

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4765-21-07

Rule Type: New

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?
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?

These rules are being filed as part of a comprehensive five-year rule review and reorganization of the fire training rules in agency 4765 of the OAC, at the request of stakeholders. OAC chapters governing fire charters, fire service and fire instructor training, professional standards, and discipline are proposed to be made consecutive chapters in OAC 4765, and a chapter including definitions and items incorporated by reference as two separate rules has been added. At the request of stakeholders, proposed revisions add language creating a live fire instructor (LFI) certification and a hazard recognition officer (HRO) certification.

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.

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," "Ohio Fire and EMS Instructor Curriculum," "Live Fire Training Operations Course," and "Live Fire Training Operations Job Performance Requirement Check-Off" 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.

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.

0.00

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

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