

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

Agency Name

Division

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4766-3-08

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Vehicle inspections and equipment requirements.**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: **4766.03, 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 ambulettes to demonstrate proof of compliance with the specifications set forth in Chapter 4766.07, which require the

inspection of the equipment 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 vehicle configuration and cleanliness requirements to be qualified for an ambulette permit. "Four point" has been added to the description of the permanent fasteners used to secure a wheelchair. The containers and straps used to prevent projectile injuries are described as secure, permanently mounted, and in proper working order. Bungee cords and similar devices are prohibited. The rule clarifies that inspections may be conducted by the board or its designees. The rule refers to the license plate requirements as set forth in OAC rule 4766-3-07. The standards for displaying a service's name on its vehicles are provided. The rule requires that permits be unobstructed at all times and states that permits are not transferable. As set forth in the rule, inspections may be unannounced at any time and at any location of a licensed ambulette service. A comment regarding the location of the incorporated by reference rule is provided, and the rule refers to a "Violation Notification" form which is used to place a vehicle out-of-service. The requirement to correct seventy-two hour violations using the "Violation Notification" form is explained. A list of the types of equipment that must be carried in order for an ambulette to pass inspection is provided, and the rule references the "Ambulette Inspection" form.

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 "Ambulette Inspection" form and the "Violation Notification" form. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to OAC Rule 4766-3-18, 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:

OAC 4766-3-08 incorporates the "Ambulette Inspection" form, dated February 2017, which will be accessed at the Division of EMS "Medical Transportation Checklists & Forms" Web site at: <http://www.ems.ohio.gov/medical-transportation-forms.aspx> when the rule becomes effective. The predecessor form, "Ambulette Inspection" form dated July 2013, is available at the Division of EMS "Medical Transportation Checklists & Forms" Web site currently, and it will remain available until the revised 4766-3-08

becomes effective. A PDF of the "Ambulette Inspection" form, dated February 2017, is being filed with this package and 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 "Medical Transportation Checklists & Forms" Web site at: <http://www.ems.ohio.gov/medical-transportation-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:

(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.

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**

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

OAC 4766-3-08 does not require specific expenditures, however it requires ambulette services 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.