

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

Agency Name

Division

Joseph Kirk

Contact

1970 West Broad Street PO Box 182081 Columbu **614-466-5605**
OH 43218-2081

Agency Mailing Address (Plus Zip)

Phone

Fax

jakirk@dps.ohio.gov

Email

4766-4-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Physical facilities.**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**
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:

OAC rule 4766-4-04 sets forth the criteria used to inspect physical facilities

designated by medical transportation organization as service headquarters and service satellite bases. Criteria include the licenses that must be posted, the need for a required sanitation plan and adherence to a standard of cleanliness. The rule also sets forth what may be inspected and when inspections may occur and references the location of the lists of single use supplies and equipment that must be maintained at each physical facility.

This rule clarifies the fact that a designee of the board may conduct inspections of the physical facilities and refers readers to OAC Chapter 4766-4 for information about the written sanitation plan, which the rule states is required at each location, as is a copy of the Ohio state board of pharmacy license. A paragraph about when operations may commence at headquarters and satellite locations has been amended to include a reference to the OAC and the addition of the requirement for "satisfactory inspections of all physical locations." A proposed amendment refers readers to the "MoICU Inspection" form rather than to OAC rule 4766-2-10 for the single use supplies and equipment which must be maintained at each physical facility. Two physical facility inspection requirements are added in the proposed amendments: compliance with state and local building codes and compliance with state and local fire codes.

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 "MoICU Inspection" form. 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:

OAC 4766-4-04 incorporates the "MoICU 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, "MoICU Inspection" dated July 2013, is available at the Division of EMS "Medical Transportation Checklists & Forms" Web site currently, and will remain available until the revised 4766-4-04 becomes effective. A PDF of the "MoICU 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.

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? **Yes**

OAC 4766-4-04 requires medical transportation organizations (MTOs) to comply with inspection requirements for physical facilities in order to obtain a mobile intensive care license and before commencing operations and to maintain compliance in order to renew a mobile intensive care license.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**