

**MEMORANDUM**

**TO:** Joseph Kirk, Ohio Department of Public Safety  
**FROM:** Mark Hamlin, Director of Regulatory Policy  
**DATE:** August 31, 2016  
**RE:** CSI Review – Ambulances (OAC Chapter 4766-2)

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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) 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 18 rules – 15 amended,<sup>1</sup> two new, and one rescinded – proposed by the Ohio Department of Public Safety's Division of Emergency Medical Services (EMS). The rule package was reviewed by the Division pursuant to the statutorily-required five-year rule review. The rules were submitted on June 29, 2016 and the comment period ran through July 22, 2016. One comment was submitted during the CSI review period.

The rules in this chapter broadly encompass EMS's regulatory authority over providers of ambulance and other medical transportation services. The rules are comprehensive and include a number of business impacts to medical transportation organizations (MTOs), including licensing requirements and fees, inspection requirements and fees, recordkeeping requirements, physical requirements for facilities and vehicles, and penalties for violation of the rules. EMS is proposing two new rules – Rule 4766-2-14 is proposing to re-adopt a rule that had been previously rescinded related to out-of-state providers coming into Ohio to transport a patient to a location outside Ohio; and Rule 4766-2-18 lists citations for a number of materials referenced throughout the chapter.

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<sup>1</sup> Rules 4766-2-16 and 4766-2-17 are being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that each existing rule be rescinded and replaced by a new rule that has the same rule number.

The BIA submitted with the rules describes the impacts in detail as well as the Division's early stakeholder engagement, during which a number of changes were made to the rules at the suggestion of industry stakeholders. One comment was submitted during the CSI review period, from the director of operations of an Ohio MTO, expressing specific concerns about several provisions in the rules. In its response, EMS cited statutory requirements for some rule language and for others, explained why the rules were crafted to be more flexible than the commenter had interpreted them. After reviewing the rules and the BIA, the CSI Office believes that the rules 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 Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.