

As Passed by the Senate

125th General Assembly

Regular Session

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Am. Sub. H. B. No. 85

**Representatives 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
Senators Schuler, Goodman, Hottinger**

A B I L L

To amend sections 307.051, 307.055, 505.37, 505.375, 1
505.72, 4503.49, 4513.263, 4766.01, 4766.02, 2
4766.03, 4766.04, 4766.05, 4766.06, 4766.07, 3
4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4
4766.13, and 5503.12 and to enact sections 5
4766.15, 4766.17, 4766.20, and 5111.151 of the 6
Revised Code to authorize the Ohio Ambulance 7
Licensing Board to license private nonemergency 8
medical service organizations that operate 9
ambulette vehicles for the transportation of 10
persons who require the use of a wheelchair and 11
private air medical service organizations that 12
operate air medical transportation, to add four 13
members to the Board, to rename the Board the Ohio 14
Medical Transportation Board, to codify portions 15
of the Ohio Administrative Code dealing with the 16
treatment of certain trusts for purposes of 17
determining an individual's eligibility for 18

medical assistance reimbursable by the Medicaid 19
Program, and to amend the version of section 20
4513.263 of the Revised Code that is scheduled to 21
take effect January 1, 2004, to continue the 22
provisions of this act on and after that effective 23
date. 24

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 307.051, 307.055, 505.37, 505.375, 25
505.72, 4503.49, 4513.263, 4766.01, 4766.02, 4766.03, 4766.04, 26
4766.05, 4766.06, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 27
4766.12, 4766.13, and 5503.12 be amended and sections 4766.15, 28
4766.17, 4766.20, and 5111.151 of the Revised Code be enacted to 29
read as follows: 30

Sec. 307.051. As used in this section, "emergency medical 31
service organization" has the same meaning as in section 4766.01 32
of the Revised Code. 33

A board of county commissioners, by adoption of an 34
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 35
~~licensing~~ medical transportation board license any emergency 36
medical service organization it operates. If a board adopts such a 37
resolution, Chapter 4766. of the Revised Code, except for sections 38
4766.06 and 4766.99 of the Revised Code, applies to the county 39
emergency medical service organization. All rules adopted under 40
the applicable sections of that chapter also apply to the 41
organization. A board, by adoption of an appropriate resolution, 42
may remove its emergency medical service organization from the 43
jurisdiction of the Ohio ~~ambulance licensing~~ medical 44
transportation board. 45

Sec. 307.055. (A) Subject to the terms and conditions of the 46
joint resolution creating it, each joint emergency medical 47
services district may furnish ambulance services and emergency 48
medical services by one of the following methods: 49

(1) By operating an emergency medical service organization as 50
defined in section 4765.01 of the Revised Code; 51

(2) By contracting for the operation of one or more 52
facilities pursuant to division (C) or (D) of this section; 53

(3) By providing necessary services and equipment to the 54
district either directly or under a contract entered into pursuant 55
to division (B) of this section; 56

(4) By providing service through any combination of methods 57
described in divisions (A)(1) to (3) of this section. 58

(B) In order to obtain ambulance service, to obtain 59
additional ambulance service in times of emergency, or to obtain 60
emergency medical services, a joint emergency medical services 61
district may enter into a contract, for a period not to exceed 62
three years, with one or more counties, townships, municipal 63
corporations, joint fire districts, other governmental units that 64
provide ambulance service or emergency medical services, nonprofit 65
corporations, or private ambulance owners, regardless of whether 66
the entities contracted with are located within or outside this 67
state, upon such terms as are agreed to, to furnish or receive 68
ambulance services or the interchange of ambulance services or 69
emergency medical services within the several territories of the 70
contracting subdivisions, if the contract is first authorized by 71
all boards of trustees and legislative authorities in the 72
territories to be served. 73

Such a contract may provide for a fixed annual charge to be 74
paid at the times agreed upon and stipulated in the contract; or 75

for compensation based on a stipulated price for each run, call, 76
or emergency or based on the elapsed time of service required for 77
each run, call, or emergency, or based on any combination of 78
these. 79

Expenditures of a district for ambulance service or emergency 80
medical service, whether pursuant to contract or otherwise, are 81
lawful expenditures, regardless of whether the district or the 82
party with which it contracts charges an additional fee to users 83
of the service. 84

(C) The board of trustees may enter into a contract with any 85
person, municipal corporation, township, or other political 86
subdivision, and any political subdivision may contract with the 87
board, for the operation and maintenance of emergency medical 88
services facilities regardless of whether the facilities used are 89
owned or leased by the district, by another political subdivision, 90
or by the contractor. 91

(D) The district may purchase, lease, and maintain all 92
materials, buildings, land, and equipment, including vehicles, the 93
board considers necessary for the district. 94

When the board finds, by resolution, that the district has 95
personal property that is not needed for public use, or is 96
obsolete or unfit for the use for which it was acquired, the board 97
may dispose of the property in the same manner as provided in 98
section 307.12 of the Revised Code. 99

(E) Any contract entered into by a joint emergency medical 100
services district shall conform to the same bidding requirements 101
that apply to county contracts under sections 307.86 to 307.92 of 102
the Revised Code. 103

(F) A county participating in a joint district may contribute 104
any of its rights or interests in real or personal property, 105
including money, and may contribute services to the district. Any 106

such contributions shall be made by a written agreement between 107
the contributing county and the district, specifying the 108
contribution as well as the rights of the participating counties 109
in the contributed property. Written agreements shall also be 110
prepared specifying the rights of participating counties in 111
property acquired by the district other than by contribution of a 112
participating county. Written agreements required by this division 113
may be amended only by written agreement of all parties to the 114
original agreement. 115

(G) A district's board of trustees, by adoption of an 116
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 117
~~licensing~~ medical transportation board license any emergency 118
medical service organization the district operates. If a board 119
adopts such a resolution, Chapter 4766. of the Revised Code, 120
except for sections 4766.06 and 4766.99 of the Revised Code, 121
applies to the district emergency medical service organization. 122
All rules adopted under the applicable sections of that chapter 123
also apply to the organization. A board, by adoption of an 124
appropriate resolution, may remove the district emergency medical 125
service organization from the jurisdiction of the Ohio ~~ambulance~~ 126
~~licensing~~ medical transportation board. 127

Sec. 505.37. (A) The board of township trustees may establish 128
all necessary rules to guard against the occurrence of fires and 129
to protect the property and lives of the citizens against damage 130
and accidents, and may, with the approval of the specifications by 131
the prosecuting attorney or, if the township has adopted limited 132
home rule government under ~~chapter~~ Chapter 504~~7~~1. of the Revised 133
Code, with the approval of the specifications by the township's 134
law director, purchase, lease, lease with an option to purchase, 135
or otherwise provide any fire apparatus, mechanical resuscitators, 136
or other equipment, appliances, materials, fire hydrants, and 137
water supply for fire-fighting purposes that seems advisable to 138

the board. The board shall provide for the care and maintenance of 139
fire equipment, and, for these purposes, may purchase, lease, 140
lease with an option to purchase, or construct and maintain 141
necessary buildings, and it may establish and maintain lines of 142
fire-alarm communications within the limits of the township. The 143
board may employ one or more persons to maintain and operate 144
fire-fighting equipment, or it may enter into an agreement with a 145
volunteer fire company for the use and operation of fire-fighting 146
equipment. The board may compensate the members of a volunteer 147
fire company on any basis and in any amount that it considers 148
equitable. 149

(B) The boards of township trustees of any two or more 150
townships, or the legislative authorities of any two or more 151
political subdivisions, or any combination thereof, may, through 152
joint action, unite in the joint purchase, lease, lease with an 153
option to purchase, maintenance, use, and operation of 154
fire-fighting equipment, or for any other purpose designated in 155
sections 505.37 to 505.42 of the Revised Code, and may prorate the 156
expense of the joint action on any terms that are mutually agreed 157
upon. 158

(C) The board of township trustees of any township may, by 159
resolution, whenever it is expedient and necessary to guard 160
against the occurrence of fires or to protect the property and 161
lives of the citizens against damages resulting from their 162
occurrence, create a fire district of any portions of the township 163
that it considers necessary. The board may purchase, lease, lease 164
with an option to purchase, or otherwise provide any fire 165
apparatus, appliances, materials, fire hydrants, and water supply 166
for fire-fighting purposes, or may contract for the fire 167
protection for the fire district as provided in section 9.60 of 168
the Revised Code. The fire district so created shall be given a 169
separate name by which it shall be known. 170

Additional unincorporated territory of the township may be 171
added to a fire district upon the board's adoption of a resolution 172
authorizing the addition. A municipal corporation that is within 173
or adjoining the township may be added to a fire district upon the 174
board's adoption of a resolution authorizing the addition and the 175
municipal legislative authority's adoption of a resolution or 176
ordinance requesting the addition of the municipal corporation to 177
the fire district. 178

