

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

Agency Name

Division

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4766-4-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Health and safety requirements.**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, 4766.07**
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 sets forth the health and safety requirements for licensed medical

transportation organizations, including: a reference to 29 C.F.R. 1910.1030, the Occupational Safety and Health Administration (OSHA) bloodborne pathogens regulations; requirements regarding the creation and distribution of the required written sanitation plan; and requirements regarding the required written policy for warning devices. Changes to this rule are minimal and include broadening the categories of lights and warning devices governed by the rule from "emergency lights and audible warning devices" to "lights and other warning devices" and including language explaining that inspections may be performed by the board or its designee.

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 one part of the Code of Federal Regulations--29 C.F.R.1910.1030. 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 Web site address where September 12, 2016 citations for 29 C.F.R.1910.1030 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:

The Code of Federal Regulations (C.F.R.) is voluminous and is available by subscription from the U.S. Government Publishing Office (GPO) at the following Web site:

<https://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print/annual-cfr-p>

The C.F.R. can be viewed electronically online from the "Electronic Code of Federal Regulations" (e-CFR) Web site main page,

<http://www.ecfr.gov/cgi-bin/ECFR?page=browse>, using the C.F.R title number and part number. The regulation listed in rule OAC 4766-4-07 is effective September 12, 2016, and can be located using the "Browse / Search Previous" toggle in the left navigation pane of the e CFR main page.

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**

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 4766-4-17, 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? **No**

This rule does not require specific expenditures or the report of information as a condition of compliance. However, the rule does require licensed medical transportation organizations to create and maintain, subject to inspection by the board or its designee, and provided to all personnel, a written sanitation procedures document as set forth in the rule.