

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 195**

**Representatives Ingram, Seitz**

**Cosponsors: Representatives Antonio, Blessing, Brenner, Butler, Craig, Dean, Dever, Hagan, Howse, Keller, Kelly, Kent, Lepore-Hagan, Miller, Reineke, Riedel, Romanchuk, Stein, West, Wiggam, Green, Householder, Hughes, Kick, Manning, Reece, Anielski, Arndt, Ashford, Boggs, Boyd, Carfagna, Celebrezze, Conditt, Cupp, DeVitis, Duffey, Edwards, Faber, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hambley, Holmes, LaTourette, Leland, O'Brien, Patterson, Perales, Ramos, Retherford, Rezabek, Roegner, Rogers, Ryan, Schaffer, Scherer, Sheehy, Slaby, Smith, R., Sprague, Sweeney, Sykes, Thompson, Young**

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**A BILL**

To amend sections 4766.01, 4766.04, and 4766.09 of  
the Revised Code to modify the provisions  
concerning the transport of persons who require  
the use of a wheelchair or other mobility aid in  
nonemergency circumstances.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4766.01, 4766.04, and 4766.09 of  
the Revised Code be amended to read as follows:

**Sec. 4766.01.** As used in this chapter:

(A) "Advanced life support" means treatment described in  
section 4765.39 of the Revised Code that a paramedic is  
certified to perform.

(B) "Air medical service organization" means an

organization that furnishes, conducts, maintains, advertises, 13  
promotes, or otherwise engages in providing medical services 14  
with a rotorcraft air ambulance or fixed wing air ambulance. 15

(C) "Air medical transportation" means the transporting of 16  
a patient by rotorcraft air ambulance or fixed wing air 17  
ambulance with appropriately licensed and certified medical 18  
personnel. 19

(D) "Ambulance" means any motor vehicle that is 20  
specifically designed, constructed, or modified and equipped and 21  
is intended to be used to provide basic life support, 22  
intermediate life support, advanced life support, or mobile 23  
intensive care unit services and transportation upon the streets 24  
or highways of this state of persons who are seriously ill, 25  
injured, wounded, or otherwise incapacitated or helpless. 26  
"Ambulance" does not include air medical transportation or a 27  
vehicle designed and used solely for the transportation of 28  
nonstretcher-bound persons, whether hospitalized or handicapped 29  
or whether ambulatory or confined to a wheelchair. 30

(E) "Ambulette" means a motor vehicle that is specifically 31  
designed, constructed, or modified and equipped and is intended 32  
to be used for transportation upon the streets or highways of 33  
this state of persons who require use of a wheelchair or other 34  
mobility aid. 35

(F) "Basic life support" means treatment described in 36  
section 4765.37 of the Revised Code that an EMT is certified to 37  
perform. 38

(G) "Disaster situation" means any condition or situation 39  
described by rule of the state board of emergency medical, fire, 40  
and transportation services as a mass casualty, major emergency, 41

natural disaster, or national emergency. 42

(H) "Emergency medical service organization" means an 43  
organization that uses EMTs, AEMTs, or paramedics, or a 44  
combination of EMTs, AEMTs, and paramedics, to provide medical 45  
care to victims of illness or injury. An emergency medical 46  
service organization includes, but is not limited to, a 47  
commercial ambulance service organization, a hospital, and a 48  
funeral home. 49

(I) "EMT," "AEMT," and "paramedic" have the same meanings 50  
as in sections 4765.01 and 4765.011 of the Revised Code. 51

(J) "Fixed wing air ambulance" means a fixed wing aircraft 52  
that is specifically designed, constructed, or modified and 53  
equipped and is intended to be used as a means of air medical 54  
transportation. 55

(K) "Intermediate life support" means treatment described 56  
in section 4765.38 of the Revised Code that an AEMT is certified 57  
to perform. 58

(L) "Major emergency" means any emergency event that 59  
cannot be resolved through the use of locally available 60  
emergency resources. 61

(M) "Mass casualty" means an emergency event that results 62  
in ten or more persons being injured, incapacitated, made ill, 63  
or killed. 64

(N) "Medical emergency" means an unforeseen event 65  
affecting an individual in such a manner that a need for 66  
immediate care is created. 67

(O) "Mobile intensive care unit" means an ambulance used 68  
only for maintaining specialized or intensive care treatment and 69

used primarily for interhospital transports of patients whose 70  
conditions require care beyond the scope of a paramedic as 71  
provided in section 4765.39 of the Revised Code. 72

(P) (1) "Nonemergency medical service organization" means a 73  
person that does both of the following: 74

(a) Provides services to the public on a regular basis for 75  
the purpose of transporting individuals who require the use of a 76  
wheelchair or ~~are confined to a wheelchair~~ other mobility aid to 77  
receive health care services at health care facilities or health 78  
care practitioners' offices in nonemergency circumstances; 79