If the township fire district imposes a tax, additional 179
unincorporated territory of the township or a municipal 180
corporation that is within or adjoining the township shall become 181
part of the fire district only after all of the following have 182
occurred: 183

(1) Adoption by the board of township trustees of a 184
resolution approving the expansion of the territorial limits of 185
the district and, if the resolution proposes to add a municipal 186
corporation, adoption by the municipal legislative authority of a 187
resolution or ordinance requesting the addition of the municipal 188
corporation to the district; 189

(2) Adoption by the board of township trustees of a 190
resolution recommending the extension of the tax to the additional 191
territory; 192

(3) Approval of the tax by the electors of the territory 193
proposed for addition to the district. 194

Each resolution of the board adopted under division (C)(2) of 195
this section shall state the name of the fire district, a 196
description of the territory to be added, and the rate and 197
termination date of the tax, which shall be the rate and 198
termination date of the tax currently in effect in the fire 199
district. 200

The board of trustees shall certify each resolution adopted 201

under division (C)(2) of this section to the board of elections in 202
accordance with section 5705.19 of the Revised Code. The election 203
required under division (C)(3) of this section shall be held, 204
canvassed, and certified in the manner provided for the submission 205
of tax levies under section 5705.25 of the Revised Code, except 206
that the question appearing on the ballot shall read: 207

"Shall the territory within 208
(description of the proposed territory to be added) be added to 209
..... (name) fire district, and a property tax 210
at a rate of taxation not exceeding (here insert tax rate) 211
be in effect for (here insert the number of years the 212
tax is to be in effect or "a continuing period of time," as 213
applicable)?" 214

If the question is approved by at least a majority of the 215
electors voting on it, the joinder shall be effective as of the 216
first day of July of the year following approval, and on that 217
date, the township fire district tax shall be extended to the 218
taxable property within the territory that has been added. If the 219
territory that has been added is a municipal corporation and if it 220
had adopted a tax levy for fire purposes, the levy is terminated 221
on the effective date of the joinder. 222

Any municipal corporation may withdraw from a township fire 223
district created under division (C) of this section by the 224
adoption by the municipal legislative authority of a resolution or 225
ordinance ordering withdrawal. On the first day of July of the 226
year following the adoption of the resolution or ordinance of 227
withdrawal, the municipal corporation withdrawing ceases to be a 228
part of the district, and the power of the fire district to levy a 229
tax upon taxable property in the withdrawing municipal corporation 230
terminates, except that the fire district shall continue to levy 231
and collect taxes for the payment of indebtedness within the 232
territory of the fire district as it was composed at the time the 233

indebtedness was incurred. 234

Upon the withdrawal of any municipal corporation from a 235
township fire district created under division (C) of this section, 236
the county auditor shall ascertain, apportion, and order a 237
division of the funds on hand, moneys and taxes in the process of 238
collection except for taxes levied for the payment of 239
indebtedness, credits, and real and personal property, either in 240
money or in kind, on the basis of the valuation of the respective 241
tax duplicates of the withdrawing municipal corporation and the 242
remaining territory of the fire district. 243

A board of township trustees may remove unincorporated 244
territory of the township from the fire district upon the adoption 245
of a resolution authorizing the removal. On the first day of July 246
of the year following the adoption of the resolution, the 247
unincorporated township territory described in the resolution 248
ceases to be a part of the district, and the power of the fire 249
district to levy a tax upon taxable property in that territory 250
terminates, except that the fire district shall continue to levy 251
and collect taxes for the payment of indebtedness within the 252
territory of the fire district as it was composed at the time the 253
indebtedness was incurred. 254

(D) The board of township trustees of any township, the board 255
of fire district trustees of a fire district created under section 256
505.371 of the Revised Code, or the legislative authority of any 257
municipal corporation may purchase, lease, or lease with an option 258
to purchase the necessary fire-fighting equipment, buildings, and 259
sites for the township, fire district, or municipal corporation 260
and issue securities for that purpose with maximum maturities as 261
provided in section 133.20 of the Revised Code. The board of 262
township trustees, board of fire district trustees, or legislative 263
authority may also construct any buildings necessary to house 264
fire-fighting equipment and issue securities for that purpose with 265

maximum maturities as provided in section 133.20 of the Revised Code. 266
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The board of township trustees, board of fire district trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township, fire district, or municipal clerk, covering any deferred payments and payable at the times provided, which securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code, and shall not be subject to Chapter 133. of the Revised Code. The legislation authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and principal of the securities. The securities shall be offered for sale on the open market or given to the vendor or contractor if no sale is made. 268
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Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division. 282
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(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties. 285
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When a board of township trustees cannot, by deed of gift or 297

by purchase and upon terms it considers reasonable, procure land 298
for a township fire station that is needed in order to respond in 299
reasonable time to a fire or medical emergency, the board may 300
appropriate land for that purpose under sections 163.01 to 163.22 301
of the Revised Code. If it is necessary to acquire additional 302
adjacent land for enlarging or improving the fire station, the 303
board may purchase, appropriate, or accept a deed of gift for the 304
land for these purposes. 305

(F) As used in this division, "emergency medical service 306
organization" has the same meaning as in section 4766.01 of the 307
Revised Code. 308

A board of township trustees, by adoption of an appropriate 309
resolution, may choose to have the Ohio ~~ambulance licensing~~ 310
medical transportation board license any emergency medical service 311
organization it operates. If the board adopts such a resolution, 312
Chapter 4766. of the Revised Code, except for sections 4766.06 and 313
4766.99 of the Revised Code, applies to the organization. All 314
rules adopted under the applicable sections of that chapter also 315
apply to the organization. A board of township trustees, by 316
adoption of an appropriate resolution, may remove its emergency 317
medical service organization from the jurisdiction of the Ohio 318
~~ambulance licensing~~ medical transportation board. 319

Sec. 505.375. (A) The board of a joint ambulance district 320
created under section 505.71 of the Revised Code and the board of 321
a joint fire district created under section 505.371 of the Revised 322
Code may negotiate in accordance with this section to combine 323
their two joint districts into a single district, called a fire 324
and ambulance district, for the delivery of both fire and 325
ambulance services, if the geographic area covered by the 326
combining joint districts is exactly the same. Both boards shall 327
adopt a joint resolution ratifying the agreement and setting a 328

date on which the fire and ambulance district shall come into 329
being. On that date, the joint fire district and the joint 330
ambulance district shall cease to exist, and the power of each to 331
levy a tax upon taxable property shall terminate, except that any 332
levy of a tax for the payment of indebtedness within the territory 333
of the joint fire or joint ambulance district as it was composed 334
at the time the indebtedness was incurred shall continue to be 335
collected by the successor fire and ambulance district if the 336
indebtedness remains unpaid. 337

All funds and other property of the joint districts that 338
combined into the fire and ambulance district shall become the 339
property of the fire and ambulance district, unless otherwise 340
provided in the negotiated agreement. The agreement shall provide 341
for the settlement of all debts and obligations of the joint 342
districts. 343

(B) The governing body of the fire and ambulance district 344
shall be a board of trustees of at least three but no more than 345
nine members, appointed as provided in the agreement creating the 346
district. Members of the board of trustees may be compensated at a 347
rate not to exceed thirty dollars per meeting for not more than 348
fifteen meetings per year, and may be reimbursed for all necessary 349
expenses incurred, as provided in the agreement creating the 350
district. 351

The board shall employ a clerk and other employees as it 352
considers best, including a fire chief or fire prevention 353
officers, and shall fix their compensation. Neither this section 354
nor any other section of the Revised Code requires, or shall be 355
construed to require, that the fire chief of a fire and ambulance 356
district be a resident of the district. 357

Before entering upon the duties of office, the clerk shall 358
execute a bond, in the amount and with surety to be approved by 359

the board, payable to the state, conditioned for the faithful 360
performance of all of the clerk's official duties. The clerk shall 361
deposit the bond with the presiding officer of the board, who 362
shall file a copy of it, certified by the presiding officer, with 363
the county auditor of the county containing the most territory in 364
the district. 365

The board shall also provide for the appointment of a fiscal 366
officer for the district. The board may also enter into agreements 367
with volunteer fire companies for the use and operation of 368
fire-fighting equipment. Volunteer firefighters acting under such 369
an agreement are subject to the requirements for volunteer 370
firefighters set forth in division (A) of section 505.38 of the 371
Revised Code. 372

Employees of the district shall not be removed from office 373
except as provided by sections 733.35 to 733.39 of the Revised 374
Code, except that, to initiate removal proceedings, the board 375
shall designate a private citizen or, if the employee is employed 376
as a firefighter, the board may designate the fire chief, to 377
investigate, conduct the proceedings, and prepare the necessary 378
charges in conformity with sections 733.35 to 733.39 of the 379
Revised Code, and except that the board shall perform the 380
functions and duties specified for the municipal legislative 381
authority under those sections. The board may pay reasonable 382
compensation to any private citizen hired for services rendered in 383
the matter. 384

