



Sub. H.B. 85

125th General Assembly
(As Passed by the House)

Reps. Raussen, Raga, Wagner, McGregor, Kearns, Husted, Ujvagi, Allen, Schneider, Reinhard, Schlichter, Daniels, Barrett, Beatty, Brown, Carmichael, Chandler, Cirelli, Clancy, Collier, Domenick, Driehaus, C. Evans, Flowers, Gibbs, Harwood, Hughes, Jolivette, Miller, Niehaus, S. Patton, Perry, Price, Reidelbach, Schmidt, Seitz, Skindell, J. Stewart, Taylor, Williams, Woodard

BILL SUMMARY

- Establishes licensing requirements for certain persons and government entities that use ambulettes, which are vehicles specifically designed to provide transportation services to persons who require the use of wheelchairs.
- Establishes licensing requirements for persons and government entities that provide medical transportation via rotorcraft and fixed wing air ambulances.
- Requires any nonemergency medical service organization to register ambulettes in the same manner as emergency medical service organizations must register ambulances.
- Requires any medical service organization or air medical service organization to obtain a permit for each ambulette or air ambulance it owns or leases.
- Eliminates the authority for a licensed emergency medical service organization to furnish a certificate of self-insurance in lieu of maintaining the required insurance coverage.
- Authorizes the summary license suspension of any person or entity regulated by the Ohio Medical Transportation Board and establishes the procedures for the summary license suspension.

- Charges the Ohio Ambulance Licensing Board (renamed the Ohio Medical Transportation Board) with the duty of administering and enforcing the ambulette and air ambulance licensing programs and modifies the Board's membership due to the additional duties.
- Requires an applicant for employment as an ambulette driver to be trained in first aid and cardiopulmonary resuscitation and to consent to a background investigation that includes a criminal records check and drug and alcohol testing.

TABLE OF CONTENTS

Licensing of persons or government entities that provide ambulette services	3
Licensing of persons or government entities that provide air medical services.....	4
Authority of the Board	4
Summary license suspension.....	4
Licensure of public ambulette services.....	5
Equipment and staffing requirements	6
Ambulette drivers	6
Inspections	7
Insurance coverage	8
Fees.....	8
Ambulette license plates	9
Air ambulance and ambulette decals.....	9
Emergency medical service organizations that use ambulettes.....	9
Inapplicability of the emergency medical services chapter	10
Certain mandatory provisions for air medical service organizations	10
Modification of the definitions of "ambulance," "mobile intensive care unit," and "patient"	11
Provisions relating to mobile intensive care units.....	11
Board membership.....	12
Ohio Medical Transportation Board review committees	12
Technical changes	13

CONTENT AND OPERATION

Current law provides for the Ohio Ambulance Licensing Board to license emergency medical service organizations and to establish requirements for these organizations to receive permits for ambulances or nontransport vehicles.¹

¹ A nontransport vehicle is a motor vehicle used to provide services "in conjunction with" the organization's ambulances.

Generally, unless a county, township, or special district chooses to be regulated, the requirements of the Ohio Ambulance Licensing Board do not apply to (1) a publicly owned or operated emergency medical service organization, (2) a publicly owned and operated fire department vehicle, (3) an ambulance, nontransport vehicle or other emergency medical service organization vehicle owned by a municipal corporation, (4) a volunteer rescue service organization, (5) a public emergency medical service organization, or (6) a volunteer fire department, rescue squad, or life squad. (Secs. 4766.09 and 4766.12.)

The bill changes the name of the Ohio Ambulance Licensing Board to the Ohio Medical Transportation Board and expands its licensing authority to cover private and governmental entities (called "medical service organizations") operating an ambulette service.² In addition, the bill authorizes the Board to license air medical service organizations and to establish requirements for these organizations to obtain permits for rotocraft (e.g., helicopters) and fixed wing air ambulances.

Licensing of persons or government entities that provide ambulette services

(secs. 4766.01, 4766.02(F), 4766.04, 4766.08, 4766.11, and 4766.13)

Under the bill, a person or government entity is a (nonemergency) "medical service organization" if the person or entity does both of the following:

(1) Transports individuals who require the use of a wheelchair or are confined to a wheelchair to receive health care services at health care facilities or health care practitioners' offices in nonemergency circumstances.

