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Bill Analysis

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Primary Sponsor: Rep. Wiggam

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SUMMARY

- Requires a hospice care program seeking to provide hospice transport services to hospice patients to obtain a license from the State Board of Emergency Medical, Fire, and Transportation Services.
- Requires a hospice care program licensed to provide hospice transport services to possess a permit for each hospice transport vehicle owned or leased by the program.
- Requires the Board to include data regarding hospice transport services and vehicles in its annual report submitted to the Governor and General Assembly.
- Modifies certain licensing procedures used by the Board for other medical transportation services, including provisions that require separate licenses and fees for organizations that operate in multiple locations.

DETAILED ANALYSIS

License to provide hospice transport services

License requirement

The bill establishes a licensing mechanism for the regulation of hospice transport services that are provided by hospice care programs to their patients. This mechanism is to be administered by the State Board of Emergency Medical, Fire, and Transportation Services in the same manner that it regulates other types of medical transportation services and vehicles, such as ambulances and ambulettes.¹ The license that the bill requires as a condition of providing hospice transport services is in addition to the license that current law requires a hospice care

¹ R.C. Chapter 4766.

program to obtain from the Department of Health as a condition of providing hospice care to hospice patients.²

Penalty for unlicensed activity; contracting permitted

Under the bill, generally, a person or government entity is prohibited from engaging in or professing to engage in the business or service of providing hospice transport services to hospice patients without a license.³ Violators are guilty of a minor misdemeanor on a first offense, while subsequent offenses result in a fourth degree misdemeanor.⁴

Despite the general requirement for licensure, the bill specifies that it does not prevent a hospice care program from contracting with a Board-licensed entity to provide transportation services on the program's behalf. The contracting entity may be licensed as an emergency medical service organization, nonemergency medical service organization, or air medical service organization.⁵

Eligibility for a license

In order to qualify for a license to provide hospice transport services, a hospice care program must do all of the following:

- Apply for a permit for each hospice transport vehicle owned or leased by the hospice care program (see “**Vehicle permit requirement**”);
- Maintain the appropriate amount and type of insurance (see “**Insurance**”);
- Meet all requirements established in rules adopted by the Board, including requirements that pertain to equipment, communication systems, staffing, and types of permitted services (see “**Rulemaking**”).⁶

Applying for a license

A hospice care program seeking to provide hospice transport services must submit an application to the Board. The application process is the same that is used under current law for the licensure of other types of medical transportation service providers. As a result, the application must include the following information:⁷

- The name and business address of the hospice care program for which licensure is sought;
- The name under which the applicant will operate the hospice care program;

² R.C. 4766.01(M) and (N); R.C. Chapter 3712, not in the bill.

³ R.C. 4766.04(A)(3)(a).

⁴ R.C. 4766.04(A)(3)(a); R.C. 4766.99, not in the bill.

⁵ R.C. 4766.04(A)(3)(b).

⁶ R.C. 4766.04(E).

⁷ R.C. 4766.04(F).

- A list of the names and addresses of all officers and directors of the hospice care program;
- A description of each hospice transport vehicle to be used to provide hospice transport services, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle;
- The location and description of each place from which the hospice care program will operate;
- A description of the geographic area to be served by the applicant; and
- Any other information the Board determines by rule is necessary.

Vehicle permit requirement

The bill requires every hospice care program licensed to provide hospice transport services to possess a permit from the Board for each of the hospice transport vehicles the program owns or leases. The requirement applies to any motor vehicle that is specifically designed, constructed, or modified and equipped with a stretcher and is intended to be used for transportation upon the streets or highways of hospice patients by hospice care programs.⁸

Applying for a permit

To receive a permit for a hospice transport vehicle, a hospice care program must submit an application to the Board. As with the application process used for licensure, the application process used for hospice transport vehicle permits is the same as the process used for other medical transportation vehicle permits. Accordingly, the application must include the following:⁹

- Documentation that the hospice vehicle has been inspected (see “**Inspection of vehicles and aircraft**”);
- Documentation that the permit applicant maintains insurance for the hospice vehicle (see “**Insurance**”);
- Documentation that the vehicle meets appropriate standards set by the Board and any other requirements established by Board rules (see “**Rulemaking**”).