(b) Provides the services for a fee, regardless of whether 80  
the fee is paid by the person being transported, a third party 81  
payer, as defined in section 3702.51 of the Revised Code, or any 82  
other person or government entity. 83

(2) "Nonemergency medical service organization" does not 84  
include a health care facility, as defined in section 1751.01 of 85  
the Revised Code, that provides ambulette services only to 86  
patients of that facility. 87

(Q) "Nontransport vehicle" means a motor vehicle operated 88  
by a licensed emergency medical service organization not as an 89  
ambulance, but as a vehicle for providing services in 90  
conjunction with the ambulances operated by the organization or 91  
other emergency medical service organizations. 92

(R) "Patient" means ~~any~~ either of the following: 93

(1) An individual who as a result of illness or injury 94  
needs medical attention, whose physical or mental condition is 95  
such that there is imminent danger of loss of life or 96  
significant health impairment, or who may be otherwise 97  
incapacitated or helpless as a result of a physical or mental 98

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| condition, <del>or</del> ;   | 99  |
| <u>(2) An individual</u> whose physical condition requires the             | 100 |
| use of a wheelchair <u>or other mobility aid</u> .                         | 101 |
| (S) "Rotorcraft air ambulance" means a helicopter or other                 | 102 |
| aircraft capable of vertical takeoffs, vertical landings, and              | 103 |
| hovering that is specifically designed, constructed, or modified           | 104 |
| and equipped and is intended to be used as a means of air                  | 105 |
| medical transportation.  | 106 |
| <b>Sec. 4766.04.</b> (A) Except as otherwise provided in this              | 107 |
| chapter, no person shall furnish, operate, conduct, maintain,              | 108 |
| advertise, engage in, or propose or profess to engage in the               | 109 |
| business or service in this state of transporting persons who              | 110 |
| are seriously ill, injured, or otherwise incapacitated or who              | 111 |
| require the use of a wheelchair <del>or are confined to a wheelchair</del> | 112 |
| <u>other mobility aid</u> unless the person is licensed pursuant to        | 113 |
| this section.  | 114 |
| (B) To qualify for a license as a basic life-support,                      | 115 |
| intermediate life-support, advanced life-support, or mobile                | 116 |
| intensive care unit organization, an emergency medical service             | 117 |
| organization shall do all of the following:                                | 118 |
| (1) Apply for a permit for each ambulance and nontransport                 | 119 |
| vehicle owned or leased as provided in section 4766.07 of the              | 120 |
| Revised Code;  | 121 |
| (2) Meet all requirements established in rules adopted by                  | 122 |
| the state board of emergency medical, fire, and transportation             | 123 |
| services regarding ambulances and nontransport vehicles,                   | 124 |
| including requirements pertaining to equipment, communications             | 125 |
| systems, staffing, and level of care the particular organization           | 126 |
| is permitted to render;  | 127 |

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| (3) Maintain the appropriate type and amount of insurance        | 128 |
| as specified in section 4766.06 of the Revised Code;             | 129 |
| (4) Meet all other requirements established under rules          | 130 |
| adopted by the board for the particular license.                 | 131 |
| (C) To qualify for a license to provide ambulette service,       | 132 |
| a nonemergency medical service organization shall do all of the  | 133 |
| following:   | 134 |
| (1) Apply for a permit for each ambulette owned or leased        | 135 |
| as provided in section 4766.07 of the Revised Code;              | 136 |
| (2) Meet all requirements established in rules adopted by        | 137 |
| the state board of emergency medical, fire, and transportation   | 138 |
| services regarding ambulances, including requirements pertaining | 139 |
| to equipment, communication systems, staffing, and level of care | 140 |
| the organization is permitted to render;                         | 141 |
| (3) Maintain the appropriate type and amount of insurance        | 142 |
| as specified in section 4766.06 of the Revised Code;             | 143 |
| (4) Meet all other requirements established under rules          | 144 |
| adopted by the board for the license.                            | 145 |
| (D) To qualify for a license to provide air medical              | 146 |
| transportation, an air medical service organization shall do all | 147 |
| of the following:  | 148 |
| (1) Apply for a permit for each rotorcraft air ambulance         | 149 |
| and fixed wing air ambulance owned or leased as provided in      | 150 |
| section 4766.07 of the Revised Code;                             | 151 |
| (2) Meet all requirements established in rules adopted by        | 152 |
| the state board of emergency medical, fire, and transportation   | 153 |
| services regarding rotorcraft air ambulances and fixed wing air  | 154 |
| ambulances, including requirements pertaining to equipment,      | 155 |

