

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4765-21-07

Rule Type: Amendment

Rule Title/Tagline: Reinstatement of a fire instructor, assistant fire instructor, live fire instructor, or fire safety inspector instructor certificate to teach.

Agency Name: State Board of Emergency Medical, Fire, and Transportation Services

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 10/1/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4765.55
5. What statute(s) does the rule implement or amplify? 4765.55
6. What are the reasons for proposing the rule?

This rule is part of a package of rules being filed to correct errata remaining in the September 2017 filing of the comprehensive rule review and reorganization of the fire training rules; to incorporate revisions required due to the publication of 2019 NFPA standards; and to address inconsistencies created by the EMS IT system.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

OAC Rule 4765-21-07 sets forth the requirements to reinstate a fire instructor, live fire instructor, or fire safety inspector instructor certificate to teach that has expired. A certificate to teach as an assistant fire instructor is not eligible for reinstatement. Eligibility requirements may include a fire service certificate in good standing held for five of the previous seven years; no felony convictions or misdemeanor convictions committed in the course of practice, and no commissions of fraud, misrepresentation, or material deception in obtaining a certificate; submission of the reinstatement application; documentation of continuing education and instructional requirements; and completion of the required examinations and supervised teaching requirements. The rule requires applicants to submit a \$75 application fee. The rule refers readers to rule OAC 4765-25-02, Incorporated by reference.

Rule 4765-21-07 is amended to revise the names of two documents and include the names of three modules that are incorporated by reference; correct "fire instructor" to "fire safety inspector instructor" in paragraphs (G)(2)(A), (H)(2)(A), (M)(2)(A), and (N)(2)(A); and in paragraph (R), clarify the requirements for instructor candidates exempted from live fire training operations course and job performance requirements seeking reinstatement.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

OAC rule 4765-21-07 incorporates the "Fire, Fire Safety Inspector, and/or Live Fire Instructor Reinstatement Application," "Fire Service Training Module," "Live Fire Training Awareness Module," "Fire Safety Inspector Training Module," "Live Fire Training-Operations Level Course," and "Live Fire Training Operations Job Performance Requirement Check-Off Packet" forms. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to OAC rule 4765-25-02, which provides the editions and dates of the materials and the Web site addresses where the information may be accessed.

PDFs of the following EMS forms are filed with JCARR:

"Live Fire Training Operations Job Performance Requirement Check-Off Packet" or form "EMS 1112" (April 2019) will be posted at the EMS forms and applications Web page (<http://www.ems.ohio.gov/forms.aspx>) when the rule becomes effective.

The following forms are posted at the EMS forms and applications Web page (<http://www.ems.ohio.gov/forms.aspx>):

- "Fire, Fire Safety Inspector, and/or Live Fire Instructor Reinstatement Application," or form "EMS 0109" (January 2018)

- "Fire Service Training Module," or form "EMS 1109" (January 2018)
 - "Live Fire Training Awareness Module," or form "EMS 1110" (January 2018)
 - "Fire Safety Inspector Training Module," or form "EMS 0202" (February 2018)
 - "Live Fire Training-Operations Level Course," and or form "EMS 1107" (September 2018)
- "Live Fire Training Operations Job Performance Requirement Check-Off Packet" or form "EMS 1112" (April 2019) will be posted at the EMS forms and applications Web page (<http://www.ems.ohio.gov/forms.aspx>) when the rule becomes effective.

FOR FORMS FILED WITH JCARR, SEE PACKAGE 185077, RULE 4765-25-02

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The estimated cost of compliance for stakeholders to apply for reinstatement of a certificate is \$75. The \$75 reinstatement fee must be paid when a certification has expired, becomes invalid due to voluntary surrender, or has been previously revoked. In addition, the cost of compliance may include costs of classes or testing to obtain the required level of skill and knowledge or continuing education credit. These costs may vary from \$0 to \$2500, depending on the time elapsed since the expiration, surrender, or revocation and the certification level sought. Other cost variables include the rate of pay for instructors, the size of the charters/institutions, and student enrollment. Tuition may be paid by the fire department sponsoring a student. Fire departments

may request reimbursement of costs through the State Fire Marshal's fire training grant programs.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office?** No
16. **Does this rule have an adverse impact on business?** No

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No

This rule does not require prior authorization to engage in or operate a line of business.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No

This rule does not impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply in regard to operating a line of business.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

This rule does not require specific expenditures or the report of information as a condition of compliance in regard to operating a line of business.