No person shall be appointed as a permanent full-time paid 385
member of the district whose duties include fire fighting, or be 386
appointed as a volunteer firefighter, unless that person has 387
received a certificate issued under former section 3303.07 or 388
section 4765.55 of the Revised Code evidencing satisfactory 389
completion of a firefighter training program. The board may send 390
its officers and firefighters to schools of instruction designed 391

to promote the efficiency of firefighters and, if authorized in 392
advance, may pay their necessary expenses from the funds used for 393
the maintenance and operation of the district. 394

The board may choose, by adoption of an appropriate 395
resolution, to have the Ohio ~~ambulance licensing~~ medical 396
transportation board license any emergency medical service 397
organization it operates. If the board adopts such a resolution, 398
Chapter 4766. of the Revised Code, except for sections 4766.06 and 399
4766.99 of the Revised Code, applies to the organization. All 400
rules adopted under the applicable sections of that chapter also 401
apply to the organization. The board may likewise, by resolution, 402
remove its emergency medical service organization from the 403
jurisdiction of the Ohio ~~ambulance licensing~~ medical 404
transportation board. 405

(C) The board may exercise the following powers: 406

(1) Purchase or otherwise provide any fire apparatus, 407
mechanical resuscitators, or other fire or ambulance equipment, 408
appliances, or materials; fire hydrants; and water supply for 409
fire-fighting purposes that seems advisable to the board; 410

(2) Provide for the care and maintenance of equipment and, 411
for that purpose, purchase, lease, or construct and maintain 412
necessary buildings; 413

(3) Establish and maintain lines of fire-alarm communications 414
within the limits of the district; 415

(4) Appropriate land for a fire station or medical emergency 416
unit needed in order to respond in reasonable time to a fire or 417
medical emergency, in accordance with Chapter 163. of the Revised 418
Code; 419

(5) Purchase, appropriate, or accept a deed or gift of land 420
to enlarge or improve a fire station or medical emergency unit; 421

- (6) Purchase, lease, maintain, and use all materials, 422
equipment, vehicles, buildings, and land necessary to perform its 423
duties; 424
- (7) Contract for a period not to exceed three years with one 425
or more townships, municipal corporations, counties, joint fire 426
districts, governmental agencies, nonprofit corporations, or 427
private ambulance owners located either within or outside the 428
state, to furnish or receive ambulance services or emergency 429
medical services within the several territories of the contracting 430
parties, if the contract is first authorized by all boards of 431
trustees and legislative authorities concerned; 432
- (8) Establish reasonable charges for the use of ambulance or 433
emergency medical services under the same conditions under which a 434
board of fire district trustees may establish those charges under 435
section 505.371 of the Revised Code; 436
- (9) Establish all necessary rules to guard against the 437
occurrence of fires and to protect property and lives against 438
damage and accidents; 439
- (10) Adopt a standard code pertaining to fire, fire hazards, 440
and fire prevention prepared and promulgated by the state or by a 441
public or private organization that publishes a model or standard 442
code; 443
- (11) Provide for charges for false alarms at commercial 444
establishments in the same manner as joint fire districts are 445
authorized to do under section 505.391 of the Revised Code; 446
- (12) Issue bonds and other evidences of indebtedness, subject 447
to Chapter 133. of the Revised Code, but only after approval by a 448
vote of the electors of the district as provided by section 133.18 449
of the Revised Code; 450
- (13) To provide the services and equipment it considers 451

necessary, levy a sufficient tax, subject to Chapter 5705. of the 452
Revised Code, on all the taxable property in the district. 453

(D) Any municipal corporation or township may join an 454
existing fire and ambulance district by its legislative 455
authority's adoption of a resolution requesting the membership and 456
upon approval of the board of the district. Any municipal 457
corporation or township may withdraw from a district by its 458
legislative authority's adoption of a resolution ordering 459
withdrawal. Upon its withdrawal, the municipal corporation or 460
township ceases to be a part of the district, and the district's 461
power to levy a tax on taxable property in the withdrawing 462
township or municipal corporation terminates, except that the 463
district shall continue to levy and collect taxes for the payment 464
of indebtedness within the territory of the district as it was 465
composed at the time the indebtedness was incurred. 466

Upon the withdrawal of any township or municipal corporation 467
from a district, the county auditor of the county containing the 468
most territory in the district shall ascertain, apportion, and 469
order a division of the funds on hand, including funds in the 470
ambulance and emergency medical services fund, moneys and taxes in 471
the process of collection, except for taxes levied for the payment 472
of indebtedness, credits, and real and personal property on the 473
basis of the valuation of the respective tax duplicates of the 474
withdrawing municipal corporation or township and the remaining 475
territory of the district. 476

(E) As used in this section: 477

(1) "Governmental agency" includes all departments, boards, 478
offices, commissions, agencies, colleges, universities, 479
institutions, and other instrumentalities of this or another 480
state. 481

(2) "Emergency medical service organization" has the same 482

meaning as in section 4766.01 of the Revised Code. 483

Sec. 505.72. (A) The board of trustees of a joint ambulance 484
district shall provide for the employment of such employees as it 485
considers best, and shall fix their compensation. Such employees 486
shall continue in office until removed as provided by sections 487
733.35 to 733.39 of the Revised Code. To initiate removal 488
proceedings, and for such purpose, the board shall designate a 489
private citizen to investigate the conduct and prepare the 490
necessary charges in conformity with sections 733.35 to 733.39 of 491
the Revised Code. The board may pay reasonable compensation to 492
such person for the person's services. 493

In case of the removal of an employee of the district, an 494
appeal may be had from the decision of the board to the court of 495
common pleas of the county in which such district, or part of it, 496
is situated, to determine the sufficiency of the cause of removal. 497
Such appeal from the findings of the board shall be taken within 498
ten days. 499

(B) As used in this division, "emergency medical service 500
organization" has the same meaning as in section 4765.01 of the 501
Revised Code. 502

(1) In order to obtain the services of ambulance service 503
organizations, to obtain additional services from ambulance 504
service organizations in times of emergency, or to obtain the 505
services of emergency medical service organizations, a district 506
may enter into a contract, for a period not to exceed three years, 507
with one or more townships, municipal corporations, joint fire 508
districts, nonprofit corporations, any other governmental unit 509
that provides ambulance services or emergency medical services, or 510
with private ambulance owners, regardless of whether such 511
townships, municipal corporations, joint fire districts, nonprofit 512
corporations, governmental unit, or private ambulance owners are 513

located within or without this state, upon such terms as are 514
agreed to, to furnish or receive services from ambulance or 515
emergency medical service organizations or the interchange of 516
services from ambulance or emergency medical service organizations 517
within the several territories of the contracting subdivisions, if 518
such contract is first authorized by all boards of trustees and 519
legislative authorities concerned. 520

The contract may provide for a fixed annual charge to be paid 521
at the times agreed upon and stipulated in the contract, or for 522
compensation based upon a stipulated price for each run, call, or 523
emergency, or the elapsed time of service required in such run, 524
call, or emergency, or any combination thereof. 525

(2) Expenditures of a district for the services of ambulance 526
service organizations or emergency medical service organizations, 527
whether pursuant to contract or otherwise, are lawful 528
expenditures, regardless of whether the district or the party with 529
which it contracts charges additional fees to users of the 530
services. 531

(3) A district's board of trustees, by adoption of an 532
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 533
~~licensing~~ medical transportation board license any emergency 534
medical service organization the district operates. If a board 535
adopts such a resolution, Chapter 4766. of the Revised Code, 536
except for sections 4766.06 and 4766.99 of the Revised Code, 537
applies to the district emergency medical service organization. 538
All rules adopted under the applicable sections of that chapter 539
also apply to the organization. A board, by adoption of an 540
appropriate resolution, may remove the district emergency medical 541
service organization from the jurisdiction of the Ohio ~~ambulance~~ 542
~~licensing~~ medical transportation board. 543

(C) Ambulance services or emergency medical services rendered 544
for a joint ambulance district under this section and section 545

505.71 of the Revised Code shall be deemed services of the 546
district. These sections do not authorize suits against a district 547
or any township or municipal corporation providing or receiving, 548
or contracting to provide or receive, such services under these 549
sections for damages for injury or loss to persons or property or 550
for wrongful death caused by persons providing such services. 551

Sec. 4503.49. (A) As used in this section, "ambulance," 552
"ambulette," "emergency medical service organization," 553
"nonemergency medical service organization," and "nontransport 554
vehicle" have the same meanings as in section 4766.01 of the 555
Revised Code. 556

(B) Each private emergency medical service organization and 557
each private nonemergency medical service organization shall apply 558
to the registrar of motor vehicles for the registration of any 559
ambulance, ambulette, or nontransport vehicle it owns or leases. 560
The application shall be accompanied by a copy of the certificate 561
of licensure issued to the organization by the Ohio ~~ambulance~~ 562
~~licensing~~ medical transportation board and the following fees: 563

