



# Ohio Legislative Service Commission

## Final Analysis

Linda S. Crawford

### Sub. H.B. 128

129th General Assembly  
(As Passed by the General Assembly)

- Reps.** Carey and Peterson, Balderson, Combs, Kozlowski, Slaby, Hollington, Maag, Antonio, Boose, Grossman, Derickson, Amstutz, DeGeeter, Ruhl, Anielski, Baker, Barnes, Beck, Blair, Blessing, Bulp, Butler, Carney, Clyde, Fedor, Fende, Gardner, Garland, Gentile, Gerberry, Gonzales, Goyal, Hackett, C. Hagan, Hall, Hottinger, Johnson, Letson, Luckie, Lundy, Mallory, McClain, Mecklenborg, Milkovich, Newbold, O'Brien, Patmon, Phillips, Roegner, Rosenberger, Sears, Sprague, Stebelton, Stinziano, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Batchelder
- Sens.** Patton, Coley, Schiavoni, Turner, Wilson, Bacon, Daniels, Hite, Hughes, LaRose, Manning, Obhof, Sawyer, Schaffer, Stewart, Tavares

**Effective date:** September 23, 2011

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## ACT SUMMARY

- Revises the requirements for staffing ambulances based upon whether the ambulance is traveling to the emergency scene or from the emergency scene and carrying a patient, and whether the emergency medical service that operates the ambulance substantially utilizes volunteers.
- Revises the priorities for distributing grants for emergency medical services.
- Permits a contract between a township and another entity for the provision of ambulance, emergency medical, and nonemergency patient transport services to provide that the other entity may collect and retain any fee that the township may charge for each run involving such services.
- Specifies additional titles for certain emergency medical service personnel.

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\* This version updates the effective date of the act.

- Extends until December 15, 2015, a general moratorium on the issuance of a license as a fireworks manufacturer, a license as a fireworks wholesaler, and the geographic transfer of those licenses.

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## CONTENT AND OPERATION

### Ambulance staffing and driver requirements

#### Changes made by the act

The act modifies the staffing and driver requirements that apply to an emergency medical service (EMS) organization that provides medical transport to a patient. The act also provides that the method for determining whether an EMS organization is considered to be "substantially utilizing volunteers" is based on hours of employment, rather than as a percentage of employment, as provided in prior law.

The act provides that an emergency run consists of at least one and possibly two components: first, the period during which the ambulance is traveling to the scene of the emergency, and, if applicable, a second component that consists of the period during which the ambulance is transporting a patient from the emergency scene.<sup>1</sup> The act establishes a distinction between ambulance staffing for these two components and permits an ambulance that is traveling to an accident scene to have less staff than previously required. The act also establishes minimum training requirements for an ambulance driver; prior law imposed no such requirements.

For the purposes of the chart detailing the ambulance staffing provisions of the act, "EMS organization that substantially utilizes volunteers" means such an organization whose paid individuals, taken as a whole, are scheduled for a total of not more than 192 hours in any week.<sup>2</sup>

<b>Ambulance staffing and ambulance driver requirements of the act</b>		
	<b>EMS organization that does not substantially use volunteers</b>	<b>EMS organization that substantially uses volunteers</b>
Ambulance staffing: <b>To an emergency scene</b>	At least one Emergency Medical Technician (EMT)-basic, EMT-intermediate, or paramedic; this person may serve as the driver <sup>3</sup>	

<sup>1</sup> R.C. 4765.43(A)(1).

<sup>2</sup> R.C. 4765.43(A)(2).

<sup>3</sup> R.C. 4765.43(C).

<b>Ambulance staffing and ambulance driver requirements of the act</b>		
	<b>EMS organization that does not substantially use volunteers</b>	<b>EMS organization that substantially uses volunteers</b>
Ambulance staffing:  <b>From</b> an emergency scene and transporting a patient	At least two EMTs-basic, EMTs-intermediate, or paramedics; one of these persons may serve as the driver <sup>4</sup>	(1) At least two EMTs-basic, EMTs-intermediate, or paramedics, or (2) at least one first responder and one EMT-basic, EMT-intermediate, or paramedic.  For both items (1) and (2), one of these two persons may serve as the driver.
Special driver circumstances:  <b>From</b> an emergency scene and transporting a patient	None	If the ambulance is being staffed by at least one first responder and one EMT-basic, EMT-intermediate, or paramedic, the first responder must serve as the driver <sup>5</sup>
Driver qualifications	Must be at least 18 years of age and hold a first responder, EMT-basic, EMT-intermediate, paramedic, or fire training certificate <sup>6</sup>	

### **Prior ambulance staffing and driver requirements**

For the purposes of the chart below, which details the ambulance staffing provisions of prior law, an EMS organization "substantially utilizes volunteer emergency medical service providers" if, on any given day, for six months prior to that day, the organization's daily average number of hours during which the organization used only volunteer first responders, volunteer EMT-basic, volunteer EMT-intermediate, or volunteer paramedics was 50% or more of the daily average number of hours that the EMS organization made emergency medical services available to the public.<sup>7</sup>

<sup>4</sup> R.C. 4765.43(D)(1).

<sup>5</sup> R.C. 4765.43(D)(2).

<sup>6</sup> R.C. 4765.43(B)(1) to (2).

<sup>7</sup> R.C. 4765.43(C).

