

**MEMORANDUM**

**TO:** Pamela Watkins, Rules Administrator, Ohio Department of Public Safety

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** May 8, 2014

**RE:** **CSI Review – Regional Physician Advisory Boards** (OAC 4765-3-01 through OAC 4765-3-05)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of five draft rules – one new and four amended rules – proposed by the Ohio Department of Public Safety (ODPS) as a five-year rule review required by ORC 119.032. The draft rules address regional physician advisory boards to oversee the delivery of prehospital emergency medical services (EMS) in a designated region. The proposed rules were submitted to the CSI Office on March 28, 2014 with the comment period ending on April 11, 2014. There were no public comments received during the public comment period.

Prehospital EMS is a system that provides medical services to patients who require immediate assistance, prior to arriving at an emergency medical facility. Ohio is geographically divided into prehospital EMS regions for purposes of overseeing the delivery of adult and pediatric emergency services. Each region has either a physician that serves as the regional director or a physician advisory board to serve as the regional advisory board. The proposed rules define the regions, board member qualifications, responsibilities, required number of members and meetings per year. Rule 4765-3-05, sets forth minimum qualifications for physicians to serve as director of an EMS organization. An EMS organization is defined in ORC 4765.01 as “a public or private organization using first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services.”

Therefore, the minimum criteria requirements to serve as a director, such as a valid Ohio medical license, subspecialty certification, specific course completion and more, qualify as adverse impacts to business thereby triggering review by the CSI Office. While only the latter rule contains an adverse impact to business, the Department chose to submit the proposed rules as a whole to provide this office and interested parties with a comprehensive understanding of the EMS system's proposed rules.

According to the BIA, the early stakeholder outreach resulted in suggestions that were incorporated into the rules.

Upon review of the proposed rules and BIA, the CSI Office determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office