

**NOTICE OF PUBLIC HEARING  
OHIO DEPARTMENT OF PUBLIC SAFETY**

**Date:** Monday, September 22, 2025  
**Time:** 9:00 a.m.  
**Location:** Ohio Department of Public Safety  
1970 West Broad Street, Room 1108  
Columbus, Ohio 43223

The Ohio Department of Public Safety, Division of Emergency Medical Services, State Board of Emergency Medical, Fire, and Transportation Services, pursuant to Chapter 119. of the Ohio Revised Code, will conduct a public hearing for the purpose of soliciting comments regarding the adoption, amendment, and rescission of rules.

The public hearing will be conducted on **Monday, September 22, 2025, beginning at 9:00 a.m.** in room 1108, located at 1970 West Broad Street, Columbus, OH 43223 and continue until all parties in attendance have had an opportunity to be heard.

The following new rules have been filed with JCARR.

**OAC 4765-10-07**

**OAC 4765-23-04**

Rule #	Tagline	Proposed Filing
4765-10-07	Impaired practitioners.	New
4765-23-04	Impaired practitioners.	New

Persons affected by the proposed rules may appear at the hearing and be heard in person, or by an attorney, or both, or may present their position, argument, or contention in writing. Persons may offer and examine witnesses and present evidence to show that the proposed rules will be unreasonable or unlawful if enacted.

Requests for copies of the proposed rules and/or public comments may be submitted in person or by mail at the following address: Ohio Department of Public Safety, Office of Legal Services, Suite 531C, 1970 West Broad Street, Columbus, Ohio 43223, Telephone: (614) 466-5605. These rules may be accessed at [The Register of Ohio](https://publicsafety.ohio.gov/wps/portal/gov/odps/what-we-do/administrative-rules-reviews) search page or via the Department of Public Safety's website at <https://publicsafety.ohio.gov/wps/portal/gov/odps/what-we-do/administrative-rules-reviews>.

## **Rule Summary and Fiscal Analysis**

### **Part A - General Questions**

**Rule Number:** 4765-10-07

**Rule Type:** New

**Rule Title/Tagline:** Impaired practitioners.

**Agency Name:** State Board of Emergency Medical, Fire, and Transportation Services

**Division:**

**Address:** 1970 West Broad Street PO box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk

**Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### **I. Rule Summary**

**1. Is this a five year rule review?** No

**A. What is the rule's five year review date?**

**2. Is this rule the result of recent legislation?** No

**3. What statute is this rule being promulgated under?** 119.03

**4. What statute(s) grant rule writing authority?** 4765.11

**5. What statute(s) does the rule implement or amplify?** 4765.30

**6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

**A. If so, what is the citation to the federal law or rule?** Not Applicable

**7. What are the reasons for proposing the rule?**

The rule is being proposed to establish the "Safe Haven" program for EMS professionals with issues with alcohol, drugs, mental health, or other health/illness issues.

**8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides criteria for participating monitoring organizations and EMS professionals to participate in the program, and guidelines for the EMFTS Board's involvement.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are fees involved for the individuals taking part in the program. Each individual will be assessed a Well-Being Screening fee (\$150-\$250), as a one-time fee and with the enrollment fee being waived. In addition, there is a monthly monitoring fee (\$55-\$125/mo.) as part of the program. The Division of EMS will work with providers on implementing payment plans based on economic hardship.

Based on their most recent annual report, OPHP receives most of its revenue from program fees, so these costs are vital for providing the services necessary for fire service and EMS practitioners.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**
- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The program applies to those licensed under Chapter 4765 of the Revised Code and Chapter 4765 of the Administrative Code.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

It is an alternative to traditional discipline.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

There are fees involved for the individuals taking part in the program. Each individual will be assessed a Well-Being Screening fee (\$150-\$250), as a one-time fee and with the enrollment fee being waived. In addition, there is a monthly monitoring fee (\$55-\$125/mo.) as part of the program. The Division of EMS will work with providers on implementing payment plans based on economic hardship.

Based on their most recent annual report, OPHP receives most of its revenue from program

fees, so these costs are vital for providing the services necessary for fire service and EMS practitioners.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4765-10-07**Impaired practitioners.**

(A) The board hereby establishes a confidential, non-disciplinary program for the evaluation and treatment of eligible EMS professionals who need assistance with a potential or existing impairment due to abuse of or dependency on alcohol or drugs or other related medical condition or illness. This program shall be known as the safe haven program.

(1) The board may abstain from taking disciplinary action under chapter 4765 of the Revised Code or rules adopted under that chapter if it finds that the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing standards of care.

(2) The division of EMS may enter into an agreement with one or more monitoring organizations to conduct the safe haven program. The monitoring organization shall assist with determining eligibility for participation in the safe haven program and provide associated services to eligible EMS professionals.