(1) The regular license tax as prescribed under section 564
4503.04 of the Revised Code; 565

(2) Any local license tax levied under Chapter 4504. of the 566
Revised Code; 567

(3) An additional fee of seven dollars and fifty cents. The 568
additional fee shall be for the purpose of compensating the bureau 569
of motor vehicles for additional services required to be performed 570
under this section and shall be transmitted by the registrar to 571
the treasurer of state for deposit in the state bureau of motor 572
vehicles fund created by section 4501.25 of the Revised Code. 573

(C) On receipt of a complete application, the registrar shall 574
issue to the applicant the appropriate certificate of registration 575

for the vehicle and do one of the following: 576

(1) Issue a set of license plates with a validation sticker 577
and a set of stickers to be attached to the plates as an 578
identification of the vehicle's classification as an ambulance, 579
ambulette, or nontransport vehicle; 580

(2) Issue a validation sticker alone when so required by 581
section 4503.191 of the Revised Code. 582

Sec. 4513.263. (A) As used in this section and in section 583
4513.99 of the Revised Code: 584

(1) "Automobile" means any commercial tractor, passenger car, 585
commercial car, or truck that is required to be factory-equipped 586
with an occupant restraining device for the operator or any 587
passenger by regulations adopted by the United States secretary of 588
transportation pursuant to the "National Traffic and Motor Vehicle 589
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 590

(2) "Occupant restraining device" means a seat safety belt, 591
shoulder belt, harness, or other safety device for restraining a 592
person who is an operator of or passenger in an automobile and 593
that satisfies the minimum federal vehicle safety standards 594
established by the United States department of transportation. 595

(3) "Passenger" means any person in an automobile, other than 596
its operator, who is occupying a seating position for which an 597
occupant restraining device is provided. 598

(4) "Commercial tractor," "passenger car," and "commercial 599
car" have the same meanings as in section 4501.01 of the Revised 600
Code. 601

(5) "Vehicle" and "motor vehicle," as used in the definitions 602
of the terms set forth in division (A)(4) of this section, have 603
the same meanings as in section 4511.01 of the Revised Code. 604

(B) No person shall do any of the following: 605

(1) Operate an automobile on any street or highway unless 606
that person is wearing all of the available elements of a properly 607
adjusted occupant restraining device, or operate a school bus that 608
has an occupant restraining device installed for use in its 609
operator's seat unless that person is wearing all of the available 610
elements of the device, as properly adjusted; 611

(2) Operate an automobile on any street or highway unless 612
each passenger in the automobile who is subject to the requirement 613
set forth in division (B)(3) of this section is wearing all of the 614
available elements of a properly adjusted occupant restraining 615
device; 616

(3) Occupy, as a passenger, a seating position on the front 617
seat of an automobile being operated on any street or highway 618
unless that person is wearing all of the available elements of a 619
properly adjusted occupant restraining device; 620

(4) Operate a taxicab on any street or highway unless all 621
factory-equipped occupant restraining devices in the taxicab are 622
maintained in usable form. 623

(C) Division (B)(3) of this section does not apply to a 624
person who is required by section 4511.81 of the Revised Code to 625
be secured in a child restraint device. Division (B)(1) of this 626
section does not apply to a person who is an employee of the 627
United States postal service or of a newspaper home delivery 628
service, during any period in which the person is engaged in the 629
operation of an automobile to deliver mail or newspapers to 630
addressees. Divisions (B)(1) and (3) of this section do not apply 631
to a person who has an affidavit signed by a physician licensed to 632
practice in this state under Chapter 4731. of the Revised Code or 633
a chiropractor licensed to practice in this state under Chapter 634
4734. of the Revised Code that states that the person has a 635
physical impairment that makes use of an occupant restraining 636

device impossible or impractical. 637

(D) Notwithstanding any provision of law to the contrary, no 638
law enforcement officer shall cause an operator of an automobile 639
being operated on any street or highway to stop the automobile for 640
the sole purpose of determining whether a violation of division 641
(B) of this section has been or is being committed or for the sole 642
purpose of issuing a ticket, citation, or summons for a violation 643
of that nature or causing the arrest of or commencing a 644
prosecution of a person for a violation of that nature, and no law 645
enforcement officer shall view the interior or visually inspect 646
any automobile being operated on any street or highway for the 647
sole purpose of determining whether a violation of that nature has 648
been or is being committed. 649

(E) All fines collected for violations of division (B) of 650
this section, or for violations of any ordinance or resolution of 651
a political subdivision that is substantively comparable to that 652
division, shall be forwarded to the treasurer of state for deposit 653
as follows: 654

(1) Eight per cent shall be deposited into the seat belt 655
education fund, which is hereby created in the state treasury, and 656
shall be used by the department of public safety to establish a 657
seat belt education program. 658

(2) Eight per cent shall be deposited into the elementary 659
school program fund, which is hereby created in the state 660
treasury, and shall be used by the department of public safety to 661
establish and administer elementary school programs that encourage 662
seat safety belt use. 663

(3) Two per cent shall be deposited into the Ohio ~~ambulance~~ 664
~~licensing~~ medical transportation trust fund created by section 665
4766.05 of the Revised Code. 666

(4) Twenty-eight per cent shall be deposited into the trauma 667

and emergency medical services fund, which is hereby created in 668
the state treasury, and shall be used by the department of public 669
safety for the administration of the division of emergency medical 670
services and the state board of emergency medical services. 671

(5) Fifty-four per cent shall be deposited into the trauma 672
and emergency medical services grants fund, which is hereby 673
created in the state treasury, and shall be used by the state 674
board of emergency medical services to make grants, in accordance 675
with section 4765.07 of the Revised Code and rules the board 676
adopts under section 4765.11 of the Revised Code. 677

(F)(1) Subject to division (F)(2) of this section, the 678
failure of a person to wear all of the available elements of a 679
properly adjusted occupant restraining device or to ensure that 680
each passenger of an automobile being operated by the person is 681
wearing all of the available elements of such a device, in 682
violation of division (B) of this section, shall not be considered 683
or used as evidence of negligence or contributory negligence, 684
shall not diminish recovery for damages in any civil action 685
involving the person arising from the ownership, maintenance, or 686
operation of an automobile; shall not be used as a basis for a 687
criminal prosecution of the person other than a prosecution for a 688
violation of this section; and shall not be admissible as evidence 689
in any civil or criminal action involving the person other than a 690
prosecution for a violation of this section. 691

(2) If, at the time of an accident involving a passenger car 692
equipped with occupant restraining devices, any occupant of the 693
passenger car who sustained injury or death was not wearing an 694
available occupant restraining device, was not wearing all of the 695
available elements of such a device, or was not wearing such a 696
device as properly adjusted, then, consistent with the Rules of 697
Evidence, the fact that the occupant was not wearing the available 698
occupant restraining device, was not wearing all of the available 699

elements of such a device, or was not wearing such a device as 700
properly adjusted is admissible in evidence in relation to any 701
claim for relief in a tort action to the extent that the claim for 702
relief satisfies all of the following: 703

(a) It seeks to recover damages for injury or death to the 704
occupant. 705

(b) The defendant in question is the manufacturer, designer, 706
distributor, or seller of the passenger car. 707

(c) The claim for relief against the defendant in question is 708
that the injury or death sustained by the occupant was enhanced or 709
aggravated by some design defect in the passenger car or that the 710
passenger car was not crashworthy. 711

(3) As used in division (F)(2) of this section, "tort action" 712
means a civil action for damages for injury, death, or loss to 713
person or property. "Tort action" includes a product liability 714
claim that is subject to sections 2307.71 to 2307.80 of the 715
Revised Code, but does not include a civil action for damages for 716
a breach of a contract or another agreement between persons. 717

Sec. 4766.01. As used in this chapter: 718

(A) "Advanced life support" means treatment described in 719
section 4765.39 of the Revised Code that a paramedic is certified 720
to perform. 721

(B) "Air medical service organization" means a person that 722
provides air medical transportation to the public. 723

(C) "Air medical transportation" is the use of a rotorcraft 724
air ambulance or fixed wing air ambulance to provide 725
transportation and advanced life support to seriously ill, 726
injured, wounded, or otherwise incapacitated or helpless 727
individuals who require use of a stretcher from airport to airport 728
or from an emergency scene to a hospital or other medical care 729

setting.

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(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used ~~for the~~ to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether hospitalized or handicapped or whether ambulatory or confined to a wheelchair.

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~~(C)~~(E) "Ambulette" means a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for transportation upon the streets or highways of this state of persons who require use of a wheelchair.

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(F) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an EMT-basic is certified to perform.

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~~(D)~~(G) "Disaster situation" means any condition or situation described by rule of the Ohio ~~ambulance licensing~~ medical transportation board as a mass casualty, major emergency, natural disaster, or national emergency.