(2) Provides the transportation for a fee, regardless of whether the fee is paid by the person being transported, a third party payer, or any other person or government entity.

The bill requires medical service organizations that provide ambulette services to obtain a license for this activity.

A health care facility that provides ambulette services only to its own patients is not a "medical service organization" for purposes of the bill. In

² *An ambulette is defined as a motor vehicle specifically designed, equipped, and intended to be used to transport persons who require the use of a wheelchair. If an "emergency" medical service organization (i.e., ambulance service) also provides ambulette services, it must get a separate license for this function (see below).*

addition, the bill does not appear to license nonemergency medical service organizations that do not provide ambulette services.³

In conjunction with the licensing requirement, the person or entity must obtain a permit for each ambulette it owns or leases.

Licensing of persons or government entities that provide air medical services

(secs. 4766.01, 4766.02(G), 4766.04, 4766.08, and 4766.11)

Under the bill, a person or government entity that provides air medical transportation to the public is an "air medical service organization" and must obtain a license as such an organization from the Ohio Medical Transportation Board. In conjunction with the licensing requirement, the person or entity must obtain a permit for each rotorcraft or fixed wing air ambulance it owns or leases.

The bill defines "air medical transportation" as the use of an air ambulance to provide transportation and advanced life support to seriously ill, injured, wounded, or otherwise incapacitated or helpless individuals who require the use of a stretcher from airport to airport or from an emergency scene to a hospital or other medical setting.

Authority of the Board

The bill specifies that the Ohio Medical Transportation Board is the sole supervisory body regarding the licensing of medical service organizations in Ohio. The procedures for issuing licenses and enforcing the bill are integrated into the Board's existing regulatory scheme for licensing emergency medical service organizations and the requirement for these organizations to have permits for ambulances and nontransport vehicles.

Summary license suspension

(sec. 4766.11(B))

The bill authorizes the Medical Transportation Board to suspend any license that it has issued (ambulance, nontransport vehicles, ambulette, air medical transportation), without a prior hearing if it determines there is clear and convincing evidence that continued operation by the license holder presents a

³ Presumably the "nonemergency" circumstances allow for the primary use of an ambulette rather than a regular ambulance for this transportation. If a nonemergency medical service organization transports people who do not need wheelchairs, presumably the organization does not need a license as an "ambulette service."

danger of immediate and serious harm to the public. To accomplish the summary license suspension, the chairperson and executive director of the Board must make a preliminary determination and describe to the Board members the evidence on which they made their determination. Upon review of the allegations, the Board, by the affirmative vote of at least four of its members, may suspend the license without a hearing.

Immediately following its decision to summarily suspend a license, the Board must issue a written order of suspension and cause it to be delivered in accordance with the Administrative Procedure Act (generally, this must be by registered mail, return receipt requested (sec. 119.07, not in the bill)). If the suspended license holder requests an adjudication hearing by the Board, it must be set within 15 days but not earlier than seven days after the request unless otherwise agreed to by the license holder and the Board.

Any summary suspension remains in effect, unless reversed by the Board, until a final adjudicative order issued by the Board becomes effective. The Board must issue its final adjudicative order not less than 90 days after completing its adjudication hearing. Failure to issue the order within 90 days causes the summary suspension order to end, but does not affect the validity of any subsequent final adjudication order.

The bill authorizes the Board to designate another board member to act in place of the chairperson or another employee to act in place of the executive director if the chairperson or executive director is unavailable or unable to act. In addition, the bill allows any method of communication, including a telephone conference call, to be utilized for describing the evidence to the Board members, for reviewing the allegations, and for voting on the suspension.

Licensure of public ambulette services

(sec. 4766.04(A))

Current law prohibits any person from engaging in the business or service of transporting persons who are seriously ill, injured, or otherwise incapacitated unless the person is licensed. Violation of this prohibition is a minor misdemeanor on a first offense and each subsequent offense is a fourth degree misdemeanor (sec. 4766.99, not in the bill). Under the bill, this prohibition against engaging in the business or service of transporting ill or injured persons without a license, where applicable (i.e., in the case of nonemergency ambulette transportation), also applies to a government entity. The bill also specifies that the prohibition against unlicensed transporting of ill or injured persons includes transporting persons who require the use of a wheelchair or are confined to a wheelchair.

