

**MEMORANDUM**

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

**FROM:** Sarah JanTausch, Regulatory Policy Advocate

**DATE:** March 1, 2017

**RE:** **CSI Review – Ambulettes (OAC 4766-03-01, 4766-03-02, 4766-03-03, 4766-03-04, 4766-03-05, 4766-03-06, 4766-03-07, 4766-03-08, 4766-03-09, 4766-03-10, 4766-03-12, 4766-03-13, 4766-03-14, 4766-03-15, 4766-03-16, 4766-03-17 and 4766-03-18)**

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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 17 rules – 11 amended,<sup>1</sup> three new, one rescinded, and two no-change – submitted by the Ohio Department of Public Safety's Division of Emergency Medical Services (EMS) for review under the statutory five-year rule review requirement. This rule package is also being updated to align with the Mobile Intensive Care Unit (MoICU) rules which were submitted simultaneously and the Ambulance rules which were revised in 2016. The rule package was submitted to the CSI Office on January 4, 2017 and the public comment period was held open through January 26, 2017.

The law requires EMS to adopt rules for the operation of ambulettes which includes permits and licensure for the operation of ambulettes, ambulette driver requirements and criteria for

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<sup>1</sup> Ohio Administrative Code (OAC) section 4766-3-16 is being amended to the extent that the Legislative Service Commission requires the agency to rescind the rule and replace it with a new rule with the same number.

disqualification, fees, inspections, vehicle equipment, staffing, communication systems, and any other rules deemed applicable by EMS (ORC 4766.03). EMS is proposing three new rules – Rule 4766-3-07 requires permitted ambulette vehicles to bear “Ambulette” license plates. This requirement exists in law and as a result was rescinded in 2012 and has been proposed as a new rule to ensure clarity with the regulated entities. Rule 4766-3-17 describes the process of licensure suspension, revocation, and refusal to renew and fines for violation of law or rule up to \$1,500. Rule 4766-3-18 lists citations for a number of materials referenced throughout the chapter. The rules contain a number of amendments including a new \$5.00 fee to cover the cost of duplicate vehicle decals, clarifications regarding processing of application materials for licensure and required documentation, a new requirement for the agency to work with applicants who submit incomplete applications, revised recordkeeping requirements, maintenance documentation requirements, a provision requiring ambulette operators to comply with state and local building code regulations as they pertain to service headquarters and satellite base(s), and operational updates to ensure health and safety of those using ambulette services. Rule 4766-3-10 has been rescinded and the equipment requirements for ambulances have been included in Rule 4766-3-08 (Vehicle Inspections and Equipment Requirements). The communication requirements and regulations for out-of-state providers were not changed. As mentioned above, these changes have been made to the rules in alignment with MoICU and ambulance rules.

During early stakeholder outreach, EMS reached out to members of the the Medical Transportation Committee, State Board of Emergency Medical, Fire, and Transportation Services (EMFTS); EMS staff and its legal staff; the medical transportation field inspectors contracted by the Ohio Department of Public Safety; the 325 licensed ambulette service providers, their owners and employees; the Ohio Ambulance and Medical Transportation Association (OAMTA); and the Ohio Association of Critical Care Transport (OACCT). EMS indicated that this information was sent to 430 stakeholder emails and over 1,700 subscribed stakeholders. During the ESO process, the rules were revised. Revised rules were sent to stakeholders and EMS received two requests for further revisions to the rules. An exemption from holding ambulette plates was included for qualified gratis plate holders (OAC 4766-3-07). This exception was also revised in the MoICU rule package. A request to revise the deadline for license renewal materials was requested. The request sought to move the deadline for renewal application materials from “prior to the expiration date of the license” to 45 days prior to the expiration date. This change was considered, but ultimately was tabled as the EMFTS indicated this change would affect timelines for other licensed entities and may require changes to ORC.

According to the BIA, the impacted business community includes 325 licensed ambulette services that operate a combined total of 1,762 ambulances. Adverse impact to the business community includes initial or renewal license fee of \$100, ambulette permit fees of \$50 per vehicle, and inspection fees of \$50 per vehicle. This rule package does not change the licensure or inspection fees. In alignment with the MoICU rules, EMS has proposed a new \$5.00 fee to cover actual costs

associated with the re-printing and mailing of a duplicate vehicle decal. This cost will not be applicable to any company that keeps its original vehicle decal(s) intact. Other costs include license suspension, revocation, or refusal to renew by the Board. Lastly, there are mechanical vehicle inspection costs which have been estimated in the BIA as \$100 – 200 for a pre-purchase inspection. A stakeholder who is also the president of an ambulance company submitted the estimated average cost as \$75 – 100 per hour for a vehicle inspection at his local garage. Ambulette operators who are already conducting these inspections will see no change in their expenses. According to the BIA, EMS estimates that these rules will not result in any undue cost of compliance or adverse impact; assuring the safety and effective delivery of care to patients who must use an ambulette service and its vehicles justifies the minimal adverse impact to the business community.

During the CSI comment period, one comment was received from an ambulette provider indicating that the vehicle maintenance requirements are overly burdensome for small businesses that do not have in-house mechanics. EMS responded stating that the vehicle inspections by a qualified mechanic ensure an added layer of protection for individuals utilizing the ambulette services, in addition to the visual inspections. No changes were made to the rules as a result of the CSI comment period. After reviewing the draft rules, BIA, and stakeholder outreach, the CSI Office has determined that the rule package is justified.

### **Recommendation**

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