

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

Agency Name

Division

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4765-3-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Medical director requirements for each emergency medical
services organization.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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. 4765.11**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4765.11**

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

This rule is being filed pursuant to a completed R.C. 119.032 five-year rule review.

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 establishes the minimum qualifications to be met by a physician serving as the medical director of an EMS organization, and further provides a process to petition the EMFTS board for a waiver of the emergency medicine residency program requirement. This rule is being amended to add a subspecialty board certification by the "American Board of Emergency Medicine" in emergency medical services as meeting the emergency medicine residency program requirement. The rule is being further amended to remove references to specific medical director courses and allowing the EMFTS board to review and approve courses that provide adequate instruction to physicians petitioning for a waiver.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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: **5/14/2014**

(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.

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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 of compliance for physicians needing to complete a medical director course to qualify for a waiver of the emergency medicine residency program requirement is \$0 to \$300 dollars depending on the source of the course. These courses are available through online sources, therefore no travel, meals or lodging costs need be incurred to obtain the course.

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 establishes the minimum qualifications to be met by a physician that serves as a medical director of an EMS organization. However, although R.C. 4765.11 requires the EMFTS board to establish minimum qualifications for persons who provide medical direction to emergency medical services personnel and R.C. 4765.42 requires each EMS organization to give notice of the name of its medical director to the EMFTS board, the R.C. does not establish penalties for failure of an EMS organization to comply.

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**

A physician that does not meet the minimum qualifications established in this rule does not qualify to serve as the medical director of an EMS organization. The RC does not establish penalties for failure of an EMS organization to comply with the law. However, an EMS organization that chooses to select a medical director who does not meet the minimum qualifications may not be eligible to receive grant funds distributed by the EMFTS board pursuant to OAC 4765-5-02.

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

If an existing medical director meets all minimum qualifications as set forth in O.A.C. 4765-3-05 (A) except the medical director's course approved by the EMFTS board or submit to the board verification of medical director experience and prior conduct of performance improvement training or experience. If a physician seeking to be a new medical director of an EMS organization meets all minimum qualifications as set forth in O.A.C. 4765-3-05 (A) except the emergency medicine residency program requirement, the physician must complete a medical director's course approved by the EMFTS board, petition the board (through the state medical director and RPAB chairs) for a waiver of the emergency medicine residency program requirement and submit any additional information requested to support the petition.