Equipment and staffing requirements

(secs. 4766.03 and 4766.04)

The bill requires the Board to adopt rules establishing requirements that must be met for a medical service organization or air medical service organization to receive a license to provide ambulette services or air medical transportation and to receive permits for the organization's ambulettes or air ambulances. The rules must specify the level of care that a medical service organization or air medical service organization is authorized to provide. The rules must specify the types of equipment that must be carried, the communications systems that must be maintained, the personnel who must staff the vehicle or aircraft, and application requirements. For example, an air medical service organization that uses fixed wing air ambulances, when applying for a license to provide air medical transportation, must include a description of each aircraft used, including the make, model, year of manufacture, and aircraft Hobbs meter hour reading. If the organization uses rotorcraft air ambulances, the description also must include the aircraft identification number and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the organization's air ambulance. The bill requires the rules to be adopted in accordance with the Administrative Procedure Act (Revised Code Chapter 119.).

Ambulette drivers

(secs. 4766.03(A)(14) and 4766.15)

The bill prohibits a licensed medical service organization from accepting an individual for permanent employment as an ambulette driver unless the applicant holds a valid driver's license from Ohio or another state. The applicant must submit proof of, or give consent to the employer to obtain, all of the following:

- (1) A certificate of completion of a course in first aid techniques offered by the American Red Cross or an equivalent organization;
- (2) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the Board;
- (3) A recent certified abstract of the applicant's record of convictions for violations of motor vehicle laws, provided by the Registrar of Motor Vehicles, or the equivalent of an abstract if the applicant is a resident of another state;
- (4) The results of one or more chemical tests of the applicant's blood, breath, or urine, conducted at a hospital or other institution approved by the Board for the purpose of determining the specimen's drug or alcohol content;

(5) The result of a criminal records check conducted by the Bureau of Criminal Identification and Investigation.

The bill specifies that the information received by the medical service organization is to be used to determine whether an applicant is disqualified for employment. The Board is required to adopt rules establishing eligibility requirements for employment as an ambulette driver, including grounds for disqualification. The rules may require an applicant to provide a set of fingerprints to law enforcement authorities if the applicant comes under final consideration for employment.

Pending completion of all the requirements for employment as an ambulette driver, the bill permits a medical service organization to employ an applicant on a temporary basis. The length of the provisional employment period is to be determined by the Board.

Inspections

(secs. 4766.07 and 5503.12)

Before a permit may be issued for an ambulette or rotocraft or fixed wing air ambulance the bill requires that the Board conduct an inspection of the vehicle or aircraft.

The Board is required to conduct a physical inspection of each ambulette to determine its roadworthiness and compliance with standard motor vehicle requirements. The Board inspection must include examination of the equipment, communication system, and interior of the vehicle to determine the operational condition and safety of the equipment and the vehicle's interior. The Board's inspection must include a determination of whether the vehicle is in compliance with state requirements for ambulette construction. The bill authorizes the Board to determine, by rule, requirements for the equipment, communication system, interior, and construction of an ambulette.

The bill similarly requires the Board to conduct a physical inspection of the medical equipment, communications system, and interior of an air ambulance to determine the operational condition and safety of the equipment and the aircraft's interior.

Currently the State Highway Patrol conducts roadworthiness inspections of ambulances and nontransport vehicles licensed by the Board. The bill eliminates the role of the Patrol in any inspections.

Insurance coverage

(sec. 4766.06)

As a condition of being licensed, the bill requires a medical service organization to maintain specified types of insurance. A medical service organization must have liability insurance coverage in an amount of not less than \$500,000 per occurrence and not less than \$500,000 in the aggregate, for any cause for which the organization would be liable. An air medical service organization must carry liability insurance coverage of at least \$20 million per occurrence and at least \$20 million in the aggregate for any cause for which the organization would be liable. Bodily injury and property damage insurance must be carried for each ambulette and air ambulance, as follows: (1) no less than \$100,000 for bodily injury to or death of any one person from any one accident, (2) not less than \$300,000 for bodily injury to or death of more than one person in any one accident, and (3) \$50,000 for damage from any one accident.