<b>Prior ambulance staffing and ambulance driver requirements</b>		
	<b>EMS organization that does not substantially use volunteers</b>	<b>EMS organization that substantially uses volunteers</b>
Ambulance staffing	At least two of any combination of EMT-basic, EMT-intermediate, or paramedics <sup>8</sup>	At least one first responder and one EMT-basic, EMT-intermediate, or paramedic <sup>9</sup>
Driver qualifications	Not required to be an EMT-basic, EMT-intermediate, or paramedic <sup>10</sup>	Not required to be a first responder, EMT-basic, EMT-intermediate, or paramedic <sup>11</sup>
Special driver circumstances	None	If the ambulance is staffed by only one first responder and one EMT-basic, EMT-intermediate, or paramedic, it may be driven by the first responder <sup>12</sup>

### **Board of Emergency Medical Services grants**

Relative to the priorities the Board of Emergency Medical Services must utilize for distributing grants, the act moves a previously existing priority up two places from fourth (last) priority and adds two additional priorities. The new second priority for grants is for those entities that research, test, and evaluate medical procedures "and systems," not just medical procedures, related to adult and pediatric trauma care.<sup>13</sup>

The new fifth priority for grants is for those entities that conduct research on, test, or evaluate one or more of the following:

- (A) Procedures governing the performance of emergency medical services in this state;
- (B) The training of emergency medical service personnel;

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<sup>8</sup> R.C. 4765.43(B)(1).

<sup>9</sup> R.C. 4765.43(B)(2).

<sup>10</sup> R.C. 4765.43(B)(1).

<sup>11</sup> R.C. 4765.43(B)(2).

<sup>12</sup> R.C. 4765.43(B)(2).

<sup>13</sup> R.C. 4765.07(A)(2).

(C) The staffing of emergency medical service organizations.<sup>14</sup>

The new sixth priority is temporary. For grants distributed not later than the award year ending June 30, 2017, sixth priority must be given to entities that operate paramedic training programs and are seeking national accreditation of the programs.<sup>15</sup> To be eligible for a grant distributed under the sixth priority, an applicant must meet all of the following conditions:

(A) Hold a certificate of accreditation issued by the Board to operate a paramedic training program;

(B) Be seeking initial national accreditation of the program from an accrediting organization approved by the Board;

(C) Apply for the national accreditation on or after February 25, 2010.<sup>16</sup>

### **Paying for ambulance and related services for a township**

Continuing law generally requires fees that a township charges for the provision of ambulance, emergency medical, or nonemergency patient transport services to be collected and deposited by the township into a separate, specified fund.<sup>17</sup>

As an alternative, the act allows a township that enters into a contract for the provision of ambulance, emergency medical, or nonemergency patient transport services for the township to provide in the contract that the contracting party will collect and retain any fee that the township may charge for each run involving any such service. The contract must require that once each month, the contracting party must provide the township with a written report that includes for the previous month the number of runs the contracting party made in the township, the amount that was billed for each run, and the amount received for each run from the person that was billed for that particular run. The report also must include the total amount collected that calendar year to date and the total amount outstanding that calendar year to date.<sup>18</sup>

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<sup>14</sup> R.C. 4765.07(A)(5).

<sup>15</sup> R.C. 4765.07(A)(6).

<sup>16</sup> R.C. 4765.07(B)(1) to (3).

<sup>17</sup> R.C. 505.441 and 505.84.

<sup>18</sup> R.C. 505.441(B).

"Run" includes a call and an emergency to which a contracting party responds under the contract.<sup>19</sup>

Any compensation provided for in such a contract may be on such terms as the township and contracting party may agree. This modifies a provision of prior law that allowed a contract between a township and another entity for the provision of such services for the township to specify any of the following: a fixed annual charge to be paid at agreed-upon times; compensation based on a stipulated price for each run, call, or emergency; the elapsed time of service required in the run, call, or emergency; or any combination of these calculation methods.<sup>20</sup>

### **Additional titles for certain emergency medical service personnel**

The act establishes new titles by which the following individuals who receive certificates from the Emergency Medical Services Board may be referred:

(1) A first responder, which is a term in current law, also will be known as an emergency medical responder, or EMR;

(2) An emergency medical technician-basic or EMT-basic, which are terms in current law, also will be known as an emergency medical technician, or EMT;

(3) An emergency medical technician-intermediate or EMT-I, which are terms in current law, also will be known as an advanced emergency medical technician, or AEMT.<sup>21</sup>

All references in the Revised Code to the prior titles are deemed to be references to the respective new titles.<sup>22</sup>

### **Fireworks license moratorium**

The act extends until December 15, 2015, a general moratorium on the issuance by the State Fire Marshal of a license as a fireworks manufacturer to a person for a particular fireworks plant or a license as a fireworks wholesaler to a person for a particular location unless the person possessed such a license for that plant or location immediately prior to June 29, 2001. The act also extends until December 15, 2015, a moratorium on the geographic transfer of a fireworks manufacturer or wholesaler

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<sup>19</sup> R.C. 505.441(A).

<sup>20</sup> R.C. 505.44.

<sup>21</sup> R.C. 4765.011(A)(1) to (3).

<sup>22</sup> R.C. 4765.011(B)(1) to (3).

license to any location other than the location for which the license was issued immediately prior to June 29, 2001. Under prior law, both of these moratoria end December 15, 2011.<sup>23</sup>

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## HISTORY

ACTION	DATE
Introduced	03-01-11
Reported, H. Transportation, Public Safety, and Homeland Security	03-31-11
Passed House (96-0)	04-13-11
Reported, S. Highways & Transportation	06-08-11
Passed Senate (33-0)	06-08-11
House concurred in Senate amendments (91-2)	06-14-11

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<sup>23</sup> R.C. 3743.75.

