business. This rule does authorize the EMFTS Board to suspend, revoke, or refuse to issue a license or service permit for any violation(s) of R.C. Chapter 4766. or the rules adopted thereunder.

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 the sanctions that may be imposed by the EMFTS Board on licensed medical transportation organization for violations of R.C. Chapter 4766. and any rules adopted thereunder. The EMFTS Board is authorized, pursuant to an adjudicatory hearing under R.C. Chapter 119. and section 4766.08 of the Revised Code, and by a vote of the majority of all members, to suspend, revoke, or refuse to renew any license or permit or issue a fine not to exceed more than fifteen hundred dollars. The sanctions and fine described in the new rule are set forth in section 4766.08 of the revised code and are not a change for MTOs.

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

This rule, in and of itself, does not require prior authorization to engage in or operate a line of business. However, it is part of a filing package that does, as some provisions in the Chapter 4766-2 require medical transportation organizations (MTOs) to obtain and maintain the appropriate licenses and vehicle permits to

engage in business as an ambulance or mobile intensive care service provider.