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~~(E)~~(H) "Emergency medical service organization" means an organization that uses EMTs-basic, EMTs-I, or paramedics, or a combination thereof, to provide medical care to victims of illness or injury. An emergency medical service organization includes, but is not limited to, a commercial ambulance service organization, a hospital, and a funeral home.

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~~(F)~~(I) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

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~~(G)~~(J) "Fixed wing air ambulance" means a fixed wing aircraft operated as a means of air medical transportation. 761
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(K) "Intermediate life support" means treatment described in section 4765.38 of the Revised Code that an EMT-I is certified to perform. 763
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~~(H)~~(L) "Major emergency" means any emergency event that cannot be resolved through the use of locally available emergency resources. 766
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~~(I)~~(M) "Mass casualty" means an emergency event that results in ten or more persons being injured, incapacitated, made ill, or killed. 769
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~~(J)~~(N) "Medical emergency" means an unforeseen event affecting an individual in such a manner that a need for immediate care is created. 772
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(O)(1) "Nonemergency medical service organization" means a person that does both of the following: 775
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(a) Provides services to the public on a regular basis for the purpose of transporting 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; 777
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(b) Provides the services for a fee, regardless of whether the fee is paid by the person being transported, a third party payer, as defined in section 3702.51 of the Revised Code, or any other person or government entity. 782
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(2) "Nonemergency medical service organization" does not include a health care facility, as defined in section 1751.01 of the Revised Code, that provides ambulette services only to patients of that facility. 786
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~~(K)~~(P) "Mobile intensive care unit" means an ambulance used 790

only for maintaining specialized or intensive care treatment and 791
used primarily for interhospital transports of patients whose 792
conditions require care beyond the scope of a paramedic as 793
provided in section 4765.39 of the Revised Code. 794

~~(L)~~(O) "Nontransport vehicle" means a motor vehicle operated 795
by a licensed emergency medical service organization not as an 796
ambulance, but as a vehicle for providing services in conjunction 797
with the ambulances operated by the organization or other 798
emergency medical service organizations. 799

~~(M)~~(R) "Patient" means any individual who as a result of 800
illness or injury needs medical attention, whose physical or 801
mental condition is such that there is imminent danger of loss of 802
life or significant health impairment, ~~or~~ who may be otherwise 803
incapacitated or helpless as a result of a physical or mental 804
condition, or whose physical condition requires the use of a 805
wheelchair. 806

(S) "Rotorcraft air ambulance" means a helicopter or other 807
aircraft capable of vertical takeoffs, vertical landings, and 808
hovering. 809

Sec. 4766.02. (A) There is hereby created the Ohio ambulance 810
~~licensing~~ medical transportation board, consisting of ~~five~~ nine 811
voting members and one nonvoting member who shall be residents of 812
this state and appointed by the governor with the advice and 813
consent of the senate. Except as provided in division (B) of this 814
section, members shall serve terms of two years. One voting member 815
shall be a member of the Ohio ambulance association; two voting 816
members, one of whom shall be a licensed funeral director, shall 817
be owners or operators of private emergency medical service 818
organizations operating in this state; one voting member shall be 819
a consumer of emergency medical services who is not associated 820
with any public or private emergency medical service organization; 821

~~and~~ one voting member shall be an official with a public emergency 822
medical service organization; two voting members shall be owners 823
or operators of nonemergency medical service organizations that 824
provide ambulance services only, and two voting members shall be 825
members of the Ohio association of critical care transport, one 826
member representing air-based services and the other representing 827
a ground-based mobile intensive care unit organization. A 828
physician who holds a certificate to practice issued under Chapter 829
4731. of the Revised Code who is a member of the American college 830
of emergency physicians shall serve as the nonvoting member. The 831
board shall annually select from its membership a chair and a 832
vice-chair to act as chair in the chair's absence. 833

(B) ~~Of the members initially appointed, three shall be~~ 834
~~appointed for terms of one year and three for terms of two years.~~ 835
Any member appointed to fill a vacancy occurring prior to the 836
expiration date of the term for which the member's predecessor was 837
appointed shall hold office for the remainder of that term. Every 838
member shall continue in office subsequent to the expiration date 839
of the member's term until the member's successor takes office, or 840
until a period of sixty days has elapsed, whichever occurs first. 841

(C) ~~Three voting~~ Five members shall constitute a quorum for 842
the transaction of business, and the affirmative vote of ~~three~~ 843
five members is required for the board to take any official 844
action. The board, after notice and hearing, may remove a member 845
by majority vote for malfeasance, misfeasance, or nonfeasance. 846

Members of the board shall be reimbursed for actual and 847
necessary expenses incurred in attending meetings of the board and 848
in the performance of their official duties. The board may hire 849
such employees as are necessary to enable it to execute its 850
duties. 851

(D) The division of emergency medical services within the 852

department of public safety shall provide the board with office 853
space, but the board shall not be a part of the division or the 854
department. 855

(E) The board is the sole supervisory body regarding the 856
licensing of private ambulance service organizations in this 857
state. 858

(F) The board is the sole supervisory body regarding the 859
licensing of private nonemergency medical service organizations in 860
this state. 861

(G) The board is the sole supervisory body regarding the 862
licensing of private air medical service organizations in this 863
state. 864

Sec. 4766.03. (A) The Ohio ~~ambulance licensing~~ medical 865
transportation board shall adopt rules, in accordance with Chapter 866
119. of the Revised Code, implementing the requirements of this 867
chapter. The rules shall include provisions relating to the 868
following: 869

(1) Requirements for an emergency medical service 870
organization to receive a permit for an ambulance or nontransport 871
vehicle; 872

(2) Requirements for an emergency medical service 873
organization to receive a license as a basic life-support, 874
intermediate life-support, ~~or~~ advanced life-support, or mobile 875
intensive care unit organization; 876

(3) Requirements for a nonemergency medical service 877
organization to receive a permit for an ambulance vehicle; 878

(4) Requirements for a nonemergency medical service 879
organization to receive a license for an ambulance service; 880

(5) Requirements for an air medical service organization to 881
receive a permit for a rotorcraft air ambulance or fixed wing air 882

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| <u>ambulance;</u> | 883 |
| <u>(6) Requirements for licensure of air medical service organizations;</u> | 884 |
| <u>(7) Forms for applications and renewals of licenses and permits;</u> | 886 |
| (4) <u>(8) Requirements for record keeping of service responses made by licensed emergency medical service organizations;</u> | 887 |
| (5) <u>(9) Fee amounts for licenses and permits, and renewals thereof;</u> | 888 |
| (6) <u>(10) Inspection requirements for licensees' vehicles <u>or aircraft</u>, records, and physical facilities;</u> | 889 |
| (7) <u>(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;</u> | 890 |
| (8) <u>(12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, <u>for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations that specify for each type of vehicle <u>or aircraft</u> the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle <u>or aircraft</u>;</u></u> | 891 |
| (9) <u>(13) The level of care each type of emergency medical service organization, <u>nonemergency medical service organization, and air medical service organization</u> is authorized to provide;</u> | 892 |
| (10) <u>(14) Eligibility requirements for employment as an ambulette driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant</u> | 893 |
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for employment as an ambulance driver provide a set of 913
fingerprints to law enforcement authorities if the applicant comes 914
under final consideration for employment. 915

(15) Any other rules that the board determines necessary for 916
the implementation and enforcement of this chapter. 917

(B) In the rules for ambulances and nontransport vehicles 918
adopted under division (A)~~(8)~~(12) of this section, the board may 919
establish requirements that vary according to whether the 920
emergency medical service organization using the vehicles is 921
licensed as a basic life-support, intermediate life-support, ~~or~~ 922
advanced life-support, or mobile intensive care unit organization. 923

(C) A mobile intensive care unit that is not dually certified 924
to provide advanced life-support and meets the requirements of the 925
rules adopted under this section is not required to carry 926
immobilization equipment, including board splint kits, traction 927
splints, backboards, backboard straps, cervical immobilization 928
devices, cervical collars, stairchairs, folding cots, or other 929
types of immobilization equipment determined by the board to be 930
unnecessary for mobile intensive care units. 931

A mobile intensive care unit is exempt from the emergency 932
medical technician staffing requirements of division (B) of 933
section 4765.43 of the Revised Code when it is staffed by at least 934
one physician or registered nurse and another person, designated 935
by a physician, who holds a valid license or certificate to 936
practice in a health care profession, and when at least one of the 937
persons staffing the mobile intensive care unit is a registered 938
nurse whose training meets or exceeds the training required for a 939
paramedic. 940

Sec. 4766.04. (A) Except as otherwise provided in this 941
chapter, no person shall furnish, operate, conduct, maintain, 942
advertise, engage in, or propose or profess to engage in the 943

business or service in this state of transporting persons who are 944
seriously ill, injured, or otherwise incapacitated ~~in this state~~ 945
or who require the use of a wheelchair or are confined to a 946
wheelchair unless the person is licensed pursuant to this section. 947