Under current law, every emergency medical service organization that is licensed to provide ambulance service may furnish a certificate of self-insurance evidencing the establishment of a self-insurance plan, approved by the Superintendent of Insurance, that is equivalent or greater than the required insurance coverage. The bill eliminates the authority to self-insure.

Fees

(sec. 4766.05)

The bill requires the Board to adopt rules establishing a fee for receipt and renewal of a license to operate as a medical service organization or air medical service organization, taking into account the actual costs the Board incurs in carrying out its duties. The fee for an initial license or renewal, however, cannot exceed \$100.

The fee for receipt of a permit for each ambulette is fixed at \$25 for the first year after the bill's effective date. Thereafter, the fee for issuance and renewal of a permit are to be established by rule of the Board, taking into account the actual costs the Board incurs in carrying out its duties, but neither fee can exceed \$50.

The fee for issuance and renewal of an air ambulance permit cannot exceed \$100.

Ambulette license plates

(secs. 4503.49 and 4766.07(B)(2))

Under current law, each entity licensed as a private emergency medical services organization is required to apply to the Registrar of Motor Vehicles for the registration of each ambulance and nontransport vehicle it owns or leases. On receipt of a complete application, which includes payment of fees, the Registrar is required to issue a set of license plates and a set of validation stickers to be attached to the plates as an identification of the vehicle's classification. The bill requires ambulettes to be similarly registered by (nonemergency) medical service organizations. It is not clear whether ambulettes operated by public entities are subject to this provision.⁴

Air ambulance and ambulette decals

(sec. 4766.07(B)(3))

Current law requires the Board to furnish a rear window decal for each ambulance or nontransport vehicle that is issued a permit. The bill requires these decals for ambulettes. In addition, when the Board issues an aircraft permit for an air ambulance, it also must issue a decal, in a form prescribed by rule, to be displayed on the left fuselage aircraft window in a manner that complies with all applicable federal aviation regulations. The Board cannot issue a decal until all the requirements for licensure and permit issuance have been met.

Emergency medical service organizations that use ambulettes

(sec. 4766.04(H))

If an emergency medical service organization wishes to provide ambulette services to the public, the bill requires the organization to apply for a separate license as a medical service organization. The requirement applies to both public and private entities. An emergency medical service organization is any organization that uses emergency medical technicians, and includes commercial ambulance services, hospitals, and funeral homes.

⁴ *The bill provides that a "medical service organization" can be operated by a person or a government entity. Under R.C. 4503.16, the Registrar issues permanent license plates for vehicles owned by the state and its political subdivisions at no cost. It is not clear whether under the bill a vehicle of a medical service organization that is operated by a government entity still is to be issued permanent license plates at no cost or is to be issued special "ambulette" license plates under R.C. 4503.49, which requires payment of certain specified taxes and fees.*

Inapplicability of the emergency medical services chapter

(sec. 4766.09)

Current law provides that the licensing of emergency medical service organizations (under R.C. Chapter 4766.) does not apply to certain persons and vehicles, including those owned by local governments and volunteer organizations. It also does not apply to any person operating an ambulance outside Ohio unless it is receiving a person within Ohio for transport to an Ohio location or to an ambulance or nontransport vehicle owned or leased by the federal government.

The bill retains the current exceptions, but extends them to air ambulances; i.e., those provisions do not apply to any person operating an *air ambulance* outside Ohio unless it is receiving a person within Ohio for transport to an Ohio location or to an *air ambulance* owned or leased by the federal government.⁵

The bill also exempts from regulation by the Ohio Medical Transportation Board, emergency medical service personnel who are regulated by the State Board of Emergency Medical Services, when those personnel are practicing as emergency medical service personnel and engage in activities and render services that are regulated by that Board. The State Board of Emergency Medical Services certifies first responders and the various types of emergency medical technicians. Presumably, a first responder or emergency medical technician who also drives an ambulette would be subject to the requirements described above under "**Ambulette drivers.**"

Certain mandatory provisions for air medical service organizations

(sec. 4766.17)

An air medical service organization licensed under the bill must do both of the following:

(1) Use at a minimum both of the following to provide advanced life support to seriously ill, injured, wounded, or otherwise incapacitated or helpless individuals who require use of a stretcher:

--A paramedic or registered nurse;

⁵ *These exceptions are not apparently extended to ambulettes owned by the federal government or outside of Ohio.*

--One other person, designated by the medical director of the air medical service organization, who holds a current, valid certificate or license to practice a health care profession in this state.

