

**MEMORANDUM**

**TO:** Pamela Watkins, Rules Administrator, Ohio Department of Public Safety

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** June 10, 2014

**RE:** **CSI Review – Medical Transportation/Ambulances (OAC 4766-2-11, 4766-2-14, and 4766-2-17)**

---

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of three rules proposed by the Ohio Department of Public Safety (ODPS). There are two amended rules reviewed as a five-year rule review as required by ORC 119.032 and one rescinded rule. The BIA submitted by ODPS incorrectly states that a new rule is contained in the package. The draft rules regulate medical transportation organizations. The rule package was submitted to the CSI Office on April 3, 2014 with the comment period ending on April 17, 2014.

Chapter 4766-5 of the Ohio Administrative Code provides the conditions under which the State Board of Emergency Medical, Fire and Transportation services may approve, renew, or deny an application to operate a medical transportation organization (MTO). According to Ohio Administrative Code 4766-4-01, an MTO has the same meaning as an emergency medical service organization as defined in Ohio Revised Code 4766.01. An MTO is "an organization that uses EMTs, AEMTs, or paramedics, or a combination of EMTs, AEMTs, and paramedics, to provide medical care to victims of illness or injury." The rules amended, Rules 4766-2-11 and 4766-2-17, provide the grounds for suspension, revocation, or denial of a license or permit, and the use of light and other warning devices. The rescinded rule, Rule 4766-2-14, provides the regulation of out-of-state providers. The rule is rescinded due to redundancy with Ohio Revised Code 4766.13. The rule contained a licensure exemption for out-of-state MTOs receiving patients in Ohio for

transport to a location not within Ohio or when transporting a patient received in another state. The CSI Office confirmed that this exemption was still available in Ohio Revised Code 4766.09.

ODPS solicited feedback from the Medical Transportation Committee for input on the rule package. The committee, which includes EMS providers and representatives of medical transportation agencies, was asked to attend regular stakeholder meetings. There were no public comments received during the CSI public comment period.

According to the BIA, there are ninety-seven licensed MTOs that operate a combined total of 937 ambulances and non-transport vehicles. Because Rule 4766-2-17 provides the grounds for suspension, revocation, or denial of a license, the adverse impact to an MTO is the possible disciplinary action resulting from the violation of the rule.

Because MTOs are regulated by several state agencies as providers, the CSI Office asked about possible duplication. ODPS stated that duplication with other regulations does not exist with regards to this rule package. The CSI Office performed additional outreach to the Ohio Ambulance and Medical Transportation Association, which expressed no objection to the rules moving forward.

ODPS states Ohio Revised Code 4766 requires the State Board of Emergency Medical, Fire and Transportation to establish the application process for an MTO. Furthermore, the public safety concerns justify the adverse impacts to MTOs. According to the BIA, the rule package ensures transportation servicing a patient is roadworthy and contains the required medical equipment and qualified medical staff.

Upon review of the proposed rules and BIA, the CSI Office determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office