



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Joseph Baker, Regulatory Policy Advocate

DATE: June 17, 2021

RE: **CSI Review – Certificate to Teach or Practice; Continuing Education (OAC 4765-8-01, 4765-8-02, 4765-8-03, 4765-8-04, 4765-8-05, 4765-8-06, 4765-8-07, 4765-8-15, 4765-8-16, 4765-8-17, 4765-8-18, 4765-8-19, and 4765-18-11)**

On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of eight amended rules and five no change rules proposed by the Ohio Department of Public Safety (Department). This rule package was submitted to the CSI Office on April 27, 2021, and the public comment period was held open through May 19, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 27, 2021.

The rules in this package outline requirements and standards for certification as an emergency medical responder (EMR), emergency medical technician (EMT), advanced EMT, and paramedic, including initial certification requirements as well as the reinstatement or renewal process. The rule package also addresses certification standards for individuals seeking to teach courses for purposes of various Emergency Medical Services (EMS) certifications.

OAC 4765-8-01 establishes minimum qualifications to practice as an EMR, EMT, advanced EMT, or a paramedic, including completion of a training program, passing a national incident

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management system course and incident command system course, passing an initial certification examination, and meeting various age and background requirements. The rule has been amended to update materials incorporated by reference. OAC 4765-8-02 specifies the information that must be included on an application for a certificate to practice in the above-mentioned occupations. OAC 4765-8-03 requires individuals in possession of a certificate to practice to report changes of the certificate holder's name, home address, phone number, and email address, and has been amended to specify the use of the individual's personal telephone number and personal email address, rather than a home telephone number and a valid email address.

OAC 4765-8-04 specifies requirements for renewing a certificate to practice, including submission of a completed renewal application, the completion of continuing education course requirements or a passing score on an examination in lieu of the continuing education course, and documenting completion of specific programs or courses related to certain certificates. The rule also requires the Emergency Medical, Fire, and Transportation Services Board (Board) to renew the certificate to practice for any applicant who meets these criteria, and permits the Board to refuse to renew, suspend, or limit a certificate to practice for any applicant who fails to do so. Lastly, the rule permits applicants who fail to meet the continuing education requirements to request a lower level of certification, request additional time to complete the requirements, or an exemption from the Board, and states that those who fail to submit a renewal application before the expiration date of the current certificate must apply for reinstatement. OAC 4765-8-05 specifies that assessment and thresholds for passage established by the National Registry of Emergency Medical Technicians (NREMT) shall be used for the initial certification examination and reinstatement examination.

OAC 4765-8-06 outlines the duration of validity for an initial, reciprocal, or reinstated certification as an emergency medical responder, emergency medical technician, advanced emergency medical technician or a paramedic, as well as certificates to instruct EMS courses. OAC 4765-8-07 specifies the process for aligning certificate expiration dates for individuals who hold both EMS and certain fire-related certifications to practice or teach. OAC 4765-8-15 describes the process for obtaining certification in Ohio based on holding a substantially similar license in another state. Individuals seeking to obtain a certificate to practice on a reciprocal basis must submit documentation regarding the course of instruction, hold a valid certificate or license from the NREMT and pay an application fee of \$75. The rule is amended to require that an applicant who has not resided in Ohio for at least five years must also provide the Department with a background check that includes information from the Federal Bureau of Investigation.

OAC 4765-8-16 prohibits the Board from charging a fee for an application or renewal of a certificate to practice or certificate to teach but permits the Board to charge a fee for an application by reciprocity to practice. OAC 4765-8-17 describes the process to change the level of certification

or voluntarily surrender a certificate to practice. OAC 4765-8-18 outlines the process for requesting reinstatement of a certificate to practice, including completion of a reinstatement examination, completion of a refresher training course (if required by the Board), payment of a \$75 application fee, and the provision of certain documentation to the Board. The rule has been amended to update cross references. OAC 4764-8-19 describes the process for reinstating a revoked certificate to practice, including prohibiting the reinstatement of a certificate to practice for at least one year after revocation. The rule additionally establishes criteria that must be met by the applicant, varying depending on the duration of revocation, and has been amended to update cross references and certification titles.

