

**MEMORANDUM**

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: October 26, 2017

RE: **CSI Review – Trauma Triage (OAC 4765-14-01 to 4765-14-06)**

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 three 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. No comments were received during this time.

Ohio Administrative Code (OAC) Chapter 4765-14 establishes the methods, as laid out in statute, which emergency medical services (EMS) personnel must use to determine whether a patient is severely injured and requires transportation to a trauma center. The no-change rules cover the enforcement, education, and amendment of state and regional triage protocols. The amended rules relate to definitions, determining whether an injured person is a trauma victim, and exceptions to the mandatory transport of a trauma victim. The amendments are generally non-substantive in nature. Proposed changes include an adjustment to the definition of "evidence of traumatic brain injury," revisions to align the rules with a 2014 rule change which added a cause of injury triage indicator, and numerous minor changes to format.

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. As codified in statute, members of the state board of EMFTS are nominated by organizations representing medical professionals, emergency medical services, and medical transport services. Stakeholders suggested the change in the definition of “evidence of a traumatic brain injury,” as well as the formatting changes in OAC 4765-14-01, -02, and -05.

The BIA identifies the impacted business community as the 102 private ambulance companies that provide emergency response in Ohio. The impact includes the instances when a patient may have to be transported a longer distance to get a trauma victim to a trauma center as opposed to the closest hospital, which the BIA asserts is impossible to accurately estimate because this cost varies based on distance and number of victims.

DPS justifies these rules by its statutory duty in ORC, as well as its goal of maximizing the survival rate of trauma victims while averting the financial cost to patients for subsequent transfers to a trauma center. 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.

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