

**MEMORANDUM**

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

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** October 12, 2017

**RE:** **CSI Review – EMS Complaints (OAC 4765-10-01 through 4765-10-03, 4765-10-05, and 4765-10-06)**

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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) 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 contains four no-change rules and one amended rule proposed by the Ohio Department of Public Safety (ODPS) for their statutorily-required five-year review. The rule package was submitted to the CSI Office on June 27, 2017 and the public comment period was held open through July 20, 2017.

The rules establish procedures for issuing disciplinary sanctions to emergency medical service (EMS) providers, instructors, and training institutions. The rules set forth the responsibility of the Department to investigate all submitted complaints and the types of sanctions that may be imposed upon EMS providers, instructors, and training institutions. Ohio Administrative Code (OAC) 4765-10-05 is being amended to correct a spelling error.

During early stakeholder analysis, ODPS submitted the rules to industry stakeholders for feedback. The rules were also presented to the Ohio State Board of Emergency Medical, Fire, and Transportation Services (EMFTS) and the assistant attorney general assigned to work with the

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Division of EMS and EMFTS Board. No comments were received during this time or during the CSI public comment period.

ODPS estimates that these rules will impact 41,424 EMS-certified providers, 4,703 EMS instructors, 84 accredited EMS training institutions and 560 approved organizations offering EMS continuing education. The adverse costs created by these rules include fines of up to \$1,000 and the possibility of suspension or revocation of certificates to practice. ODPS states in the BIA that these rules ensure accountability for EMS providers, trainers, and institutions by providing methods of investigation into complaints filed with the Department. The Department also cites their statutory authority and intent to set high standards for providers' professional conduct and service delivery. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Public Safety should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.