



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, Business Advocate

DATE: March 1, 2022

RE: CSI Review – Chapters 4766-3 and 4766-4-Five Year Review (OAC 4766-3-01, 4766-3-02, 4766-3-03, 4766-3-04, 4766-3-05, 4766-3-06, 4766-3-07, 4766-3-08, 4766-3-09, 4766-3-12, 4766-3-13, 4766-3-14, 4766-3-15, 4766-3-16, 4766-3-17, 4766-3-18, 4766-4-01, 4766-4-02, 4766-4-03, 4766-4-04, 4766-4-05, 4766-4-06, 4766-4-07, 4766-4-08, 4766-4-09, 4766-4-11, 4766-4-12, 4766-4-13, 4766-4-14, 4766-4-15, 4766-4-16, 4766-4-17, and 4766-4-18)

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 18 amended rules and 15 no-change rules proposed by the Ohio Department of Public Safety (Department). This rule package was submitted to the CSI Office on December 29, 2021, and the public comment period was held open through January 24, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 29, 2021.

The rules in this package set forth operational requirements, recordkeeping responsibilities and licensing standards for ambulette service providers and medical transportation organizations.

Ohio Administrative Code (OAC) 4766-3-01 establishes definitions related to ambulette services. The rule is amended to incorporate definitions for a Department of Transportation physical examination and the Department's medical transportation licensing system (MLTS), and to remove

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a definition for service number or service code. OAC 4766-3-02 requires ambulette services applying for initial or renewal licensure to submit a completed application using the MLTS online system and specifies the materials that must be provided as well as the timeline for renewing or obtaining an ambulette service license. The rule is amended to reflect that the licensing process takes place through the MLTS and to adopt other technical changes. OAC 4766-3-03 specifies the fees for licensure, including a \$100 annual fee for an initial or renewed ambulette service license, an annual inspection fee of \$50, a \$50 reinspection fee if the ambulette does not pass its initial inspection, a \$50 fee for temporary vehicle permits, and a \$5 fee for reprinting the ambulette decal provided by the Department. The rule is amended to adopt a technical change and to remove a prohibition on refunding fees to an ambulette service.

OAC 4766-3-04 specifies the responsibility of the State Board of Emergency Medical, Fire, and Transportation Services (Board) to inspect ambulette services facilities including the headquarters as well as satellite facilities and prohibits an ambulette services provider from commencing operations until it has fulfilled all facility requirements. The rule is amended to streamline language. OAC 4766-3-05 requires ambulette service providers to maintain accurate records for each transported client and specifies the information that must be maintained as part of such records, as well as the responsibility of the provider to maintain liability insurance and document mechanical safety inspections for up to seven years, depending on the type of record. OAC 4766-3-06 requires ambulette services to maintain two-way communications with all permitted vehicles and requires portable devices to maintain a power source backup for each communication device.

OAC 4766-3-07 states that ambulette vehicles not operated by certain government entities must bear license plates or comply with residency registration requirements or vehicle specific license requirements for vehicles with certain gross vehicle weight ratings. OAC 4766-3-08 sets forth standards regarding vehicle inspections and equipment requirements for ambulette providers, while OAC 4766-3-09 specifies maintenance requirements. OAC 4766-3-12 allows licensed ambulette service providers to utilize additional flexibility to transport patients in a disaster situation and is amended to reflect the use of the MLTS online system in obtaining a temporary permit, as well as to reduce various information that must be submitted to the Board. OAC 4766-3-13 sets forth requirements for ambulette service drivers and requires ambulette service providers to maintain documentation demonstrating driver compliance with the standards. The rule is amended to streamline language. OAC 4766-3-14 exempts ambulette providers from out of state from licensure when transporting a patient in Ohio out of state or from out of state into Ohio.

OAC 4766-3-15 requires ambulette service providers to notify the Board when various business information components change, such as new ownership of an ambulette service, or a change in Tax Identification or Employer Identification Number. The rule is amended to reflect that business

information updates are to be submitted through the MLTS online system and to adopt various minor technical changes. OAC 4766-3-16 permits the Department to investigate complaints on behalf of the Board and establishes standards surrounding investigations of ambulance service providers. OAC 4766-3-17 specifies grounds for discipline for providers. OAC 4766-3-18 specifies documents and forms that are incorporated by reference and has been amended to reflect the use of the MLTS online system and to delete references to five forms that are no longer used.

