

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

Agency Name

Division

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4766-3-13

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Driver training and qualifications.**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: **4766.04, 4766.15**

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 driver training and qualifications for ambulette services and the

documentation that shall be maintained and provided. The rule includes the elements of the required passenger assistance training. The rule requires documentation of a criminal background check; a medical report of fitness to provide safe driving and passenger assistance; and tests for alcohol and controlled substances for ambulette drivers. Provisions for employing an applicant on a temporary provisional basis are provided. The rule prohibits ambulette services from employing drivers who have been convicted or plead guilty to violations set forth in section 109.572 of the R.C.; who have six or more points on their driving abstract; who do not have a valid driver/operator license; who are not at least eighteen years of age and have two years driving experience; and who do not hold a current and valid CPR certification, in addition to a basic first aid or first responder certification.

Amendments to this rule include replacing "must" with "shall" in several locations; stating that a driver abstract is obtained "from the state in which the driver's license was issued;" correcting a reference to a section of the Revised Code; requiring that documentation from an ambulette service's commercial insurance carrier "must include the names of all insured drivers verifying the eligibility of the driver;" and requiring that CPR and first aid training be "hands on" and from specific organizations or their equivalents, as approved by the board. The rule also lists four EMS certification levels, which may be documented in place of a certification in basic first aid. The required CPR certification has been modified with the word "current" in addition to "valid." The list of elements required to be part of passenger assistance training has been revised substantially to include elements related to aging and older adults; wheelchair management and securing wheelchairs; lift inspection and operation; and emergency procedures. The rule sets forth the options for providing or developing training courses. The requirement for documenting a valid criminal background check has been revised to include two providers--the bureau of criminal identification and investigation or, for an individual who has not lived in the State of Ohio for at least five years immediately prior to application, the Federal Bureau of Investigations (FBI). The list of providers of documentation of medical fitness has been expanded to include a "nurse practitioner" or "physician's assistant," in addition to a physician. The paragraph that sets forth the documentation required for substance abuse testing has been revised to include five specific substance--amphetamines, cannabinoids (THC), cocaine, opiates, and phencyclidines--in addition to alcohol. The references related to provisions for employing an applicant on a temporary provisional have been updated. In paragraph (H), "currently certified" has been revised to "holds a current and valid certification," and "first responder" has been revised to "emergency medical responder" to align with the national EMS provider titles. In addition, the titles "advanced emergency medical technician" and "paramedic" have been added as options under paragraph (H).

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: **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:

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? **No**