(B) To qualify for a license as a basic life-support, 948
intermediate life-support, ~~or~~ advanced life-support ~~service, or~~ 949
mobile intensive care unit organization, an emergency medical 950
service organization shall do all of the following: 951

(1) Apply for a permit for each ambulance and nontransport 952
vehicle owned or leased as provided in section 4766.07 of the 953
Revised Code; 954

(2) Meet all requirements established in rules adopted by the 955
Ohio ~~ambulance licensing~~ medical transportation board regarding 956
ambulances and nontransport vehicles, including requirements 957
pertaining to equipment, communications systems, staffing, and 958
level of care the particular organization is permitted to render; 959

(3) Maintain the appropriate type and amount of insurance ~~or~~ 960
~~self-insurance~~ as specified in section 4766.06 of the Revised 961
Code; 962

(4) Meet all other requirements established under rules 963
adopted by the board for the particular license. 964

(C) To ~~apply~~ qualify for a license to provide ambulette 965
service, a nonemergency medical service organization shall do all 966
of the following: 967

(1) Apply for a permit for each ambulette owned or leased as 968
provided in section 4766.07 of the Revised Code; 969

(2) Meet all requirements established in rules adopted by the 970
Ohio medical transportation board regarding ambulettes, including 971
requirements pertaining to equipment, communication systems, 972
staffing, and level of care the organization is permitted to 973

render; 974

(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 975
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(4) Meet all other requirements established under rules adopted by the board for the license. 977
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(D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following: 979
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(1) Apply for a permit for each rotorcraft air ambulance and fixed wing air ambulance owned or leased as provided in section 4766.07 of the Revised Code; 982
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(2) Meet all requirements established in rules adopted by the Ohio medical transportation board regarding rotorcraft air ambulances and fixed air ambulances, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render; 985
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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 990
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(4) Meet all other requirements established under rules adopted by the board for the license. 992
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(E) An emergency medical service organization that applies for a license as a basic life-support, intermediate life-support, ~~or~~ advanced life-support service, or mobile intensive care unit organization, ~~an emergency medical service organization;~~ a nonemergency medical service organization that applies for a license to provide ambulette service; or an air medical service organization that applies for a license to provide air medical transportation shall submit a completed application to the board, on a form provided by the board for each particular license, together with the appropriate fees established under section 994
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4766.05 of the Revised Code. The application form shall include 1004
all of the following: 1005

(1) The name and business address of the operator of the 1006
organization for which licensure is sought; 1007

(2) The name under which the applicant will operate the 1008
organization; 1009

(3) A list of the names and addresses of all officers and 1010
directors of the organization; 1011

(4) A For emergency medical service organizations and 1012
nonemergency medical service organizations, a description of each 1013
vehicle to be used, including the make, model, year of 1014
manufacture, mileage, vehicle identification number, and the color 1015
scheme, insignia, name, monogram, or other distinguishing 1016
characteristics to be used to designate the applicant's vehicle; 1017

(5) For air medical service organizations using fixed wing 1018
air ambulances, a description of each aircraft to be used, 1019
including the make, model, year of manufacture, and aircraft Hobbs 1020
meter hour reading; 1021

(6) For air medical service organizations using rotorcraft 1022
air ambulances, a description of each aircraft to be used, 1023
including the make, model, year of manufacture, aircraft Hobbs 1024
meter hour reading, aircraft identification number, and the color 1025
scheme, insignia, name, monogram, or other distinguishing 1026
characteristics to be used to designate the applicant's rotorcraft 1027
air ambulance; 1028

(7) The location and description of each place from which the 1029
organization will operate; 1030

~~(6)~~(8) A description of the geographic area to be served by 1031
the applicant; 1032

~~(7)~~(9) Any other information the board, by rule, determines 1033

necessary. 1034

~~(D)~~(F) Within sixty days after receiving a completed 1035
application for licensure as a basic life-support, intermediate 1036
life-support, ~~or~~ advanced life-support service, or mobile 1037
intensive care unit organization; an ambulette service; or an air 1038
medical service organization, the board shall approve or deny the 1039
application. The board shall deny an application if it determines 1040
that the applicant does not meet the requirements of this chapter 1041
or any rules adopted under it. The board shall send notice of the 1042
denial of an application by certified mail to the applicant. The 1043
applicant may request a hearing within ten days after receipt of 1044
the notice. If the board receives a timely request, it shall hold 1045
a hearing in accordance with Chapter 119. of the Revised Code. 1046

~~(E)~~(G) If an applicant or licensee operates or plans to 1047
operate an organization in more than one location under the same 1048
or different identities, the applicant or licensee shall apply for 1049
and meet all requirements for licensure or renewal of a license, 1050
other than payment of a license fee or renewal fee, for operating 1051
the organization at each separate location. An applicant or 1052
licensee that operates or plans to operate under the same 1053
organization identity in separate locations shall pay only a 1054
single license fee. 1055

~~(F)~~(H) An emergency medical service organization that wishes 1056
to provide ambulette services to the public must apply for a 1057
separate license under division (C) of this section. 1058

(I) Each license issued under this section and each permit 1059
issued under section 4766.07 of the Revised Code expires one year 1060
after the date of issuance and may be renewed in accordance with 1061
the standard renewal procedures of Chapter 4745. of the Revised 1062
Code, except that a license or permit issued in 1998 or in 1999 1063
prior to ~~the effective date of this amendment~~ June 30, 1999, shall 1064
expire two years after the date of issuance. An application for 1065

renewal shall include the license or permit renewal fee 1066
established under section 4766.05 of the Revised Code. An 1067
applicant for renewal of a permit also shall submit to the board 1068
proof of an annual inspection of the vehicle or aircraft for which 1069
permit renewal is sought. The board shall renew a license if the 1070
applicant meets the requirements for licensure and shall renew a 1071
permit if the applicant and vehicle or aircraft meet the 1072
requirements to maintain a permit for that vehicle or aircraft. 1073

~~(G)~~(J) Each licensee shall maintain accurate records of all 1074
service responses conducted. The records shall be maintained on 1075
forms prescribed by the board and shall contain information as 1076
specified by rule by the board. 1077

Sec. 4766.05. (A) The Ohio ~~ambulance licensing~~ medical 1078
transportation board shall establish by rule a license fee, a 1079
permit fee for each ambulance, ambulette, rotorcraft air 1080
ambulance, fixed wing air ambulance, and nontransport vehicle 1081
owned or leased by the licensee that is or will be used as 1082
provided in section 4766.07 of the Revised Code, and fees for 1083
renewals of licenses and permits, taking into consideration the 1084
actual costs incurred by the board in carrying out its duties 1085
under this chapter. However, the fee for each license and each 1086
renewal of a license shall not exceed one hundred dollars, and the 1087
fee for each permit and each renewal of a permit shall not exceed 1088
one hundred dollars for each ambulance, rotorcraft air ambulance, 1089
fixed wing air ambulance, and nontransport vehicle. The fee for 1090
each permit and each renewal of a permit shall be twenty-five 1091
dollars for each ambulette for one year after the effective date 1092
of this amendment. Thereafter, the board shall determine by rule 1093
the fee, which shall not exceed fifty dollars, for each permit and 1094
each renewal of a permit for each ambulette. For purposes of 1095
establishing fees, "actual costs" includes the costs of salaries, 1096
expenses, inspection equipment, supervision, and program 1097

administration. 1098

(B) The board shall deposit all fees and other moneys 1099
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 1100
the Revised Code in the state treasury to the credit of the 1101
~~ambulance licensing~~ Ohio medical transportation trust fund, which 1102
is hereby created. All moneys from the fund shall be used solely 1103
for the salaries and expenses of the board incurred in 1104
implementing and enforcing this chapter. 1105

(C) The board, subject to the approval of the controlling 1106
board, may establish fees in excess of the maximum amounts allowed 1107
under division (A) of this section, but such fees shall not exceed 1108
those maximum amounts by more than fifty per cent. 1109

Sec. 4766.06. (A)(1) Every emergency medical service 1110
organization and nonemergency medical service organization 1111
licensee under this chapter shall furnish adequate evidence of 1112
liability insurance coverage, in an amount of not less than five 1113
hundred thousand dollars per occurrence and not less than five 1114
hundred thousand dollars in the aggregate, for any cause for which 1115
the licensee would be liable. 1116

(2) ~~In lieu of insurance coverage as provided in division~~ 1117
~~(A)(1) of this section, a licensee may furnish a certificate of~~ 1118
~~self insurance evidencing that he has established a self insurance~~ 1119
~~plan approved by the superintendent of insurance that is~~ 1120
~~equivalent to or greater than the insurance coverage required in~~ 1121
~~division (A)(1) of this section~~ Every air medical service 1122
organization licensee under this chapter shall furnish adequate 1123
evidence of liability insurance coverage, in an amount not less 1124
than twenty million dollars per occurrence and not less than 1125
twenty million dollars in the aggregate, for any cause for which 1126
the licensee would be liable. 1127

