

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

Agency Name

Division

Anna Firestone

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4765-21-13

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Exemption for continuing education.**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. 4765.04 and 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 proposed as a new rule in accordance with 4765.55 of the Revised Code.

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 process for a fire instructor, assistant fire instructor or fire safety inspector instructor to request an exemption from continuing education or instructional requirements due to military duty, medical hardship or unusual hardship.

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 "Exemption Request for Continuing Education," (November, 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), which addresses the version/date of the material, as well as its availability at at 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:

The estimated cost for stakeholders was determined to be zero 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? **No**

This rule, in and of itself, does not require prior authorization to engage in business. However, it is part of a filing package that does, as rule 4765-20-01 and some provisions in Chapter 4765-21 require persons to apply for and renew the appropriate instructor certificate issued by the EMS executive director prior to engaging in fire service instruction.

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 exemption for continuing education to be denied. Further, some provisions in Chapter 4765-23 establish that an administrative sanction, up to and including the revocation of an instructor certificate, may be imposed for violations of Chapter 4765.55 of the Revised Code and Chapters 4765-11, 4765-20 to 4765-23 of the Administrative Code pursuant to rule 4765-23-02 of the Administrative Code.

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

This rule requires an applicant seeking exemption from continuing education requirements due to military duty, medical hardship or unusual hardship to submit either proof of active military duty during the certification period for which the exemption is requested or justification for exemption due to due to medical hardship or unusual hardship.