



Ohio Legislative Service Commission 122nd Senate Bill Analysis

Sub. S.B. 30** This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

122nd General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

Sen. Dix

- Authorizes the Board to adopt rules pertaining to the level of care each type of emergency medical service organization is authorized to provide.
- confers investigatory authority on the Board.
- Makes other changes in the laws regarding ambulances and the duties of the Board.

CONTENT AND OPERATION

Regulation of emergency medical service organizations

Under existing law, the Ohio Ambulance Licensing Board regulates all private emergency medical service organizations (Chapter 4766.). "Emergency medical service organization" is defined as an organization that uses EMTs-basic, EMTs-I, or paramedics, or a combination thereof, to provide medical care to victims of illness or injury. The term includes, but is not limited to, a commercial ambulance service organization, a hospital, and a funeral home. It does not include any private, nonprofit organization when 50% or more of its total personnel are volunteer personnel (that is, persons who provide services without expectation of remuneration and who do not receive payment for services rendered other than reimbursement for expenses), or a volunteer fire department, volunteer rescue squad, or volunteer life squad. Various other entities and persons are specifically exempted from the Ambulance Licensing Law. (Secs. 4766.01(E), 4766.09, and 4766.12.)

Current law allows certain local governmental authorities to choose to have the Ambulance Licensing Law apply to publicly owned or operated emergency medical service organizations under their control (secs. 307.051--county emergency medical service organizations; 505.37--township emergency medical service organizations; and 505.375--fire and ambulance district emergency medical service organizations). The bill adds joint ambulance districts (sec. 505.72) and joint emergency medical services districts (sec. 307.055), both of which were created by laws enacted after the ambulance licensing law, to the list of entities that may subject emergency medical service organizations they operate to that Law (secs. 4766.09(C), 505.72, 307.055, and 4766.12). Like the other public entities generally exempted from the Law, the added entities may adopt a resolution choosing to have the Ohio Ambulance Licensing Board license any emergency medical service organization they operate. Similarly, the added entities may, at any time, adopt a resolution to remove themselves from the Board's jurisdiction. The bill provides that all rules adopted under applicable sections of the Ambulance Licensing Law apply to public emergency medical service organizations electing to be regulated by the Law. The bill specifies that the exemption for public emergency medical service organizations includes the vehicles the organization owns or leases and operates (sec. 4766.09(C)). However, nontransport vehicles (see "Definitions," below) of such public organizations continue to be exempt from the vehicle permit requirement even if the organization elects to be licensed by the Board (sec. 4766.12).

Current law exempts from regulations by the Ambulance Licensing Law an ambulance owned and operated by the federal government; the bill so exempts an ambulance or nontransport vehicle (see "Definitions," below) owned or leased and operated by the federal government. (Sec. 4766.09(D).)

Changes in the Ohio ambulance licensing board's rule-making authority

(sec. 4766.03)

Current law requires the Board to adopt rules under the Administrative Procedure Act to implement the Ambulance Licensing Law. The bill makes several technical, nonsubstantive changes to this requirement and adds a requirement that the Board adopt rules pertaining to requirements for ambulances and nontransport vehicles used by licensed emergency

medical service organizations that specify for each type of vehicle the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle. In adopting these rules, the Board may establish requirements that vary according to whether the emergency medical service organization using the vehicle is licensed as a basic, intermediate, or advanced life-support organization. The bill also requires the Board to adopt rules relating to the level of care each type of emergency medical service organization is authorized to provide and requires all licensees to comply with these rules. (Secs. 4766.03(A)(8) and (9) and (B) and 4766.04(B)(2).)

The bill removes a requirement that the Board adopt rules that comply with the requirements in a specified publication (sec. 4766.03(B)). (See **Comment.**)

Causes for disciplinary action by the Board

(sec. 4766.08)

Current law allows the Board to suspend or revoke any license or permit or renewal of a license or permit for a variety of causes including any violation of the Ambulance Licensing Law or rule adopted by the Board, refusal to permit the Board to inspect a vehicle, records, or facilities, and failure to meet ambulance and nontransport vehicle requirements. The bill adds two additional causes for disciplinary action: (1) violation of an order issued by the Board and (2) failure to comply with any of the terms of an agreement entered into with the Board regarding the suspension or revocation of a license or permit or the imposition of a penalty.

Relationship of the Ambulance Licensing Law to municipal regulation

(sec. 4766.10)

The Ambulance Licensing Law declares that it does not invalidate any municipal ordinance that establishes standards for the licensure of basic, intermediate, or advanced life-support service organizations that meet or exceed the standards of the Law or of rules adopted by the Board. The bill retains this provision but limits it to municipal ordinances establishing standards for licensure of such emergency medical service organizations that have their principal places of business located within the limits of the municipal corporation.