Fees

The bill requires fees to be paid for issuance and renewal of licenses and permits for hospice transport services and vehicles. The Board must adopt rules establishing the amount of the fees, taking into account the Board's actual costs. The bill limits the amount of the fees in a

⁸ R.C. 4766.01(N) and (O).

⁹ R.C. 4766.07(A).

manner that corresponds to the limits that apply under current law to the Board's regulation of other medical transportation services and vehicles. As such, the maximum fees are as follows:¹⁰

- For each license and renewal, not more than \$100.
- For each permit and renewal, not more than \$100.

Although the fee amounts are limited, the bill also permits the Board, with approval of the Controlling Board, to establish fees that exceed the specified maximum amounts. In doing so, the fees cannot exceed the maximum amounts by more than 50%.¹¹

Insurance

As a condition of receiving a license to provide hospice transport services and a permit for a hospice transport vehicle, a hospice care program must provide the Board with adequate evidence of (1) liability insurance and (2) bodily injury and property damage insurance. The coverage requirements are the same as those that apply under current law to organizations that are licensed to use ambulances and ambulettes.

Specifically, a hospice care program's liability insurance must cover at least \$500,000 per occurrence and at least \$500,000 in the aggregate. It must cover any cause for which the hospice care program may be liable.¹² A hospice care program's bodily injury and property damage insurance must cover each hospice transport vehicle used by the program and must cover at least the following amounts: \$100,000 for bodily injury or death to one person; \$300,000 for bodily injury or death to more than one person; and \$50,000 for damage to property arising from any one accident.¹³

Rulemaking

The bill requires the Board to adopt rules governing hospice care programs licensed to provide hospice transport services and rules governing hospice transport vehicles. The rules, which are to be adopted in accordance with the Administrative Procedure Act, must include the following:¹⁴

- Requirements for a hospice care program to receive a license to provide hospice transport services with hospice transport vehicles;
- Requirements for a hospice care program to receive a permit for a hospice transport vehicle;
- Fee amounts for the inspection of hospice transport vehicles;

¹⁰ R.C. 4766.05(A).

¹¹ R.C. 4766.05(C).

¹² R.C. 4766.06(A)(1).

¹³ R.C. 4766.06(B).

¹⁴ R.C. 4766.03(A).

- Requirements for the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff a hospice transport vehicle;
- The types of services that may be provided by a hospice care program as hospice transport services;
- Any other rules the Board determines necessary.

Annual reporting

As part of the annual report that current law requires to be submitted to the Governor and the General Assembly regarding the Board's regulation of medical transportation services, the bill requires the Board to include information on hospice transport services and vehicles. The information reported must include the number of hospice transport services licenses and hospice transport vehicle permits issued during a fiscal year, the fees that are collected, the number of inspections conducted, and the disciplinary and other enforcement actions taken.¹⁵

Extension of other licensure and enforcement provisions

In addition to the procedures described above, the bill extends to hospice transport services and vehicles all of the following provisions that apply under existing law to the Board's regulation of other medical transportation services and vehicles:

- An annual renewal period, application process, and fee for each hospice transport service license and vehicle permit;¹⁶
- A requirement that the license holder maintain accurate records of all service responses conducted;¹⁷
- A decal issued for display in the rear window of each hospice transport vehicle that receives a permit;¹⁸
- The Board's authority to adopt rules authorizing the temporary use of a vehicle without a permit in back-up or disaster situations;¹⁹
- The Board's authority to investigate alleged violations and complaints of alleged violations, including the authority to issue subpoenas and apply for injunctions;²⁰

¹⁵ R.C. 4766.22.

¹⁶ R.C. 4766.04(J).

¹⁷ R.C. 4766.04(K).

¹⁸ R.C. 4766.07(B)(2).

¹⁹ R.C. 4766.07(A).

²⁰ R.C. 4766.11(A), not in the bill.

