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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 law governing the
transport of persons who require the use of a
wheelchair or other mobility aid in nonemergency
circumstances. 1
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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: 6
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Sec. 4766.01. As used in this chapter: 8

(A) "Advanced life support" means treatment described in
section 4765.39 of the Revised Code that a paramedic is 9
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certified to perform. 11

(B) "Air medical service organization" means an 12
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) "Health care practitioner" has the same meaning as in 56
section 3701.74 of the Revised Code. 57

(L) "Health care services" has the same meaning as in 58
section 3922.01 of the Revised Code. 59

(M) "Intermediate life support" means treatment described 60
in section 4765.38 of the Revised Code that an AEMT is certified 61
to perform. 62

~~(L)~~-(N) "Major emergency" means any emergency event that 63
cannot be resolved through the use of locally available 64
emergency resources. 65

~~(M)~~-(O) "Mass casualty" means an emergency event that 66
results in ten or more persons being injured, incapacitated, 67

made ill, or killed. 68

~~(N)~~(P) "Medical emergency" means an unforeseen event 69
affecting an individual in such a manner that a need for 70
immediate care is created. 71

~~(O)~~(Q) "Mobile intensive care unit" means an ambulance 72
used only for maintaining specialized or intensive care 73
treatment and used primarily for interhospital transports of 74
patients whose conditions require care beyond the scope of a 75
paramedic as provided in section 4765.39 of the Revised Code. 76

~~(P)~~(R) (1) "Nonemergency medical service organization" 77
means a person that does both of the following: 78

(a) Provides services to the public on a regular basis for 79
the purpose of transporting individuals who require the use of a 80
wheelchair or ~~are confined to a wheelchair~~ other mobility aid to 81
receive health care services ~~at health care facilities or health-~~ 82
~~care practitioners' offices~~ in nonemergency circumstances; 83

(b) Provides the services for a fee, regardless of whether 84
the fee is paid by the person being transported, a third party 85
payer, as defined in section 3702.51 of the Revised Code, or any 86
other person or government entity. 87

(2) "Nonemergency medical service organization" does not 88
include a health care facility, as defined in section 1751.01 of 89
the Revised Code, that provides ambulette services only to 90
patients of that facility. 91

~~(Q)~~(S) "Nontransport vehicle" means a motor vehicle 92
operated by a licensed emergency medical service organization 93
not as an ambulance, but as a vehicle for providing services in 94
conjunction with the ambulances operated by the organization or 95
other emergency medical service organizations. 96

~~(R)~~(T) "Patient" means any individual who as a result of illness or injury needs medical attention, whose physical or mental condition is such that there is imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition, or any individual whose physical condition requires the use of a wheelchair or other mobility aid.

~~(S)~~(U) "Rotorcraft air ambulance" means a helicopter or other aircraft capable of vertical takeoffs, vertical landings, and hovering that is specifically designed, constructed, or modified and equipped and is intended to be used as a means of air medical transportation.

(V) "Taxicab" means a taxicab vehicle operated by a taxicab service company, provided the company is not a nonemergency medical service organization.

(W) "Transportation network company driver" has the same meaning as in section 3942.01 of the Revised Code.

(X) "Transportation network company services" has the same meaning as in section 3942.01 of the Revised Code.

Sec. 4766.04. (A) (1) Except as otherwise provided in this chapter, unless a person is an emergency medical service organization licensed under division (B) or an air medical service organization licensed under division (D) of this section, no person shall ~~furnish, operate, conduct, maintain, advertise,~~ engage in, ~~or propose~~ or profess to engage in, the business or service in this state of ~~transporting persons~~ providing emergency medical transportation to an individual who are seriously ill, injured, or otherwise incapacitated or is experiencing a medical emergency.

(2) Except as otherwise provided in this chapter, unless a 126
person is a nonemergency medical service organization licensed 127
under division (C) of this section, no person shall engage in, 128
or profess to engage in, the business or service of providing 129
nonemergency medical transportation to an individual who ~~require~~ 130
~~requires~~ the use of a wheelchair or ~~are confined to a wheelchair~~ 131
~~unless the person is licensed pursuant to this section, other~~ 132
mobility aid, and who is not experiencing a medical emergency, 133
between any of the following locations: 134