(2) Employ as a medical director an individual who holds a current, valid Ohio certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery. This medical director is ultimately responsible for the medical care provided to each patient by the organization.

Modification of the definitions of "ambulance," "mobile intensive care unit," and "patient"

(sec. 4766.01(D))

Under current law, for purposes of R.C. Chapter 4766., "ambulance" is defined as any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the transportation of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. It does not include a vehicle designed and used solely for the transportation of nonstretcher-bound persons. The bill adds that an "ambulance" is intended to be used to provide basic, intermediate, or advanced life support or mobile intensive care unit services.⁶ The bill also specifically excludes air medical transportation from the definition of an "ambulance."

Provisions relating to mobile intensive care units

(secs. 4766.03 and 4766.04)

Current law gives the Board rulemaking authority and requires it to adopt rules necessary to enable it to carry out its duties. For example, it must adopt rules establishing requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations that specify for each type of vehicle certain things such as the types of equipment that must be carried. The Board may establish requirements that vary according to whether the organization is licensed as a basic, intermediate, or advanced life-support organization. A mobile intensive care unit that meets the rules is not required to carry immobilization equipment such as backboards and cervical collars.

Under the bill, the Board may also specifically establish such requirements for mobile intensive care unit organizations. The bill retains the provision that a

⁶ *The bill provides that a mobile intensive care unit is an ambulance used only for maintaining specialized or intensive care treatment and used primarily for interhospital transports of patients whose conditions require care beyond the scope of a paramedic.*

mobile intensive care unit is not required to carry immobilization equipment, but specifies that this exception applies only to a mobile intensive care unit that is not dually certified to provide advanced life-support. A mobile intensive care unit that also is certified to provide advanced life-support is apparently required to carry immobilization equipment.

Board membership

(sec. 4766.02; Section 6)

The existing Ohio Ambulance Licensing Board consists of five voting members and one nonvoting member. Of the voting members, one must be a member of the Ohio Ambulance Association; two must be owners or operators of private emergency medical service organizations, with one being a licensed funeral director; one must be an official with a public emergency medical service organization; and one must be a consumer with no association with any public or private emergency medical service organization. The nonvoting member must be a physician who is a member of the American College of Emergency Physicians.

The bill increases the renamed Ohio Medical Transportation Board's membership to nine voting members and one nonvoting member and also increases the quorum from three voting members to five voting members. Two additional voting members must be owners or operators of medical service organizations that provide only ambulance services and the other two additional voting members must be members of the Ohio Association of Critical Care Transport, one of whom represents air-based services with the other representing a ground-based mobile intensive care unit organization. The additional members must be appointed by the Governor within 60 days after the bill's effective date. The terms of the first two new members end July 5, 2004 and the terms of the second new members end July 5, 2005; thereafter, the positions are to be filled for terms of two years.

Ohio Medical Transportation Board review committees

(sec. 4766.20)

Under the bill, the renamed Ohio Medical Transportation Board may create committees to review and make recommendations regarding medical transportation services provided in Ohio. Such a committee may receive information about medical transportation services provided in this state from emergency medical service organizations, medical service organizations, air medical service organizations, experts in the field of medical transportation, and other entities or individuals the Board designates.

A committee must meet all of the following requirements:

- (1) Be composed of at least one member of the Board and any experts in the field of medical transportation the Board designates;
- (2) Not exceed a total of six members;
- (3) Cease to exist at the pleasure of the Board;
- (4) Meet any other requirements the Board establishes.

Technical changes

(secs. 307.051, 307.055, 505.37, 505.375, 505.72, 4513.263, and 4766.10)

The bill amends several sections of existing law solely for the purpose of changing references to the renamed Ohio Medical Transportation Board.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-25-03	p. 168
Reported, H. Transportation & Public Safety	06-25-03	pp. 960-961
Passed House (97-2)	06-25-03	pp. 977-978

H0085-PH-125.doc/jc