Investigatory authority of the Board

(sec. 4766.11)

The bill expressly authorizes the Board to investigate alleged violations of the Ambulance Licensing Law or the Board's rules and any complaints received regarding alleged violations. The bill also makes the following provisions applicable to these investigations. The Board, in conducting an investigation, may issue subpoenas compelling the attendance and testimony of witnesses and the production of books, records, and other documents pertaining to the investigation. If a person fails to obey a subpoena from the Board, the Board may apply to the court of common pleas in the county where the investigation is being conducted for an order compelling the person to comply with the subpoena. On application by the Board, the court is required to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena from the court or a refusal to testify in court.

Licensing of organizations regulated by another state

(sec. 4766.13)

The bill authorizes the Board, by endorsement, to license and issue vehicle permits to an emergency medical service organization that is regulated by another state. To qualify for a license and vehicle permit by endorsement, an organization must submit evidence satisfactory to the Board that it has met standards in another state that are equal to or more stringent than the standards established by Ohio statutes and rules.

Vehicle registration

(sec. 4503.49)

Under existing law, any private emergency medical service organization may apply to the Registrar of Motor Vehicles for the registration of any ambulance or nontransport vehicle it owns. The organization's application must be accompanied by the vehicle permit or temporary permit issued by the Board. The bill makes this registration mandatory for vehicles owned or leased by any private emergency medical service organization and requires that an applicant submit with the application a copy of the certificate of licensure rather than the vehicle permit issued by the Board.

Under existing law, upon application, and receipt of required fees, the Registrar of Motor Vehicles issues a set of license plates and a validation sticker. The plates have the words "EMS VEHICLE" inscribed on them. Under the bill, the Registrar must issue the appropriate certificate of registration for the vehicle and either issue a set of license plates with a

validation sticker and a set of stickers to be attached to the plates as an identification of the vehicle's classification as an ambulance or nontransport vehicle, or issue a validation sticker alone when renewing a registration. The bill does not provide for the issuance of inscribed plates as under current law.

Vehicle permits from the board

(sec. 4766.07)

Under existing law each emergency medical service organization subject to licensure under the Ambulance Licensing Law is required to possess a valid permit for each ambulance and nontransport vehicle it owns or leases for providing emergency medical services. The applicant for an initial permit must submit the ambulance or vehicle to the State Highway Patrol, which must conduct a physical inspection to determine the ambulance or vehicle's roadworthiness and compliance with standard motor vehicle requirements. The Board also conducts a physical inspection, of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the vehicle's interior to determine compliance with the "GAC Service Specifications and Technical Handbook," as amended, that was in effect at the time the ambulance was manufactured. The bill removes the reference to this Handbook (see **comment 1**) and replaces it with a requirement that the Board make its inspection to determine compliance with federal requirements for ambulance construction in effect at the time the ambulance was manufactured, as specified by the General Services Administration in the various versions of its publication titled "Federal Specification for the Star-of-Life Ambulance, KKK-A-1822." The bill also removes language requiring the Board to adopt rules pertaining to inspections to determine compliance with vehicle standards specified in the Handbook.

Definitions

(sec. 4766.01(L))

Current law defines "nontransport vehicle" as a motor vehicle, other than a motor vehicle titled in the name of a volunteer rescue service organization, owned or leased and operated to provide advanced, intermediate, or basic life-support services in conjunction with any motor vehicle, that is not for the transportation of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless, operating under the authority of a person licensed by the Board. The bill rewords the definition to provide that "nontransport vehicle" means a motor vehicle operated by a licensed emergency medical service organization not as an ambulance, but as a vehicle for providing services in conjunction with the ambulances operated by the organization or other emergency medical service organizations.

Corrective changes

(secs. 9.60, 307.05, 505.375, 505.44, 2909.01, 4765.09, 4765.10, 4765.37, and 4765.56)

The bill adds joint emergency medical service districts to several sections of law currently applicable to the publicly owned and operated emergency medical service organizations (sec. 9.60--mutual aid immunity provision; sec. 2909.01--definition of "emergency personnel" in the Arson and Related Offenses Law; sec. 4765.09--State Board of Emergency Medical Services recommendations for ambulance and emergency medical service organizations; and sec. 4931.40--list of subdivisions that provide 9-1-1 service). The bill also amends several sections of law to correct the name of the State Board of Emergency Medical Services (secs. 307.05, 505.44, and 4765.56).

COMMENT

According to a spokesperson for the Board, the deletion of this requirement is necessary because the publication is outdated and the bill requires elsewhere (sec. 4766.07(C)(2)) that vehicle standards satisfy federal specifications set forth in the General Services Administration publication titled "Federal specification for the Star-of-life Ambulance, **kkk-A-1822.**"

HISTORY

ACTION DATE JOURNAL ENTRY

Introduced 01-28-97 p. 94
Reported, S. State & Local
Gov't & Veterans Affairs --- ---

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