(a) A hospital; 135

(b) An emergency department; 136

(c) A dialysis center; 137

(d) A long-term care facility, including a nursing home; 138

(e) A surgical facility; 139

(f) An inpatient rehabilitation facility; 140

(g) A memory care center; 141

(h) A health care practitioner's office; 142

(i) Any other licensed inpatient facility. 143

(B) To qualify for a license as a basic life-support, 144
intermediate life-support, advanced life-support, or mobile 145
intensive care unit organization, an emergency medical service 146
organization shall do all of the following: 147

(1) Apply for a permit for each ambulance and nontransport 148
vehicle owned or leased as provided in section 4766.07 of the 149
Revised Code; 150

(2) Meet all requirements established in rules adopted by 151
the state board of emergency medical, fire, and transportation 152

services regarding ambulances and nontransport vehicles, 153
including requirements pertaining to equipment, communications 154
systems, staffing, and level of care the particular organization 155
is permitted to render; 156

(3) Maintain the appropriate type and amount of insurance 157
as specified in section 4766.06 of the Revised Code; 158

(4) Meet all other requirements established under rules 159
adopted by the board for the particular license. 160

(C) To qualify for a license to provide ambulette service, 161
a nonemergency medical service organization shall do all of the 162
following: 163

(1) Apply for a permit for each ambulette owned or leased 164
as provided in section 4766.07 of the Revised Code; 165

(2) Meet all requirements established in rules adopted by 166
the state board of emergency medical, fire, and transportation 167
services regarding ambulettes, including requirements pertaining 168
to equipment, communication systems, staffing, and level of care 169
the organization is permitted to render; 170

(3) Maintain the appropriate type and amount of insurance 171
as specified in section 4766.06 of the Revised Code; 172

(4) Meet all other requirements established under rules 173
adopted by the board for the license. 174

(D) To qualify for a license to provide air medical 175
transportation, an air medical service organization shall do all 176
of the following: 177

(1) Apply for a permit for each rotorcraft air ambulance 178
and fixed wing air ambulance owned or leased as provided in 179
section 4766.07 of the Revised Code; 180

(2) Meet all requirements established in rules adopted by 181
the state board of emergency medical, fire, and transportation 182
services regarding rotorcraft air ambulances and fixed wing air 183
ambulances, including requirements pertaining to equipment, 184
communication systems, staffing, and level of care the 185
organization is permitted to render; 186

(3) Maintain the appropriate type and amount of insurance 187
as specified in section 4766.06 of the Revised Code; 188

(4) Meet all other requirements established under rules 189
adopted by the board for the license. 190

(E) An emergency medical service organization that applies 191
for a license as a basic life-support, intermediate life- 192
support, advanced life-support, or mobile intensive care unit 193
organization; a nonemergency medical service organization that 194
applies for a license to provide ambulette service; or an air 195
medical service organization that applies for a license to 196
provide air medical transportation shall submit a completed 197
application to the board, on a form provided by the board for 198
each particular license, together with the appropriate fees 199
established under section 4766.05 of the Revised Code. The 200
application form shall include all of the following: 201

(1) The name and business address of the operator of the 202
organization for which licensure is sought; 203

(2) The name under which the applicant will operate the 204
organization; 205

(3) A list of the names and addresses of all officers and 206
directors of the organization; 207

(4) For emergency medical service organizations and 208
nonemergency medical service organizations, a description of 209

each vehicle to be used, 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;

(5) For air medical service organizations using fixed wing air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, and aircraft hours on airframe;

(6) For air medical service organizations using rotorcraft air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, aircraft hours on airframe, aircraft identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's rotorcraft air ambulance;

(7) The location and description of each place from which the organization will operate;

(8) A description of the geographic area to be served by the applicant;

(9) Any other information the board, by rule, determines necessary.

(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; an ambulette service; or an air medical service organization, the board shall approve or deny the application. The board shall deny an application if it determines that the applicant does not meet the requirements of this chapter or any rules adopted under it. The board shall send

notice of the denial of an application by certified mail to the 239
applicant. The applicant may request a hearing within ten days 240
after receipt of the notice. If the board receives a timely 241
request, it shall hold a hearing in accordance with Chapter 119. 242
of the Revised Code. 243

(G) If an applicant or licensee operates or plans to 244
operate an organization in more than one location under the same 245
or different identities, the applicant or licensee shall apply 246
for and meet all requirements for licensure or renewal of a 247
license, other than payment of a license fee or renewal fee, for 248
operating the organization at each separate location. An 249
applicant or licensee that operates or plans to operate under 250
the same organization identity in separate locations shall pay 251
only a single license fee. 252