(3) Subject to the eligibility standards in paragraphs (B) and (C), eligible EMS professionals shall include EMS providers, instructors, applicants for certification, and students enrolled in EMS accredited institutions.

(B) An individual may not participate in the safe haven program if the board receives information indicating that the individual's compliance with the program may not be effectively monitored while participating in the program. This information includes, but is not limited to, the following:

(1) The individual has a medical and/or psychiatric condition, diagnosis, or disorder, other than a substance use disorder, in which the manifest symptoms are not adequately controlled;

(2) The individual has attempted or completed one or more substance use disorder treatment programs as of the date of the application, not including the individual's current substance use disorder treatment plan and related treatment currently submitted for purposes of program eligibility;

(3) The individual has substituted or tampered with a substance or drug of abuse;

(4) The board has taken action against the individual's EMS or fire certification;

(5) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including emergency medical services, in Ohio or another state or jurisdiction;

- (6) The individual has completed, is no longer in good standing, or been terminated from a similar program in another jurisdiction;
  - (7) The individual has been convicted of, pled guilty to (other than a plea resulting in a finding of eligibility for intervention in lieu of conviction), had a judicial finding of eligibility for diversion for, or had a judicial finding of guilt resulting from a plea of no contest to any felony or an act in another jurisdiction that would constitute a felony in Ohio;
  - (8) The public may not be adequately protected if the individual enters the program; or
  - (9) The individual has failed or refused to cooperate with a board investigation.
- (C) To participate in the safe haven program, an EMS professional must enter into an agreement with the division of EMS or division approved monitoring organization to seek assistance for a potential or existing impairment due to abuse of or dependency on alcohol or drugs or other medical condition or illness. The agreement may specify but is not limited to the following:
- (1) Treatment and therapy plan;
  - (2) Support group participation;
  - (3) Case management;
  - (4) Relapses and other failures to comply with the terms of the agreement may result in a longer period of monitoring. As appropriate, an addendum to the agreement may be necessary;
  - (5) Random toxicology testing;
  - (6) Releases for seeking information or records related to the EMS professional's impairment, including but not limited to family, peers, health care personnel, employers, and treatment providers;
  - (7) Grounds for dismissal from participation in the safe haven program for failure to comply with program requirements;
  - (8) Any required fees associated with participation in the safe haven program, including but not limited to fees for toxicology testing.
- (D) The board shall not institute disciplinary action solely based on impairment against a safe haven program participant so long as the participant enters into an agreement for treatment and monitoring and complies with the same. The presence of impairment

shall not excuse acts or preclude investigation or disciplinary action against a participant for other violations of Chapter 4765 of the Revised Code or other provisions or rules adopted under it.

(E) Participation in the program may be terminated for any of the following reasons:

- (1) The participant fails to comply with any of the terms and conditions of the program;
- (2) The participant is unable to practice according to acceptable and prevailing standards of safe care; or
- (3) The board receives information which, after investigation, indicates that the participant may have committed an additional violation of a provision of Chapter 4765 of the Revised Code or any rules of the board.

(F) Eligibility requirements for admission to and continued participation in the safe haven program shall be made by the members of the board serving on case review for disciplinary matters.

(G) All information received and maintained by the board or monitoring organization shall be held in confidence subject to section 2317.02 of the Revised Code and in accordance with federal law.

(H) The board at its discretion may:

- (1) Contract with providers of impaired treatment programs;
- (2) Receive and evaluate reports of suspected impairment from any source;
- (3) Intervene in cases of verified impairment;
- (4) Monitor treatment and rehabilitation of the impairment;
- (5) Recommend post-treatment monitoring and support; or
- (6) Provide other functions as necessary to carry out the provisions of this rule.



Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	4765.11
Rule Amplifies:	4765.30

## **Rule Summary and Fiscal Analysis**

### **Part A - General Questions**

**Rule Number:** 4765-23-04

**Rule Type:** New

**Rule Title/Tagline:** Impaired practitioners.

**Agency Name:** State Board of Emergency Medical, Fire, and Transportation Services

**Division:**

**Address:** 1970 West Broad Street PO box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk

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**A. What is the rule's five year review date?**

**2. Is this rule the result of recent legislation?** No

**3. What statute is this rule being promulgated under?** 119.03

**4. What statute(s) grant rule writing authority?** 4765.04, 4765.55

**5. What statute(s) does the rule implement or amplify?** 4765.30

**6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

**A. If so, what is the citation to the federal law or rule?** Not Applicable

**7. What are the reasons for proposing the rule?**

The rule is being proposed to establish the "Safe Haven" program for fire professionals with issues with alcohol, drugs, mental health, or other health/illness issues.

**8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides criteria for participating monitoring organizations and fire professionals to participate in the program, and guidelines for the Executive Director's involvement.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

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This will have no impact on revenues or expenditures.

