

**Rule Summary and Fiscal Analysis (Part A)****State Board of Emergency Medical, Fire, and Transportation Services**

Agency Name

Division

**Anna Firestone**

Contact

**1970 West Broad Street Suite 531 Columbus OH  
43223-0000**

Agency Mailing Address (Plus Zip)

**614-466-7014**

Phone

Fax

**lafiystone@dps.state.oh.us**

Email

**4765-21-07**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**EMS instructor seeking fire instructor or fire safety inspector  
instructor certification.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **R.C. 4765.55**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4765.55**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed according to a R.C. 119.032 review. This rule is also proposed to replace existing rule 4765-21-07 due to LSC's fifty percent guideline. It is estimated that changes to the new rule strike approximately fifty percent of the text in the existing rule while adding a comparable amount of new text.

7. If the rule is an AMENDMENT, then summarize the changes and the content

of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the certification process for a certified EMS instructor to obtain a fire instructor or fire safety inspector instruction certification. Changes to this rule identify that the dates and availability of materials incorporated by reference are located in rule 4765-11-01(N) of the OAC (see filing package 114977) and clarify the requirements for completing "Live Fire Training Operations Courses."

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates the "Fire, Assistant Fire and/or Fire Safety Inspector Instructor Initial Application," the "Fire Service Training Module," (October, 2013), the "Fire Safety Inspector Training Module," (October, 2013), the "Live Fire Training Awareness Course," (October, 2013) and the "Live Fire Training Operations Course," (October, 2013) by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to paragraph (CC) of rule 4501-11-01(N) (See filing package 114977), which addresses the version/date of the material, as well as its availability at [http://ems.ohio.gov/ems\\_fire\\_srvcs.stm](http://ems.ohio.gov/ems_fire_srvcs.stm).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

In compliance with R.C. 121.73, the material is being filed as part of new rule 4765-11-01 (See filing package 114977), which addresses the version/date of incorporated materials, as well as where they may be accessed.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

This rule is not expected to impact the agency's budget in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule sets certification process for an individual issued an EMS instructor certificate by the EMFTS Board to obtain a fire instructor or fire safety inspector instructor certification issued by the Executive Director. It is estimated that applicants typically incur tuition costs of approximately \$300 to \$500. This rule does not mandate a fire instructor to complete "Live Fire Training Operations Course." However, applicants for fire instructor who wish to participate in the instruction of students during live fire training evolutions, must complete the course. Live fire training evolution is a critical component of firefighter training and can result in significant injuries or fatalities to students and instructors if the

firefighter Is not properly trained.

Surveys were sent to all chartered programs to ascertain adverse impact and cost associated with the proposal. Stakeholders shared that the twenty-four hour "Live Fire Training Operations Course" may increase instructional time resulting in an increase of instructional costs from \$150 to \$500 depending upon the institution.

Source: The estimated cost of compliance was determined by the Firefighter and Fire Safety Inspector Training Committee and replies to a statewide survey sent to all chartered programs to ascertain adverse impact. The committee members include fire chiefs, firefighters, fire instructors, fire safety inspector instructors, fire safety inspectors, and training program directors.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

This rule sets forth the requirements that must be met for an EMS instructor to obtain a fire instructor or fire safety inspector instructor certificate, which pursuant to rule 4765-20-01, is required prior to engaging in fire service instruction, to be approved for reinstatement.

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? **Yes**

Failure to comply with the terms set forth in this rule may result in an application for fire instructor or fire safety inspector instructor to be denied.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule sets certification process for an individual issued an EMS instructor certificate by the EMFTS Board to obtain a fire instructor or fire safety inspector instructor certification issued by the Executive Director. It is estimated that applicants typically incur tuition costs of approximately \$300 to \$500. This rule does not mandate a fire instructor to complete "Live Fire Training Operations Course." However, applicants for fire instructor who wish to participate in the instruction of students during live fire training evolutions, must complete the course. Live fire training evolution is a critical component of firefighter training and can result in significant injuries or fatalities to students and instructors if the firefighter is not properly trained.

Surveys were sent to all chartered programs to ascertain adverse impact and cost associated with the proposal. Stakeholders shared that the twenty-four hour "Live Fire Training Operations Course" may increase instructional time resulting in an increase of instructional costs from \$150 to \$500 depending upon the institution.

Source: The estimated cost of compliance was determined by the Firefighter and Fire Safety Inspector Training Committee and replies to a statewide survey sent to all chartered programs to ascertain adverse impact. The committee members include fire chiefs, firefighters, fire instructors, fire safety inspector instructors, fire safety inspectors, and training program directors.