



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 171

132nd General Assembly
(L_132_0823-3)

Rep. Patmon

BILL SUMMARY

- Limits to 12 the number of hours that emergency medical service (EMS) providers can work in any work shift and prohibits EMS providers from working without a rest period of at least ten consecutive hours between work shifts.
 - Specifies that the shift limit and the rest period requirement do not apply in the event of a natural disaster, terror attack, or similar occurrence.
 - Allows an EMS provider's employer to require the provider to respond to and complete a call for emergency medical services received in the last hour of the EMS provider's shift unless the provider notifies the employer that the EMS provider cannot safely respond to or complete the call.
 - Prohibits an EMS provider's employer from negligently failing to comply with the shift limit and rest period requirement and provides that an employer who violates the prohibition is guilty of a minor misdemeanor.
 - Requires an ambulance owned or operated by a private emergency medical service organization to be staffed by at least one qualified driver and at least one emergency medical technician, advanced emergency medical technician, or paramedic.
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CONTENT AND OPERATION

Work shift limits and work breaks for private EMS providers

Unless an exception applies, the bill limits to 12 the number of hours that an ambulance driver, first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic

employed by a private emergency medical service organization (EMS provider) can work in any work shift. It also prohibits an EMS provider from being required to work without a rest period (work break) of at least ten consecutive hours between work shifts.¹

No provision of Ohio or federal law currently requires employers to give their adult employees work breaks, with the exception of a federal law that requires employers to give reasonable break time for an employee to express breast milk² and an Ohio law that requires a lunch break for teachers employed by a board of education or governing board of an educational service center.³ Ohio law generally does not limit the number of hours adult employees may work during each work shift. Federal law does not limit the number of hours employees age 16 or older can work.⁴

Exceptions

The bill's shift limit and work break requirements do not apply in the event of a natural disaster, terror attack, or similar occurrence.⁵

Additionally, if an EMS provider receives an emergency call during the last hour of a work shift, the bill allows the EMS provider's employer to require the EMS provider to respond to and complete the call, even if it causes the provider to work more hours than permitted under the bill. An EMS provider who notifies the EMS provider's employer that the EMS provider cannot safely respond to or complete the call is excused from the requirement. The bill prohibits the employer from taking an adverse employment action against the EMS provider for notifying the employer that the EMS provider cannot safely respond to or complete the call. An EMS provider may sue the EMS provider's employer in a court of competent jurisdiction if the EMS provider believes that the employer has taken an adverse employment action against the EMS provider for notifying the employer that the provider could not safely respond to or complete a call received during the final hour of a shift.⁶

¹ R.C. 4113.11.

² 29 United States Code 207(r).

³ R.C. 3319.072, not in the bill.

⁴ U.S. Department of Labor, *Fair Labor Standards Act Advisor*, <http://webapps.dol.gov/elaws/faq/esa/flsa/013.htm>.

⁵ R.C. 4113.11(C).

⁶ R.C. 4113.11(D) to (F).



Penalty

The bill prohibits an EMS provider's employer from negligently failing to comply with the bill's requirements concerning work shift limits or work breaks. An employer who violates the prohibition is guilty of a minor misdemeanor.⁷

Staffing requirements for private EMS organizations

Under the bill, an ambulance owned or operated by a private emergency medical service organization must be staffed for an emergency run by at least one driver and one emergency medical technician (EMT), advanced EMT, or paramedic. The driver, in addition to satisfying current law requirements, must be able to assist with patient handling and movement and be certified in cardiopulmonary resuscitation (CPR). Current law also requires the driver to be at least 18, have a valid driver's license, and satisfy one of the following requirements:

- Hold a valid certificate to practice as a medical first responder, EMT, advanced EMT, or paramedic;
- Hold a valid fire training certificate to provide services as a firefighter;
- Be employed and in good standing as a sworn sheriff, deputy sheriff, constable, police officer, marshal, deputy marshal, or highway patrol trooper in Ohio;
- Have successfully completed either an emergency vehicle operations course approved by the National Highway Traffic Safety Administration or an equivalent course approved by the State Board of Emergency Medical Services.⁸

Under current law, ambulance staffing requirements for both public and private emergency medical service organizations depend on the task being performed by the staff. During the component of an emergency run in which an ambulance is traveling to the scene of an emergency, the ambulance must be staffed by at least one individual who is an EMT, advanced EMT, or paramedic. The individual may act as the driver.

With respect to the component of an emergency run during which a patient is being transported, current law requires an ambulance to be staffed as follows:

⁷ R.C. 4113.11(G) and 4113.99(B).

⁸ R.C. 4765.43(B), (C)(2), and (D)(2).



- In the case of an emergency medical service organization that primarily uses paid individuals, by at least two EMTs, advanced EMTs, or paramedics, one of whom may serve as the driver;
- In the case of an emergency medical service organization that substantially or completely relies on volunteers, by at least two EMTs, advanced EMTs, or paramedics or by at least one first responder and one EMT, advanced EMT, or paramedic.

Under current law, a medical organization that relies on volunteers and that satisfies the ambulance staffing requirement with a medical first responder must use the first responder as the driver.⁹

HISTORY

ACTION	DATE
Introduced	03-30-17

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⁹ R.C. 4765.43(C) and (D).