OAC 4766-4-01 specifies definitions related to Medical Transportation Organizations (MTOs) and has been amended to adopt various new definitions and to remove unnecessary references. OAC 4766-4-02 specifies the application process for a new or renewal MTO license, including the information that must be submitted. The rule is amended to reflect the use of the MLTS online system and to adopt various other technical changes. OAC 4766-4-03 specifies the fees for MTO licensure, including licensure and renewal licensure fees of \$100 annually, a permit fee of \$100 for each vehicle, an inspection fee of \$100 for each vehicle, a \$100 reinspection fee for vehicles that do not pass the initial inspection, a \$100 fee for temporary permits, and a reprint fee of \$5 for decals lost, damaged, or incorrectly applied. The rule is amended to streamline language and remove a prohibition on refunding fees to the provider. OAC 4766-4-04 requires MTOs to comply with inspection requirements for all physical facilities and prohibits operations without the Board's approval of the facility and compliance with various other building standards and has been amended to streamline language. OAC 4766-4-05 requires MTOs to maintain various records documenting medical protocol, personnel certifications, liability insurance, and other records relating to operations requirements and patient information.

OAC 4766-4-06 requires MTOs to maintain two-way communication between dispatch centers, medical facilities and transport vehicles, and to maintain a log that documents various information such as the location of a call, dispatch time, and others. OAC 4766-4-07 requires MTOs to comply with health and safety requirements and to implement a written sanitation plan with documentation maintained for each vehicle. OAC 4766-4-08 requires the Board to inspect all Mobile Intensive Care Units (MoICUs) and non-transport vehicles for roadworthiness and requires MoICUs to carry various emergency equipment. The rule is amended to require vehicles that operate at a mobile stroke unit level to bear lettering indicating the vehicle's classification and to update references to certain forms. OAC 4766-4-09 requires MTOs to maintain maintenance records documenting compliance with maintenance and repair standards for vehicles. OAC 4766-4-11 allows MoICUs and non-transport vehicles to use emergency lights and audible warning devices when responding to emergency calls and requires such vehicles to comply with license plate standards for emergency vehicles. OAC 4766-4-12 prescribes standards for emergency response in disaster situations and allow for MoICUs to utilize whatever means necessary to transport and treat patients. The rule is amended to reflect the use of the MOLTS online system in obtaining a

temporary license and to update information required to be provided to the Board when seeing temporary licensure. OAC 4766-4-13 requires MTOs to maintain a staffing team for MoICUs that includes a driver/operator, an Ohio Emergency Medical Technician (EMT) and either a registered nurse or a physician of a certain licensing level. The rule is amended to specify that vehicles operating as mobile stroke units must include a radiologic technologist, a registered nurse, an EMT and a paramedic (though one of the providers may be dual certified). OAC 4766-4-14 addresses service providers from out of state and allows out of state providers to transport patients in Ohio out of state without being licensed, or from out of state into Ohio without being licensed.

OAC 4766-4-15 requires MTOs to notify the Board when various information regarding the organization's licensure situation changes, such as a change in ownership or a medical director change. The rule is amended to streamline language and reflect the use of the MLTS online system to provide such informational updates. OAC 4766-4-17 permits the Department to investigate complaints against MTOs on behalf of the Board and specifies policies regarding such investigations, while OAC 4766-4-17 sets forth potential grounds for discipline. Finally, OAC 4766-4-18 sets forth informational resources that are incorporated by reference and has been updated to provide information regarding the mobile stroke unit inspection form, to reference the MLTS online system, and to delete eight outdated or unnecessary forms.

During early stakeholder outreach, the Board collaborated with the Medical Transportation Committee and Critical Care Subcommittee. Based on feedback provided by these entities, the Board amended the rules. No comments were received during the CSI public comment period.

The business community affected by the rules includes 27 licensed MoICU service providers, 335 licensed ambulette service providers, as well as medical transportation organizations that use Medicare or Medicaid funding. The adverse impacts created by the rules include the cost of employee time to submit applications and documentation for licensure, obtain required vehicle licensing plates, and to provide photographs and vehicle information, licensure costs for vehicles (including a license fee of \$100 annually, an annual permit fee of \$50-\$100 for each vehicle, an annual inspection fee of \$50-\$100 for each vehicle, a \$50-\$100 reinspection fee for vehicles that do not pass the initial inspection, a \$50-\$100 fee for temporary permits, and a reprint fee of \$5 for decals lost, damaged, or incorrectly applied), administrative expenses associated with providing and maintaining records required by the Board (including maintenance and repair records, personnel certifications), costs of maintaining vehicles at the standards specified by the Board, the costs of obtaining vehicle liability insurance, and the costs of hiring employees or maintaining employee certifications at the standards set by the Board. The Division of EMS and the Board state that the adverse impacts created by the rules are justified to ensure the safe and effective delivery of care to clients and patients who use these ambulette or MTO services.

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.