

**MEMORANDUM**

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: November 22, 2017

RE: **CSI Review – Reporting Delivery of Emergency Medical Services and Trauma Care (OAC 4765-4-01 to 4765-4-09)**

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 amended and six no-change rules submitted by the Ohio Department of Public Safety (DPS) for their statutorily-required five-year review. It was submitted to the CSI Office on August 22, 2017 and the comment period closed on September 14, 2017. One comment was received during this time and a response was provided on November 17.

Ohio Administrative Code (OAC) Chapter 4765-4 specifies the methods and requirements for hospitals and emergency medical service agencies to maintain and report data collected regarding the delivery of emergency medical services. The rules proposed without changes include the purpose of the chapter, risk adjustment, and reporting requirements. The rules with proposed amendments cover definitions, risk adjustment, and submission of data. The changes are non-substantive and entail an update to incorporation by reference, as well as splitting two provisions into separate paragraphs.

DPS sought early stakeholder feedback from the State Board of Emergency Medical, Fire and Transportation Services (EMFTS), Division of EMS staff, and the Trauma Committee of EMFTS.

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As codified in ORC 4765.02, members of the state board of EMFTS are nominated by organizations representing medical professionals, emergency medical services, and medical transport services. In addition, the rules were posted to the EMS Small Business Regulatory Impact Website. No stakeholder feedback was received during this period.

One comment was received during the CSI public comment period from Dr. Richard George of Summa Health System. Dr. George suggested that the language surrounding mortality in the risk adjustment rule (OAC 4765-4-04) was technically incorrect and ought to be clarified. EMFTS considered Dr. George's suggestion, and incorporated a change at the November 8th Board meeting to address his concern.

The BIA identifies the impacted business community as 100 small hospitals and in-patient rehabilitation facilities as well as 102 private ambulance companies. For hospitals, the BIA estimates the cost of compliance, based on the cost of labor for data entry and average number of traumas for these types of facilities, to be approximately \$45.72 per month. For ambulance services, the BIA notes that the cost of compliance is miniscule, as the rules require providers to submit data that is already collected during the course of normal business to the EMS Incident Reporting System. In addition, failure to comply with the rules would make a facility or service provider ineligible to receive research grants from EMFTS.

DPS justifies these rules by ORC 4765.06, which directs EMFTS to create an incident reporting system to oversee the delivery of EMS and trauma care in Ohio. The intent of the program is to study and improve the delivery of emergency medical care. The BIA defends the authority of EMFTS to withhold grants as a fair way to incentivize compliance with the rules and ensure that public funds are awarded appropriately.

After reviewing the proposed rules, the BIA, and response to comment, 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.

Recommendation

For the reasons explained 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: Emily Kaylor, Lt. Governor's Office