- The Board’s authority to suspend or revoke a license or permit for violating statutory or administrative requirements or for other specified causes;²¹
- The Board’s authority to suspend a license without a prior hearing when the license holder presents a danger of immediate and serious harm to the public, and the Board’s duty to immediately suspend a license if the license holder is convicted or otherwise found guilty of human trafficking;²²
- The Board’s authority to impose an additional penalty of up to \$1,500 for any violation that may be a cause for suspension or revocation of a license or permit.²³

Regulation of other medical transportation vehicles and aircraft

As discussed in part above, the Board currently regulates other types of medical transportation services and vehicles. A number of exemptions apply, including exemptions for services rendered by various public entities, although certain local governments may choose to have their services licensed by the Board.²⁴ Of the entities that are licensed, the Board regulates the following:²⁵

- Emergency medical service organizations and their ambulances and nontransport vehicles, which are used in conjunction with ambulances;
- Air medical service organizations and their rotorcraft air ambulances or fixed wing air ambulances;
- Nonemergency medical service organizations and their ambulettes, which are used to transport persons using wheelchairs and other mobility aids.

Processing of applications

The bill eliminates the 60-day deadline that the Board must meet under current law for approving or denying an application for a license to provide medical transportation services or a permit for a vehicle or aircraft. Instead, the bill requires the Board to review all applications received and to issue licenses and permits to qualified applicants, but no deadline is specified.²⁶

If an application is denied, the bill requires the Board to act in accordance with the Administrative Procedure Act, which generally grants an opportunity for a hearing when an agency refuses to issue a license.²⁷ This general requirement replaces specific procedures

²¹ R.C. 4766.08(A), (B), and (C).

²² R.C. 4766.11(B) and 4766.23, neither in the bill.

²³ R.C. 4766.08(D).

²⁴ R.C. 4766.09 and 4766.12, neither in the bill.

²⁵ R.C. 4766.01 and 4766.04.

²⁶ R.C. 4766.04(G) and 4766.07(B)(1).

²⁷ R.C. 119.06, not in the bill.

described in current law under which the Board must send a notice of the denial by certified mail and hold hearing if it is requested within ten days.²⁸

Operating in multiple locations

The bill eliminates a provision under which a single license fee is charged by the Board for all licenses when an applicant or license holder is or will be operating as a medical transportation services provider under the same identity in separate locations. As under current law, the bill requires a separate license for each location.

The bill extends the separate licensing requirement to circumstances when an organization is or will be operating in more than one satellite location. The bill does not further describe the meaning of a satellite location.

Regarding an organization that operates in multiple locations under different identities, the bill specifies that the separate licensing requirement applies only when the organization operates under different identities with the same tax identification number. When operating in this manner, the applicant or license holder must identify all identities that are connected to a permitted vehicle or aircraft.²⁹

Inspection of vehicles and aircraft

Before an application for a permit for a medical transportation vehicle may be approved, the applicant must submit the vehicle or aircraft to the Board for inspection. The bill makes the following changes regarding the Board's inspection procedures and, as appropriate, applies the provisions to hospice transport vehicles:³⁰

- Specifies that the Board's physical inspection of an ambulance's medical equipment, communication system, and interior, as well as its inspection of a hospice transport vehicle, is to determine the vehicle's operational condition and safety;
- Specifies that the Board's inspection of an ambulance, as well as a hospice transport vehicle, may be conducted to determine compliance with a national standard for construction approved by the American National Standards Institute, in effect at the time the vehicle was constructed;
- Eliminates a provision specifying that the inspection of an ambulance is to determine whether it is in compliance with state requirements for ambulance construction, but maintains the Board's duty to determine ambulance requirements by rule;
- Eliminates a provision specifying the exact location where an aircraft must display the Board's decal after it issues a permit for the aircraft.

²⁸ R.C. 4766.04(G) and 4766.07(B)(1).

²⁹ R.C. 4766.04(H)(2).

³⁰ R.C. 4766.07(B)(3) and (C).

Technical correction

The bill removes an obsolete reference to the Ohio Medical Transportation Board and replaces it with a reference to the State Board of Emergency Medical, Fire, and Transportation Services.³¹

HISTORY

Action	Date
Introduced	11-26-19

H0426 (L-2080-1)-133/ks

³¹ R.C. 4766.23.