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| communication systems, staffing, and level of care the           | 156 |
| organization is permitted to render;                             | 157 |
| (3) Maintain the appropriate type and amount of insurance        | 158 |
| as specified in section 4766.06 of the Revised Code;             | 159 |
| (4) Meet all other requirements established under rules          | 160 |
| adopted by the board for the license.                            | 161 |
| (E) An emergency medical service organization that applies       | 162 |
| for a license as a basic life-support, intermediate life-        | 163 |
| support, advanced life-support, or mobile intensive care unit    | 164 |
| organization; a nonemergency medical service organization that   | 165 |
| applies for a license to provide ambulette service; or an air    | 166 |
| medical service organization that applies for a license to       | 167 |
| provide air medical transportation shall submit a completed      | 168 |
| application to the board, on a form provided by the board for    | 169 |
| each particular license, together with the appropriate fees      | 170 |
| established under section 4766.05 of the Revised Code. The       | 171 |
| application form shall include all of the following:             | 172 |
| (1) The name and business address of the operator of the         | 173 |
| organization for which licensure is sought;                      | 174 |
| (2) The name under which the applicant will operate the          | 175 |
| organization;  | 176 |
| (3) A list of the names and addresses of all officers and        | 177 |
| directors of the organization;                                   | 178 |
| (4) For emergency medical service organizations and              | 179 |
| nonemergency medical service organizations, a description of     | 180 |
| each vehicle to be used, including the make, model, year of      | 181 |
| manufacture, mileage, vehicle identification number, and the     | 182 |
| color scheme, insignia, name, monogram, or other distinguishing  | 183 |
| characteristics to be used to designate the applicant's vehicle; | 184 |

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| (5) For air medical service organizations using fixed wing       | 185 |
| air ambulances, a description of each aircraft to be used,       | 186 |
| including the make, model, year of manufacture, and aircraft     | 187 |
| hours on airframe;   | 188 |
| (6) For air medical service organizations using rotorcraft       | 189 |
| air ambulances, a description of each aircraft to be used,       | 190 |
| including the make, model, year of manufacture, aircraft hours   | 191 |
| on airframe, aircraft identification number, and the color       | 192 |
| scheme, insignia, name, monogram, or other distinguishing        | 193 |
| characteristics to be used to designate the applicant's          | 194 |
| rotorcraft air ambulance;  | 195 |
| (7) The location and description of each place from which        | 196 |
| the organization will operate;                                   | 197 |
| (8) A description of the geographic area to be served by         | 198 |
| the applicant;   | 199 |
| (9) Any other information the board, by rule, determines         | 200 |
| necessary.   | 201 |
| (F) Within sixty days after receiving a completed                | 202 |
| application for licensure as a basic life-support, intermediate  | 203 |
| life-support, advanced life-support, or mobile intensive care    | 204 |
| unit organization; an ambulette service; or an air medical       | 205 |
| service organization, the board shall approve or deny the        | 206 |
| application. The board shall deny an application if it           | 207 |
| determines that the applicant does not meet the requirements of  | 208 |
| this chapter or any rules adopted under it. The board shall send | 209 |
| notice of the denial of an application by certified mail to the  | 210 |
| applicant. The applicant may request a hearing within ten days   | 211 |
| after receipt of the notice. If the board receives a timely      | 212 |
| request, it shall hold a hearing in accordance with Chapter 119. | 213 |



of the Revised Code. 214

(G) If an applicant or licensee operates or plans to 215  
operate an organization in more than one location under the same 216  
or different identities, the applicant or licensee shall apply 217  
for and meet all requirements for licensure or renewal of a 218  
license, other than payment of a license fee or renewal fee, for 219  
operating the organization at each separate location. An 220  
applicant or licensee that operates or plans to operate under 221  
the same organization identity in separate locations shall pay 222  
only a single license fee. 223

(H) An emergency medical service organization that wishes 224  
to provide ambulance services to the public must apply for a 225  
separate license under division (C) of this section. 226

(I) Each license issued under this section and each permit 227  
issued under section 4766.07 of the Revised Code expires one 228  
year after the date of issuance and may be renewed in accordance 229  
with the standard renewal procedures of Chapter 4745. of the 230  
Revised Code. An application for renewal shall include the 231  
license or permit renewal fee established under section 4766.05 232  
of the Revised Code. An applicant for renewal of a permit also 233  
shall submit to the board proof of an annual inspection of the 234  
vehicle or aircraft for which permit renewal is sought. The 235  
board shall renew a license if the applicant meets the 236  
requirements for licensure and shall renew a permit if the 237  
applicant and vehicle or aircraft meet the requirements to 238  
maintain a permit for that vehicle or aircraft. 239

(J) Each licensee shall maintain accurate records of all 240  
service responses conducted. The records shall be maintained on 241  
forms prescribed by the board and shall contain information as 242  
specified by rule by the board. 243