Lastly, OAC 4765-18-11 describes the criteria that must be met for an individual seeking a certificate to teach as an EMS instructor based on holding a substantially similar license in another state. To obtain certification to teach as an EMS instructor on the basis of holding a similar license in another state, an individual must complete an application, hold a valid Ohio certification to practice as an EMS provider, registered nurse, or physician assistant, have held such certification for at least five years, passed both a knowledge and practical examination within the previous three years, complete training hours requirements related to EMS instructor training programs, and passed an instructional methods examination. The rule is amended to require that an applicant who has not resided in Ohio for at least five years must also provide the Department with a background check that includes information from the Federal Bureau of Investigation.

During early stakeholder outreach, the Department shared the proposed rules with the Board of Emergency Medical, Fire, and Transportation Services for feedback. Based on discussions between the Board and the Department, the rules were revised to require the completion of an FBI background check for individuals who have not resided in Ohio for at least five years. According to the BIA, the rules were additionally distributed to approximately 3,200 stakeholders on the emergency medical services stakeholder list maintained by the Department at the beginning of the CSI public comment period. Three comments were received during the CSI public comment period. The first comment suggested a technical change to eliminate potential confusion regarding the renewal process for firefighter certificates. The Department responded to the comment and adopted the suggested change. The second comment recommended allowing individuals to serve as an EMS instructor without passing a certain examination. The Department responded to this comment by stating that instructor candidates who fail to pass this exam should not be certified to teach content in which they have demonstrated incompetence and did not adopt the suggested change. The final comment recommended that the Department implement mandatory FBI and BCI background checks for enrollment in all EMS programs, require completion of a psychomotor exam to be reinstated as an EMS provider, mandate that a medical director attest that an applicant has psychomotor skills that meet minimum standards prior to certification of the applicant, and

requesting further clarification regarding the completion of a written examination. The Department responded to this comment with clarification but did not make any further changes to the rules.

The Department states in the BIA that the business community impacted by the rules includes approximately 42,962 EMS providers and 5,849 EMS instructors currently certified in Ohio, students enrolled at 92 EMS accredited institutions and 591 EMS continuing education institutions, and those seeking certification as an EMS provider or instructor on the basis of holding an out-of-state certification (309 applicants in 2020). The adverse impacts to business include the costs of compliance for stakeholders, including the costs of completing an EMS training program, as well as the time to complete such a program and submit the application to the Department. The Department notes in the BIA that it does not charge a fee to apply for initial certification or renewal as an EMS provider or instructor, though such a fee is charged to an applicant who seeks certification on the basis of holding an out-of-state certification or license.

The costs of completing a training program as an EMS provider varies depending on the type of certification, ranging from a minimum of \$300 for an Emergency Medical Responder (48 course hours) to up to \$10,000 for a Paramedic (900 course hours). Additional hourly training requirements for individuals seeking certification as an EMS instructor also apply (18 contact hours for assistant EMS instructors and 60 contact hours for EMS instructors) if the applicant is seeking certification as an instructor. The Department also reports that required National Incident Management courses for certification as an EMS provider or instructor can be completed online at no charge, while the online application fee for the NREMT certification per attempt range from \$85-152.

Continuing education requirements for renewing certification vary based on the course provided, but range from \$0-\$71 per unit for online courses to \$65-\$630 per class. The Department also notes that changes to the requirement for background checks for individuals who have not resided in Ohio for at least five years will result in an additional fee of \$25.25 for completion of the FBI background check through the Bureau of Criminal Investigation. Lastly, certificate holders are subject to disciplinary action for malfeasance and may incur fines of up to \$1,000. The Department states in the BIA that the adverse impacts to business are necessary to ensure well-trained EMS providers, efficient and effective delivery of pre-hospital patient care, improved response to emergencies, safety while delivering services, and to ensure that Ohio paramedic students' education and eligibility for certification through national testing is not jeopardized.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Public Safety should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.