

**MEMORANDUM**

**TO:** Joseph Kirk, Ohio Department of Public Safety

**FROM:** Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

**DATE:** July 29, 2016

**RE:** **CSI Review – Grants (OAC § 4765-5-01 through 4765-5-06)**

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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) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

**Analysis**

On June 29, 2016, the Ohio Department of Public Safety (ODPS) submitted a draft rule package consisting of one rescinded and five amended rules to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The official public comment period closed on July 22, 2016.

The draft rule package regulates grants awarded by the State Board of Emergency, Medical, Fire, and Transportation Services (EMFTS). The rules establish the grant application process, from eligibility criteria to the applications that must be submitted. A grant program for Emergency Medical Services (EMS) organizations and another for research entities are covered by the rules. ODPS notes that the grant programs are created by statute, as is the fund that supports them.

The draft rules are heavily amended. According to the BIA, the amendments are proposed in order to eliminate potential conflicts of interest, restrict priority 1 awards to Ohio EMS providers, eliminate statutory repetition, and eliminate duplication of administrative procedures. OAC § 4765-5-06 is being rescinded because the information is either available in the forms incorporated by reference or has been moved into other rules. ODPS conducted an extensive process starting in 2013 to review the rules and develop the amendments, including review by the EMFTS Board and over one thousand current grantees. While one comment was received during early stakeholder

outreach, there were no comments submitted by stakeholders during the CSI public comment period.

EMS organizations in Ohio and research entities interested in EMS grants are subject to the adverse impacts resulting from the rules. The impacts include the time committed to applying, limitations on eligibility, and any penalties for non-compliance. ODPS has a statutory obligation to implement the rules and must also provide accountability for the trauma and EMS fund, both of which are cited as justification for the impacts in the BIA.

Following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and amendments are justified.

### **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.