

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4766-3-13

Rule Type: Amendment

Rule Title/Tagline: Driver training and qualifications.

Agency Name: Ohio Medical Transportation Board

Division:

Address: 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

Contact: Joseph Kirk **Phone:** 614-466-5605

Email: jakirk@dps.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 3/23/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4766.03
5. What statute(s) does the rule implement or amplify? 4766.04, 4766.15
6. What are the reasons for proposing the rule?

This rule is being filed according to a RC 106.03 periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Rule 4766-3-13 sets forth the documentation to be maintained by ambulette services as evidence that driver/operators meet the requirements for employment. The requirements include a valid driver/operator license; a minimum age requirement; a minimum driving experience requirement; a valid driver/operator's abstract obtained from the BMV; current and valid CPR and first aid training; periodic passenger

assistance training; a criminal background check; and copies of results from alcohol and controlled substances tests. Rule 4766-3-13 references staffing requirements in section 4766.15 of the RC and provides instructions for provisional employment of applicants. The rule is amended to include a DOT physical as an acceptable declaration of a driver/operator's medical and physical condition. The term "driver/operator" is amended on paragraph (A) to match the term used throughout the rule.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Costs of compliance include typical costs of employing and training employees who are responsible for safely transporting individuals. The individuals transported by ambulettes may be medically fragile and vulnerable, which necessitates specialized training for transporting clients with special needs.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

- 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

Ambulette services may be asked to provide documentation to verify that drivers meet required qualifications. Ambulette services are required to obtain a valid driver/operator's abstract for each driver, a valid criminal background check, valid results from an alcohol and controlled substances test, and copies of each driver's CPR and basic first aid certifications and evidence of successful completion of a periodic passenger assistance training course.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

The rule may reduce revenues or increase expenses for an ambulette service, depending on the number of employees and how each service hires and trains qualified drivers.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable