

## 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:**

**Address:** 1970 West Broad Street PO box 182081 Columbus OH 43218-2081

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#### **I. Rule Summary**

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 10/26/2023
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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being is being filed according to a R.C. 106.03 periodic rule review.
8. 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.

O.A.C. 4765-21-07 is amended to edit the name of this rule, to create the Fire and Emergency Services Instructor certificate to teach, to update the length of time from ninety to one hundred eighty days from expiration to apply for reinstatement without testing, and from one hundred eighty days to twenty-four months from expiration to apply for reinstatement with testing, and to streamline the process for reinstating this certification.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, 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," "Live Fire Training-Operations Level Course," "Fire and Emergency Services Instructor Reinstatement Application," "Live Fire Instructor Reinstatement Application," and "Live Fire Instructor Course" 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.

11. **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**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Not Applicable

**13. 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.

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

**15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

**III. Common Sense Initiative (CSI) Questions**

**17. Was this rule filed with the Common Sense Initiative Office? No**

**18. 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**

- 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
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable