



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Public Safety, Division of Emergency Medical, Fire and Transportation Services

Rule Contact Name and Contact Information: Joseph A. Kirk - 614-466-5605, jakirk@dps.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):
Competency Based Training for EMS providers

Rule Number(s): Rules 4765-8-04 and 4765-17-02

Date of Submission for CSI Review: 2/25/2025

Public Comment Period End Date: 3/11/2025

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? __)

Amended/ 2 rules (FYR? __)

Rescinded/___ rules (FYR? __)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☐ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Rule 4765-8-04 sets forth requirements for applicants seeking renewal of their certificates to practice as an emergency medical responder, emergency medical technician, advanced emergency medical technician, or paramedic issued by the Division of EMS pursuant to section 4765.30 of the Revised Code and Chapter 4765-8 of the Administrative Code as directed by the EMFTS Board. The rule includes continuing education (CE) requirements and the options available for applicants who fail to meet CE requirements at their current level of certification. OAC rule 4765-8-04 lists the EMFTS Board's considerations when deciding whether to renew a certificate to practice. The rule describes the time period for an applicant for renewal to maintain records that may be required for audits conducted by the Division of EMS as directed by the EMFTS Board. The rule describes when a renewed certificate to practice will become effective and circumstances that may deem a certificate holder to be ineligible for renewal but eligible for reinstatement. **The rule is amended to allow for a core competency-based option when renewing a paramedic certificate to practice and what is needed.**

Rule 4765-17-02 sets forth the continuing education (CE) standards for paramedics, including the number of hours required in the areas of pediatric, geriatric, and trauma issues; refresher program requirements; the use of national registry registration and

trauma triage training for complying with CE requirements; examination requirements; and the renewal application. This rule refers readers to the incorporated by reference rule. **The rule has been amended to define what is required for core competency-based training.**

- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Rule 4765-8-04 is authorized by Section 4765.11 of the Revised Code and amplifies Section 4765.30 of the Revised Code.

Rule 4765-17-02 is authorized by Section 4765-11 of the Revised Code and amplifies Sections 4765.16, 4765.162, 4765.24, and 4765.31 of the Revised Code

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

If yes, please briefly explain the source and substance of the federal requirement.

No.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Pursuant to R.C. section 4765.11, the Ohio State Board of Emergency Medical, Fire, and Transportation Services (EMFTS) is directed to adopt rules that establish the qualifications as set forth in R.C. section 4765.30, standards of performance, and procedures under which the Board may issue, renew, suspend, or revoke certificates to practice as an emergency medical responder, emergency medical technician, advanced emergency medical technician, or paramedic or certificates to teach as an EMS instructor.

In addition, R.C. section 4765.11 directs the Ohio State Board of EMFTS to adopt rules that establish the standards and procedures under which the Board may issue, renew, suspend, or revoke certificates of accreditation and certificates of approval to operate EMS training and continuing education training programs and set forth the conditions under which accredited and approved institutions may operate, including the curricula, number of hours of instruction and training, and instructional materials to be used.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The Division of EMS tracks and publishes the Ohio EMS Monthly Active Certification Report at its Web site (<https://www.ems.ohio.gov/certifications.aspx#gsc.tab=0>) and reports the information to the Ohio State Board of EMFTS at its meetings. The Division of EMS

conducts audits of randomly selected certificate holders to verify that continuing education requirements have been met.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The draft rules were provided to all EMS and fire providers, EMS agencies, fire departments, EMS medical directors, paramedic education program directors, and Regional Physician Advisory Board members through gov delivery on February 5, 2025.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

One comment/questions was submitted by Matt Clark via email in relation to rule 4765-8-04 new paragraph (D) on asking “What if an audited renewal applicant is not currently affiliated with an agency/medical director? Two of those signatures would be unavailable.”

Without a medical director, no agency affiliation, and not currently providing paramedic care, an individual would need to utilize one of the other four legacy renewal options outlined in rule 4765-17-02 which is also a part of this package. The competency-based option is a qualitative focus that requires close medical oversight and knowledge of the paramedic provider and their capabilities.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

The change to allow EMS competency-based renewals are based on evidence based research. Research studies and results are acquired from national EMS organizations, national publications and research funded through Division of EMS grants, thus representing the best practices.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

Alternative regulations may include performance-based regulations, which define the

required outcome, but do not dictate the process the regulated stakeholders must use to comply.

It was determined that alternative regulations may not meet the purpose of the rules to assure consistent EMS provider and instructor training and to ensure well-trained EMS providers and instructors, efficient and effective delivery of pre-hospital patient care, and increased safety while delivering services. Pursuant to section 4765.11 of the Revised Code, the EMFTS board is directed to adopt rules that establish the standards for the performance of emergency medical services and the procedures for approving the additional emergency medical services authorized by sections 4765.35, 4765.37, 4765.38, and 4765.39 of the RC.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Division of Emergency Medical Services is the only authority for certifying emergency medical practitioners and instructors; therefore, a review of RC Chapter 4765. and agency 4765 of the OAC was completed using RegExplorer.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Using the Division's Web site EMS.ohio.gov and the gov.delivery.com user groups, the division will provide stakeholders with final with final rules, rule summaries, and amendments to chapters 4765-8-7, 4765-12, 4765-15, 4765-16, 4765-17, and 4765-19 of the OAC.

Division of EMS staff are available via telephone and/or face-to-face meetings to assist institutions and practitioners with the application process or with questions about the scopes of practice or continuing - 14 - education. Questions may be submitted via email to "Ask EMS" (<https://ems.ohio.gov/help-center/askems>) or directly to the Division's staff using the "Agency Directory" (<https://ems.ohio.gov/helpcenter/agency-directory/agency-directory>).

The Division of EMS posts information about the rule review process, including those rules scheduled for review, drafts open for public comment, and proposed rule public hearing notices at its "EMS Laws & Rules" Web site (<https://ems.ohio.gov/laws-and-rules>). The "EMS Laws & Rules" Web site includes links to chapters 4765. and 4766. of the Ohio Revised Code and links to the Ohio Administrative Code chapters and rules associated with each EMS section. Access to rules filed with CSI and with the Joint Committee on Agency Rule Review (JCARR), as well as other filing documents is provided at the "EMS Laws & Rules" Web site through links with the "Register of Ohio" (<https://registerofohio.state.oh.us/>) and the Ohio Department of Public Safety "Administrative Rules" Web site (<https://publicsafety.ohio.gov/what-we-do/administrative-rules-reviews>).

The Division of EMS uses the EMS gov.delivery.com system and its user lists to distribute the final rules, when they become effective, to stakeholders. Division of EMS staff will receive email notification of the rule changes and attend section briefings regarding the implementation of policy and procedures. During its meetings, the EMFTS Board receives

regular updates about EMS rules. In addition, notification of the rule changes to Division staff will be delivered internally through staff meetings, and cross-training of staff on co-workers' job responsibilities that will increase the overall knowledge and efficiency of the Division.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

The scope of the impacted stakeholder community fluctuates but includes approximately 42,274 EMS providers and 12,365 instructors, in addition to students enrolled in approximately 91 EMS accredited institutions and 552 approved EMS continuing education institutions. During 2024, approximately 441 people applied for certification by reciprocity to become an EMS provider or instructor.

SOURCE: Ohio Division of Emergency Medical Services, February 2025

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

The estimated costs of compliance for stakeholders include the costs and an individual's time to successfully complete the application process. Continuing education requirements include current registration with the National Registry of Emergency Medical Technicians (NREMT). The Division of EMS does not charge a fee to apply for certification or renewal. A fee is charged to those applying for reinstatement or certification by reciprocity.

A certificate-holder may become subject to disciplinary action, which, if invoked, may include fines and/or limitations on authority to practice up to and including revocation. A certificate-holder subject to disciplinary action may incur fines up to \$1,000. There are a limited number of EMS providers and teachers that are in violation and face disciplinary action.

OAC rule 4765-8-04 requires an applicant for renewal to maintain records relating of the continuing education completed for the current and previous certification cycle and to report the information for audit by the Division of EMS, as directed by the Board of EMFTS

The Division of EMS estimates that these rules will not result in any undue cost of compliance or adverse impact

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

While not reducing a regulatory burden, the amendments allow for an additional way to provide proof of competence for renewal of a paramedic certificate to practice.

- 17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The EMFTS Board is statutorily required to promulgate rules in regard to establishing the curricula, procedures, and standards for the performance of EMS providers, training institutions, and instructors. EMS providers respond to medical and traumatic emergencies in the pre-hospital setting and function without direct oversight. It is critical that the EMS workforce maintains an acceptable knowledge and skill level to provide quality care before and during transport to a medical facility. EMS agencies and training institution utilizing EMS providers and instructors depend upon the EMFTS Board and the Division of EMS to ensure individuals issued a certificates to practice or teach have met recognized standards. The Division of EMS' intent to ensure high standards in a provider's professional conduct, delivery of emergency medical services, and safe patient care justifies the minimal adverse impact to the impacted community. The proposed amendments do not significantly impact the cost or amount of time required to comply with the rules in OAC Chapter 4765-8 or rule 4765-18-11.

Regulatory Flexibility

- 18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

In order to assure safe, effective, and efficient delivery of emergency medical services, no alternatives can be considered for certification and continuing education standards. The rules do provide processes for reinstatement, renewal, and certification by reciprocity. Initial certification examinations are established by the National Registry of Emergency Medical Technicians (NREMT) and the Board of EMFTS; NREMT and the Board have established a reinstatement examination and an examination in lieu of continuing education.

- 19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

While an individual certificate holder may be subject to discipline for a violation of these rules, a small business would not, therefore the waiver provision contained in R.C. section 119.14 would not be applicable to a violation of these rules. If disciplinary action is considered, each

case is submitted first to the Board's Assistant Attorney General to ensure compliance with Chapter 119. of the Revised Code.

The Board reviews each situation on a case-by-case and may consider all information relevant to the requirements of agency 4765 of the Administrative Code and Chapter 4765. of the Revised Code.

20. What resources are available to assist small businesses with compliance of the regulation?

The EMS web page includes links to the laws and rules associated with emergency medical services, along with an overview section about accredited and approved continuing education programs (Ohio EMS & Fire Training Facilities). Other Webpages include: certifications, medical direction, scope of practice questions and answers, education and testing, and a help center. The "Agency Directory" includes a toll free number, the names and titles of EMS staff, and the names and email addresses of the Division of EMS sections.

The Division of EMS staff members also attend and present information at various conferences, seminars, and symposiums throughout the State of Ohio such as the annual International Trauma Life Support (ITLS) Emergency Care Conference, the Ohio Association of Emergency Medical Services (OAEMS) Summer Conference, Ohio Fire and EMS Expo, Ohio EMS Grant Hospital/Ohio Health Conference, Ohio Ambulance Association Conference, Ohio State Fire Instructors Society, and the Ohio Fire & Rescue Officer Development Conference (Ohio Fire Chiefs Conference).

Division of EMS staff are available via telephone and/or face-to-face meetings to assist institutions in the application process. Questions may be submitted via email to "Ask EMS" or directly to the Division's education staff.