

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

Agency Name

Division

**Joseph Kirk**

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**4766-3-12**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Temporary and disaster operations.****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: **4766.07, 4766.09**

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:

This rule sets forth the process for obtaining a temporary vehicle permit, valid for a

period not to exceed sixty days, for an ambulette that may be used to replace a permitted ambulette removed from service and defines the emergency circumstances under which a licensed ambulette services may utilize "whatever means necessary to transport patients."

This rule has been amended to include a comment directing readers to OAC 4766-3-18, which provides information about the "Temporary Ambulette Application" form that is added as a reference to replace the less specific "written application." A reference to rule 4766-3-10, which is proposed for rescission, has been removed.

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:

OAC rule 4766-3-12 incorporates the "Temporary Ambulette Application" form, dated July 2013. 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 materials 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:

4766-3-12 refers readers to OAC 4766-3-18, Incorporated by reference, which incorporates the "Temporary Ambulette Application" form dated July 2013 that can be accessed 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: **3/17/2017**

(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.

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:

The estimated costs of compliance for stakeholders include: the staff time required to complete the one-page, eleven-question "Temporary Ambulette Application" form and the \$100 fee required to be submitted with each form. Both requirements exist in the current 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 4766-3 require ambulette services to obtain and maintain the appropriate licenses and vehicle permits to engage in business. This rule does require licensed MTOs to obtain temporary vehicle permits for ambulettes that have not been permitted under the requirements of OAC 4766-3-08 and are used in the operation of an ambulette service operation.

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**

This rule, in and of itself, does not impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply. However, as set forth in rule O.A.C 4766-3-17, 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.

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

This rule does require a specific expenditure and the report of information as a condition of compliance. To obtain a temporary vehicle permit, an ambulette service is required to complete and submit a one-page, eleven-question "Temporary Ambulette Application" form to the state Board of Emergency Medical, Fire, and Transportation Services (EMFTS) and a \$100 fee for each permit as required by paragraphs (E) and (F) of OAC rule 4766-3-03. The estimated costs of compliance for stakeholders include: the staff time required to complete the "Temporary

Ambulette Application" form and the \$100 fee required to be submitted with each form, which are required in the rule currently in effect.

Cross Reference