(B)~~(1)~~ In addition to the insurance requirements of division 1128
(A) of this section, every licensee shall carry bodily injury and 1129
property damage insurance with solvent and responsible insurers 1130
licensed to do business in this state for any loss or damage 1131
resulting from any occurrence arising out of or caused by the 1132
operation or use of any ambulance, ambulette, rotorcraft air 1133
ambulance, fixed wing air ambulance, or nontransport vehicle. The 1134
insurance shall insure each vehicle for the sum of not less than 1135
one hundred thousand dollars for bodily injury to or death of any 1136
one person arising out of any one accident and the sum of not less 1137
than three hundred thousand dollars for bodily injury to or death 1138
of more than one person in any one accident and for the sum of 1139
fifty thousand dollars for damage to property arising from any one 1140
accident. 1141

~~(2) In lieu of the insurance coverage as provided in division 1142
(B)(1) of this section, a licensee may furnish a certificate of 1143
self-insurance evidencing that he has established a self-insurance 1144
plan approved by the superintendent that provides the same or more 1145
comprehensive coverage than required in division (B)(1) of this 1146
section. 1147~~

(C) Each policy or contract of insurance issued shall provide 1148
for the payment and satisfaction of any financial judgment entered 1149
against the licensee and any person operating the vehicle and for 1150
a thirty-day cancellation notice to the board. 1151

Sec. 4766.07. (A) Each emergency medical service 1152
organization, nonemergency medical service organization, and air 1153
medical service organization subject to licensure under this 1154
chapter shall possess a valid permit for each ambulance, 1155
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 1156
nontransport vehicle it owns or leases that is or will be used by 1157
the licensee to perform the services permitted by the license. 1158

Each licensee and license applicant shall submit the appropriate 1159
fee and an application for a permit for each ambulance, ambulette, 1160
rotorcraft air ambulance, fixed wing air ambulance, and 1161
nontransport vehicle to the Ohio ~~ambulance licensing~~ medical 1162
transportation board on forms provided by the board. The 1163
application shall include documentation that the vehicle or 1164
aircraft meets the appropriate standards set by the board, that 1165
the vehicle or aircraft has been inspected pursuant to division 1166
(C) of this section, that the permit applicant maintains insurance 1167
~~or self insurance~~ as provided in section 4766.06 of the Revised 1168
Code, and that the vehicle or aircraft and permit applicant meet 1169
any other requirements established under rules adopted by the 1170
board. 1171

(B)(1) Within sixty days after receiving a completed 1172
application for a permit, the board shall issue or deny the 1173
permit. The board shall deny an application if it determines that 1174
the permit applicant ~~or~~, vehicle, or aircraft does not meet the 1175
requirements of this chapter and the rules adopted under it that 1176
apply to permits for ambulances, ambulettes, rotorcraft air 1177
ambulances, fixed wing air ambulances, and nontransport vehicles. 1178
The board shall send notice of the denial of an application by 1179
certified mail to the permit applicant. The permit applicant may 1180
request a hearing within ten days after receipt of the notice. If 1181
the board receives a timely request, it shall hold a hearing in 1182
accordance with Chapter 119. of the Revised Code. 1183

(2) If the board issues the vehicle permit for an ambulance, 1184
ambulette, or nontransport vehicle, it also shall issue a decal, 1185
in a form prescribed by rule, to be displayed on the rear window 1186
of the vehicle. The board shall not issue a decal until all of the 1187
requirements for licensure and permit issuance have been met. 1188

(3) If the board issues the aircraft permit for a rotorcraft 1189

air ambulance or fixed wing air ambulance, it also shall issue a 1190
decal, in a form prescribed by rule, to be displayed on the left 1191
fuselage aircraft window in a manner that complies with all 1192
applicable federal aviation regulations. The board shall not issue 1193
a decal until all of the requirements for licensure and permit 1194
issuance have been met. 1195

(C) In addition to any other requirements that the board 1196
establishes by rule, a licensee or license applicant applying for 1197
an initial vehicle or aircraft permit under division (A) of this 1198
section shall submit to ~~the state highway patrol~~ and the board the 1199
vehicle or aircraft for which the permit is sought. Thereafter, a 1200
licensee shall annually submit to ~~the state highway patrol~~ and the 1201
board each vehicle or aircraft for which a permit has been issued. 1202

(1) The ~~state highway patrol~~ board shall conduct a physical 1203
inspection of an ambulance, ambulette, or nontransport vehicle to 1204
determine its roadworthiness and compliance with standard motor 1205
vehicle requirements. 1206

(2) The board shall conduct a physical inspection of the 1207
medical equipment, communication system, and interior of an 1208
ambulance to determine the operational condition and safety of the 1209
equipment and the ambulance's interior and to determine whether 1210
the ambulance is in compliance with the federal requirements for 1211
ambulance construction that were in effect at the time the 1212
ambulance was manufactured, as specified by the general services 1213
administration in the various versions of its publication titled 1214
"federal specification for the star-of-life ambulance, 1215
KKK-A-1822." 1216

(3) The board shall conduct a physical inspection of the 1217
equipment, communication system, and interior of an ambulette to 1218
determine the operational condition and safety of the equipment 1219
and the ambulette's interior and to determine whether the 1220

ambulette is in compliance with state requirements for ambulette 1221
construction. The board shall determine by rule requirements for 1222
the equipment, communication system, interior, and construction of 1223
an ambulette. 1224

(4) The board shall conduct a physical inspection of the 1225
medical equipment, communication system, and interior of a 1226
rotorcraft air ambulance or fixed wing air ambulance to determine 1227
the operational condition and safety of the equipment and the 1228
aircraft's interior. 1229

(5) The board ~~and state highway patrol~~ shall issue a 1230
certificate to the applicant for each vehicle or aircraft that 1231
passes the inspection and may assess a fee for each inspection, as 1232
established by the board. 1233

~~(4)(6) The board, in consultation with the state highway~~ 1234
~~patrol,~~ shall adopt rules regarding the implementation and 1235
coordination of ~~the state highway patrol and board~~ inspections. 1236
The rules may permit the board to contract with a third party to 1237
conduct the inspections required of the board under this section. 1238

Sec. 4766.08. (A) The Ohio ~~ambulance licensing~~ medical 1239
transportation board may, pursuant to an adjudication conducted in 1240
accordance with Chapter 119. of the Revised Code, suspend or 1241
revoke any license or permit or renewal thereof issued under this 1242
chapter for any one or combination of the following causes: 1243

(1) Violation of this chapter or any rule adopted thereunder; 1244

(2) Refusal to permit the board to inspect a vehicle or 1245
aircraft used under the terms of a permit or to inspect the 1246
records or physical facilities of a licensee; 1247

(3) Failure to meet the ambulance, ambulette, rotorcraft air 1248
ambulance, fixed wing air ambulance, and nontransport vehicle 1249
requirements specified in this chapter or the rules adopted 1250

thereunder; 1251

(4) Violation of an order issued by the board; 1252

(5) Failure to comply with any of the terms of an agreement 1253
entered into with the board regarding the suspension or revocation 1254
of a license or permit or the imposition of a penalty under this 1255
section. 1256

(B) If the board determines that the records, ~~recordkeeping~~ 1257
record-keeping procedures, or physical facilities of a licensee, 1258
or an ambulance, ~~ambulette, rotorcraft air ambulance, fixed wing~~ 1259
air ambulance, or nontransport vehicle for which a valid permit 1260
has been issued, do not meet the standards specified in this 1261
chapter and the rules adopted thereunder, the board shall notify 1262
the licensee of any deficiencies within thirty days of finding the 1263
deficiencies. If the board determines that the deficiencies exist 1264
and they remain uncorrected after thirty days, the board may 1265
suspend the license ~~or, vehicle permit, or aircraft permit~~. The 1266
licensee, notwithstanding the suspension under this division, may 1267
operate until all appeals have been exhausted. 1268

(C) At the discretion of the board, a licensee whose license 1269
has been suspended or revoked under this section may be ineligible 1270
to be licensed under this chapter for a period of not more than 1271
three years from the date of the violation, provided that the 1272
board shall make no determination on a period of ineligibility 1273
until all the licensee's appeals relating to the suspension or 1274
revocation have been exhausted. 1275

(D) The board may, in addition to any other action taken 1276
under this section and after a hearing conducted pursuant to 1277
Chapter 119. of the Revised Code, impose a penalty of not more 1278
than fifteen hundred dollars for any violation specified in this 1279
section. The attorney general shall institute a civil action for 1280
the collection of any such penalty imposed. 1281

