

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

Agency Name

Division

**Joseph Kirk**

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**4766-4-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Application for initial or renewal licensure.****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: **4766.03, 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:

This rule identifies the forms that a medical transportation organization is required

to submit to the EMFTS Board to apply for an initial or renewal license to operate as a mobile intensive care (MoICU) service. The rule also sets forth the requirement for submitting a fee and supporting documentation and information with each application, the levels of service for which a license may be issued, prohibits the submission of false information, and defines licenses as "not transferable."

OAC rule 4766-4-02 has been revised to incorporate information about the initial and renewal application forms; more specifically discuss the documentation maintained by applicants for an initial or renewal license, and prohibit business organizations with different tax ID or EIN numbers from operating under the same license; further specify the documentation a service is required to provide about its medical director including contact information and state of Ohio medical license number; and require that the vehicle identification number (VIN) of each permitted vehicle be included on the certificate of liability insurance. A process for defining and returning incomplete applications has been added to OAC rule 4766-4-02, and parts of the rule have been revised to improve readability and organization. In paragraph (I) of OAC rule 4766-4-02, the prohibition against applicant submitting "false" information to obtain a license or permit has been expanded to include "misleading" or "deceptive" information.

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 4766-4-02 incorporates the "Application for Ambulance or Mobile Intensive Care License" and "Renewal Application for Ambulance or Mobile Intensive Care License" forms, both dated May 2016. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to OAC Rule 4766-4-18, 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:

AC 4766-4-02 incorporates the "Application for Ambulance or Mobile Intensive Care License" and "Renewal Application for Ambulance or Mobile Intensive Care License" forms, both dated May 2016, which 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 estimated costs of compliance for stakeholders obtaining and maintaining an MoICU license may include:

-the cost of employee time spent to complete the initial and renewal application forms and submit the applications and required documentation by mail;

-the initial application fee and annual renewal application fees of \$100 annually; and

-the cost to provide color photographs showing the distinguishing characteristics of an applicant's vehicles.

The rule requires MoICUs to maintain documentation of their current certificate of liability insurance. However, O.R.C. 4766.06 sets forth the requirement that every emergency medical service organization, which includes MoICU services, "furnish adequate evidence of liability insurance coverage, in an amount of not less than five hundred thousand dollars per occurrence and not less than five hundred thousand dollars in the aggregate, for any cause for which the licensee would be liable."

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? **Yes**

This rule sets forth the application process required to obtain or renew a license to operate as a mobile intensive care service.

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**

This rule does require specific expenditures and the report of information as a condition of compliance.

The estimated costs of compliance for stakeholders obtaining and maintaining an MTO license may include:

- the cost of employee time spent to complete the initial and renewal application forms and submit the applications and required documentation by mail;

- the initial application fee and annual renewal application fees of \$100 annually; and

- the cost to provide color photographs showing the distinguishing characteristics of an applicant's vehicles.

Applicants are required to provide and maintain the following information as part of their application or supporting documentation in order to be in compliance with the rule and have their applications accepted as complete and processed:

- the name of the service, identification of the organizational structure;

- tax identification or employer identification number, the name(s) under which the applicant plans to operate and copies of all trade name registrations and fictitious name registrations on file with the Ohio secretary of state;

- the address of the physical location of the applicant's headquarters, and the mailing address of the applicant;

- all Medicare and Medicaid provider numbers;

- the highest level of service to be provided;

- the service areas (county and state);

- a list of the names of all officers, directors, and/or owners of the medical transportation organization;

- the name, contact information, and state of Ohio medical license number for the medical director;

- the physical address, city, county, state, and zip code of each of the service's

satellite bases;

-the name, office telephone number, email address, and, if applicable, fax number of the primary contact;

-the year of manufacture, make, model, VIN, and license plate number of each ambulance or non-transport vehicle permitted;

-the license plate number of permitted vehicles, if submitting a renewal application for a license;

-and, a current certificate of liability insurance that includes the actual name on the license application and the VIN of each permitted vehicle.

In addition, a color photo, preferably digital, of the side of the applicant's vehicle(s) is required with an initial application and within thirty days of the date a change is made to the vehicle's color scheme, insignia, monogram, or other distinguishing characteristic.