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| <b>Sec. 4766.09.</b> This chapter does not apply to any of the   | 244 |
| following:   | 245 |
| (A) A person rendering services with an ambulance in the         | 246 |
| event of a disaster situation when licensees' vehicles based in  | 247 |
| the locality of the disaster situation are incapacitated or      | 248 |
| insufficient in number to render the services needed;            | 249 |
| (B) Any person operating an ambulance, ambulette,                | 250 |
| rotorcraft air ambulance, or fixed wing air ambulance outside    | 251 |
| this state unless receiving a person within this state for       | 252 |
| transport to a location within this state;                       | 253 |
| (C) A publicly owned or operated emergency medical service       | 254 |
| organization and the vehicles it owns or leases and operates,    | 255 |
| except as provided in section 307.051, division (G) of section   | 256 |
| 307.055, division (F) of section 505.37, division (B) of section | 257 |
| 505.375, and division (B) (3) of section 505.72 of the Revised   | 258 |
| Code;  | 259 |
| (D) An ambulance, ambulette, rotorcraft air ambulance,           | 260 |
| fixed wing air ambulance, or nontransport vehicle owned or       | 261 |
| leased and operated by the federal government;                   | 262 |
| (E) A publicly owned and operated fire department vehicle;       | 263 |
| (F) Emergency vehicles owned by a corporation and                | 264 |
| operating only on the corporation's premises, for the sole use   | 265 |
| by that corporation;   | 266 |
| (G) An ambulance, nontransport vehicle, or other emergency       | 267 |
| medical service organization vehicle owned and operated by a     | 268 |
| municipal corporation;   | 269 |
| (H) A motor vehicle titled in the name of a volunteer            | 270 |
| rescue service organization, as defined in section 4503.172 of   | 271 |

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| the Revised Code;  | 272 |
| (I) A public emergency medical service organization;             | 273 |
| (J) A fire department, rescue squad, or life squad               | 274 |
| comprised of volunteers who provide services without expectation | 275 |
| of remuneration and do not receive payment for services other    | 276 |
| than reimbursement for expenses;                                 | 277 |
| (K) A private, nonprofit emergency medical service               | 278 |
| organization when fifty per cent or more of its personnel are    | 279 |
| volunteers, as defined in section 4765.01 of the Revised Code;   | 280 |
| (L) Emergency medical service personnel who are regulated        | 281 |
| by the state board of emergency medical, fire, and               | 282 |
| transportation services under Chapter 4765. of the Revised Code; | 283 |
| (M) Any of the following that operates a transit bus, as         | 284 |
| that term is defined in division (Q) of section 5735.01 of the   | 285 |
| Revised Code, unless the entity provides ambulette services that | 286 |
| are reimbursed under the state medicaid plan:                    | 287 |
| (1) A public nonemergency medical service organization;          | 288 |
| (2) An urban or rural public transit system;                     | 289 |
| (3) A private nonprofit organization that receives grants        | 290 |
| under section 5501.07 of the Revised Code.                       | 291 |
| (N) (1) An entity, to the extent it provides ambulette           | 292 |
| services, if the entity meets all of the following conditions:   | 293 |
| (a) The entity is certified by the department of aging or        | 294 |
| the department's designee in accordance with section 173.391 of  | 295 |
| the Revised Code or operates under a contract or grant agreement | 296 |
| with the department or the department's designee in accordance   | 297 |
| with section 173.392 of the Revised Code.                        | 298 |

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| (b) The entity meets the requirements of section 4766.14 of the Revised Code.   | 299<br>300        |
| (c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan.   | 301<br>302        |
| (2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions:   | 303<br>304<br>305 |
| (a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section.   | 306<br>307        |
| (b) The vehicle does not provide ambulette services that are reimbursed under the state medicaid plan.  | 308<br>309        |
| (O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the state medicaid plan:                        | 310<br>311<br>312 |
| (1) The vehicle was purchased with funds from a grant made by the United States secretary of transportation under 49 U.S.C. 5310;                                       | 313<br>314<br>315 |
| (2) The department of transportation holds a lien on the vehicle.   | 316<br>317        |
| <u>(P) Any of the following that is transporting a patient as defined in division (R)(2) of section 4766.01 of the Revised Code:</u>                                    | 318<br>319<br>320 |
| <u>(1) A taxicab or other similar vehicle for hire;</u>   | 321               |
| <u>(2) A vehicle owned or operated by a transportation network company or transportation network company driver, as defined in section 3942.01 of the Revised Code.</u> | 322<br>323<br>324 |
| <b>Section 2.</b> That existing sections 4766.01, 4766.04, and  | 325               |

4766.09 of the Revised Code are hereby repealed.

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