0.00

Not applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are fees involved for the individuals taking part in the program. Each individual will be assessed a Well-Being Screening fee (\$150-\$250), as a one-time fee and with the enrollment fee being waived. In addition, there is a monthly monitoring fee (\$55-\$125/mo.) as part of the program. The Division of EMS will work with providers on implementing payment plans based on economic hardship.

Based on their most recent annual report, OPHP receives most of its revenue from the program fees, so these costs are vital for providing the services necessary for fire service.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
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Not applicable.

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**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4765-23-04**Impaired practitioners.**

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(1) The executive director may abstain from taking disciplinary action under chapter 4765 of the Revised Code or rules adopted thereunder if the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing firefighter standards.

(2) The division may enter into an agreement with one or more monitoring organizations to conduct the safe haven program. The monitoring organization shall assist with determining eligibility for participation in the safe haven program and provide associated services to eligible fire professionals.

(3) Subject to the eligibility standards in paragraphs (B) and (C), eligible fire professionals shall include firefighters, instructors, applicants for certification, and students enrolled in a chartered program.

(B) An individual may not participate in the safe haven program if the division receives information indicating that the individual's compliance with the program may not be effectively monitored while participating in the program. This information includes, but is not limited to, the following:

(1) The individual has a medical and/or psychiatric condition, diagnosis, or disorder, other than a substance use disorder, in which the manifest symptoms are not adequately controlled;

(2) The individual has attempted or completed one or more substance use disorder treatment programs as of the date of the application, not including the individual's current substance use disorder treatment plan and related treatment currently submitted for purposes of program eligibility;

(3) The individual has substituted or tampered with a substance or drug of abuse;

(4) The board or executive director has taken action against the individual's EMS or fire certification;

(5) Denial, revocation, suspension, or restriction of authority to engage in emergency medical services or firefighting, in Ohio or another state or jurisdiction;

- (6) The individual has completed, is no longer in good standing, or been terminated from a similar program in another jurisdiction;
  - (7) The individual has been convicted of, pled guilty to (other than a plea resulting in a finding of eligibility for intervention in lieu of conviction), had a judicial finding of eligibility for diversion for, or had a judicial finding of guilt resulting from a plea of no contest to any felony or an act in another jurisdiction that would constitute a felony in Ohio;
  - (8) The public may not be adequately protected if the individual enters the program; or
  - (9) The individual has failed or refused to cooperate with a division investigation.
- (C) To participate in the safe haven program, a fire professional must enter into an agreement with the division or division approved monitoring organization to seek assistance for a potential or existing impairment due to abuse of or dependency on alcohol or drugs or other medical condition or illness. The agreement may specify but is not limited to the following:
- (1) Treatment and therapy plan;
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  - (3) Case management;
  - (4) Relapses and other failures to comply with the terms of the agreement may result in a longer period of monitoring. As appropriate, an addendum to the agreement may be necessary;
  - (5) Random toxicology testing;
  - (6) Releases for seeking information or records related to the fire professional's impairment, including but not limited to family, peers, health care personnel, employers, and treatment providers;
  - (7) Grounds for dismissal from participation in the safe haven program for failure to comply with program requirements;
  - (8) Any required fees associated with participation in the safe haven program, including but not limited to fees for toxicology testing.
- (D) The executive director shall not institute disciplinary action solely based on impairment against a safe haven program participant so long as the participant enters into an agreement for treatment and monitoring and complies with the same. The presence

of impairment shall not excuse acts or preclude investigation or disciplinary action against a participant for other violations of Chapter 4765 of the Revised Code or other provisions or rules adopted under it.

(E) Participation in the program may be terminated for any of the following reasons:

- (1) The participant fails to comply with any of the terms and conditions of the program;
- (2) The participant is unable to practice according to acceptable and prevailing firefighter or instructor standards; or
- (3) The division receives information which, after investigation, indicates that the participant may have committed an additional violation of a provision of Chapter 4765 of the Revised Code or any of the rules promulgated thereunder.

(F) Eligibility requirements for admission to and continued participation in the safe haven program shall be made by the executive director with the advice and counsel of members of the firefighter and fire safety inspector training committee serving on case review for disciplinary matters.

(G) All information received and maintained by the division or monitoring organization shall be held in confidence subject to section 2317.02 of the Revised Code and in accordance with federal law.

(H) The division at its discretion may:

- (1) Contract with providers of impaired treatment programs;
- (2) Receive and evaluate reports of suspected impairment from any source;
- (3) Intervene in cases of verified impairment;
- (4) Monitor treatment and rehabilitation of the impairment;
- (5) Recommend post-treatment monitoring and support; or
- (6) Provide other functions as necessary to carry out the provisions of this rule.



Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	4765.04, 4765.55
Rule Amplifies:	4765.30