(H) An emergency medical service organization that wishes 253
to provide ambulance services to the public must apply for a 254
separate license under division (C) of this section. 255

(I) Each license issued under this section and each permit 256
issued under section 4766.07 of the Revised Code expires one 257
year after the date of issuance and may be renewed in accordance 258
with the standard renewal procedures of Chapter 4745. of the 259
Revised Code. An application for renewal shall include the 260
license or permit renewal fee established under section 4766.05 261
of the Revised Code. An applicant for renewal of a permit also 262
shall submit to the board proof of an annual inspection of the 263
vehicle or aircraft for which permit renewal is sought. The 264
board shall renew a license if the applicant meets the 265
requirements for licensure and shall renew a permit if the 266
applicant and vehicle or aircraft meet the requirements to 267
maintain a permit for that vehicle or aircraft. 268

(J) Each licensee shall maintain accurate records of all 269
service responses conducted. The records shall be maintained on 270
forms prescribed by the board and shall contain information as 271
specified by rule by the board. 272

Sec. 4766.09. This chapter does not apply to any of the 273
following: 274

(A) A person rendering services with an ambulance in the 275
event of a disaster situation when licensees' vehicles based in 276
the locality of the disaster situation are incapacitated or 277
insufficient in number to render the services needed; 278

(B) Any person operating an ambulance, ambulette, 279
rotorcraft air ambulance, or fixed wing air ambulance outside 280
this state unless receiving a person within this state for 281
transport to a location within this state; 282

(C) A publicly owned or operated emergency medical service 283
organization and the vehicles it owns or leases and operates, 284
except as provided in section 307.051, division (G) of section 285
307.055, division (F) of section 505.37, division (B) of section 286
505.375, and division (B) (3) of section 505.72 of the Revised 287
Code; 288

(D) An ambulance, ambulette, rotorcraft air ambulance, 289
fixed wing air ambulance, or nontransport vehicle owned or 290
leased and operated by the federal government; 291

(E) A publicly owned and operated fire department vehicle; 292

(F) Emergency vehicles owned by a corporation and 293
operating only on the corporation's premises, for the sole use 294
by that corporation; 295

(G) An ambulance, nontransport vehicle, or other emergency 296

medical service organization vehicle owned and operated by a municipal corporation;	297 298
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	299 300 301
(I) A public emergency medical service organization;	302
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	303 304 305 306
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;	307 308 309
(L) Emergency medical service personnel who are regulated by the state board of emergency medical, fire, and transportation services under Chapter 4765. of the Revised Code;	310 311 312
(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:	313 314 315 316
(1) A public nonemergency medical service organization;	317
(2) An urban or rural public transit system;	318
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	319 320
(N) (1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions:	321 322
(a) The entity is certified by the department of aging or	323

the department's designee in accordance with section 173.391 of 324
the Revised Code or operates under a contract or grant agreement 325
with the department or the department's designee in accordance 326
with section 173.392 of the Revised Code. 327

(b) The entity meets the requirements of section 4766.14 328
of the Revised Code. 329

(c) The entity does not provide ambulette services that 330
are reimbursed under the state medicaid plan. 331

(2) A vehicle, to the extent it is used to provide 332
ambulette services, if the vehicle meets both of the following 333
conditions: 334

(a) The vehicle is owned by an entity that meets the 335
conditions specified in division (N)(1) of this section. 336

(b) The vehicle does not provide ambulette services that 337
are reimbursed under the state medicaid plan. 338

(O) A vehicle that meets both of the following criteria, 339
unless the vehicle provides services that are reimbursed under 340
the state medicaid plan: 341

(1) The vehicle was purchased with funds from a grant made 342
by the United States secretary of transportation under 49 U.S.C. 343
5310; 344

(2) The department of transportation holds a lien on the 345
vehicle. 346

(P) A taxicab or a vehicle providing transportation 347
network company services that is operated by a transportation 348
network company driver, unless transporting a person under the 349
conditions requiring licensure specified in division (A) of 350
section 4766.04 of the Revised Code. 351

(Q) A vehicle providing transportation services for a 352
private adult day habilitation services company, unless 353
transporting a person under the conditions requiring licensure 354
specified in division (A) of section 4766.04 of the Revised 355
Code. As used in division (Q) of this section, "adult day 356
habilitation services" has the same meaning as in section 357
5126.01 of the Revised Code. 358

Section 2. That existing sections 4766.01, 4766.04, and 359
4766.09 of the Revised Code are hereby repealed. 360