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| Sec. 4766.09. This chapter does not apply to any of the | 1282 |
| following: | 1283 |
| (A) A person rendering services with an ambulance in the | 1284 |
| event of a disaster situation when licensees' vehicles based in | 1285 |
| the locality of the disaster situation are incapacitated or | 1286 |
| insufficient in number to render the services needed; | 1287 |
| (B) Any person operating an ambulance, <u>ambulette, rotorcraft</u> | 1288 |
| <u>air ambulance, or fixed wing air ambulance</u> outside this state | 1289 |
| unless receiving a person within this state for transport to a | 1290 |
| location within this state; | 1291 |
| (C) A publicly owned or operated emergency medical service | 1292 |
| organization and the vehicles it owns or leases and operates, | 1293 |
| except as provided in section 307.051, division (G) of section | 1294 |
| 307.055, division (F) of section 505.37, division (B) of section | 1295 |
| 505.375, and division (B)(3) of section 505.72 of the Revised | 1296 |
| Code; | 1297 |
| (D) An ambulance, <u>ambulette, rotorcraft air ambulance, fixed</u> | 1298 |
| <u>wing air ambulance,</u> or nontransport vehicle owned or leased and | 1299 |
| operated by the federal government; | 1300 |
| (E) A publicly owned and operated fire department vehicle; | 1301 |
| (F) Emergency vehicles owned by a corporation and operating | 1302 |
| only on the corporation's premises, for the sole use by that | 1303 |
| corporation; | 1304 |
| (G) An ambulance, nontransport vehicle, or other emergency | 1305 |
| medical service organization vehicle owned and operated by a | 1306 |
| municipal corporation; | 1307 |
| (H) A motor vehicle titled in the name of a volunteer rescue | 1308 |
| service organization, as defined in section 4503.172 of the | 1309 |
| Revised Code; | 1310 |

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| (I) A public emergency medical service organization; | 1311 |
| (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; | 1312 1313 1314 1315 |
| (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; | 1316 1317 1318 |
| <u>(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code;</u> | 1319 1320 1321 |
| <u>(M) A public nonemergency medical service organization.</u> | 1322 |
| Sec. 4766.10. This chapter does not invalidate any ordinance or resolution adopted by a municipal corporation that establishes standards for the licensure of emergency medical service organizations as basic life-support, intermediate life-support, or advanced life-support service organizations that have their principal places of business located within the limits of the municipal corporation, as long as the licensure standards meet or exceed the standards established in this chapter and the rules adopted thereunder. | 1323 1324 1325 1326 1327 1328 1329 1330 1331 |
| Emergency medical service organizations licensed by a municipal corporation are subject to the jurisdiction of the Ohio ambulance licensing <u>medical transportation</u> board, but the fees they pay to the board for licenses, permits, and renewals thereof shall not exceed fifty per cent of the fee amounts established by the board pursuant to section 4766.03 of the Revised Code. The board may choose to waive the vehicle inspection requirements and inspection fees, but not the permit fees, for the vehicles of organizations licensed by a municipal corporation. | 1332 1333 1334 1335 1336 1337 1338 1339 1340 |

Sec. 4766.11. (A) The Ohio ~~ambulance licensing~~ medical 1341
transportation board may investigate alleged violations of this 1342
chapter or the rules adopted under it and may investigate any 1343
complaints received regarding alleged violations. 1344

In addition to any other remedies available and regardless of 1345
whether an adequate remedy at law exists, the board may apply to 1346
the court of common pleas in the county where a violation of any 1347
provision of this chapter or any rule adopted pursuant thereto is 1348
occurring for a temporary or permanent injunction restraining a 1349
person from continuing to commit that violation. On a showing that 1350
a person has committed a violation, the court shall grant the 1351
injunction. 1352

In conducting an investigation under this section, the board 1353
may issue subpoenas compelling the attendance and testimony of 1354
witnesses and the production of books, records, and other 1355
documents pertaining to the investigation. If a person fails to 1356
obey a subpoena from the board, the board may apply to the court 1357
of common pleas in the county where the investigation is being 1358
conducted for an order compelling the person to comply with the 1359
subpoena. On application by the board, the court shall compel 1360
obedience by attachment proceedings for contempt, as in the case 1361
of disobedience of the requirements of a subpoena from the court 1362
or a refusal to testify therein. 1363

(B) The medical transportation board may suspend a license 1364
issued under this chapter without a prior hearing if it determines 1365
that there is evidence that the license holder is subject to 1366
action under this section and that there is clear and convincing 1367
evidence that continued operation by the license holder presents a 1368
danger of immediate and serious harm to the public. The 1369
chairperson and executive director of the board shall make a 1370
preliminary determination and describe the evidence on which they 1371

made their determination to the board members. The board by 1372
resolution may designate another board member to act in place of 1373
the chairperson or another employee to act in place of the 1374
executive director in the event that the chairperson or executive 1375
director is unavailable or unable to act. Upon review of the 1376
allegations, the board, by the affirmative vote of at least four 1377
of its members, may suspend the license without a hearing. 1378

Any method of communication, including a telephone conference 1379
call, may be utilized for describing the evidence to the board 1380
members, for reviewing the allegations, and for voting on the 1381
suspension. 1382

Immediately following the decision by the board to suspend a 1383
license under this division, the board shall issue a written order 1384
of suspension and cause it to be delivered in accordance with 1385
section 119.07 of the Revised Code. If the license holder subject 1386
to the suspension requests an adjudication hearing by the board, 1387
the date set for the adjudication shall be within fifteen days but 1388
not earlier than seven days after the request unless another date 1389
is agreed to by the license holder and the board. 1390

Any summary suspension imposed under this division remains in 1391
effect, unless reversed by the board, until a final adjudicative 1392
order issued by the board pursuant to this section and Chapter 1393
119. of the Revised Code becomes effective. The board shall issue 1394
its final adjudicative order not less than ninety days after 1395
completion of its adjudication hearing. Failure to issue the order 1396
by that day shall cause the summary suspension order to end, but 1397
such failure shall not affect the validity of any subsequent final 1398
adjudication order. 1399

Sec. 4766.12. If a county, township, joint ambulance 1400
district, or joint emergency medical services district chooses to 1401
have the Ohio ~~ambulance licensing~~ medical transportation board 1402

license its emergency medical service organizations and issue 1403
permits for its vehicles pursuant to this chapter, except as may 1404
be otherwise provided, all provisions of this chapter and all 1405
rules adopted by the board thereunder are fully applicable. 1406
However, a county, township, joint ambulance district, or joint 1407
emergency medical services district is not required to obtain any 1408
type of permit from the board for any of its nontransport 1409
vehicles. 1410

Sec. 4766.13. The Ohio ~~ambulance licensing~~ medical 1411
transportation board, by endorsement, may license and issue 1412
vehicle permits to an emergency medical service organization or a 1413
nonemergency medical service organization that is regulated by 1414
another state. To qualify for a license and vehicle permits by 1415
endorsement, an organization must submit evidence satisfactory to 1416
the board that it has met standards in another state that are 1417
equal to or more stringent than the standards established by this 1418
chapter and the rules adopted under it. 1419

Sec. 4766.15. (A) An applicant for employment as an ambulette 1420
driver with an organization licensed pursuant to this chapter 1421
shall submit proof to the organization of, or give consent to the 1422
employer to obtain, all of the following: 1423

(1)(a) A valid driver's license issued pursuant to Chapter 1424
4506. or 4507. of the Revised Code, or its equivalent, if the 1425
applicant is a resident of another state; 1426

(b) A recent certified abstract of the applicant's record of 1427
convictions for violations of motor vehicle laws provided by the 1428
registrar of motor vehicles pursuant to section 4509.05 of the 1429
Revised Code, or its equivalent, if the applicant is a resident of 1430
another state. 1431

(2)(a) A certificate of completion of a course in first aid 1432

techniques offered by the American red cross or an equivalent organization; 1433
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(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the Ohio medical transportation board. 1435
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(3) The result of a chemical test or 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 alcohol or drug of abuse content of the applicant's blood, breath, or urine; 1438
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(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation. 1443
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(B) An organization may employ an applicant on a temporary provisional basis pending the completion of all of the requirements of this section. The length of the provisional period shall be determined by the board. 1445
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(C) An organization licensed pursuant to this chapter shall use information received pursuant to this section to determine in accordance with rules adopted by the Ohio medical transportation board under section 4766.03 of the Revised Code whether an applicant is disqualified for employment. 1449
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No applicant shall be accepted for permanent employment as an ambulette driver by an organization licensed pursuant to this chapter until all of the requirements of division (A) of this section have been met. 1454
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Sec. 4766.17. (A) An air medical service organization licensed under this chapter shall do both of the following: 1458
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(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 1460
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| <u>a stretcher:</u> | 1463 |
| <u>(a) A paramedic or registered nurse, both as defined in section 4765.01 of the Revised Code;</u> | 1464 |
| | 1465 |
| <u>(b) 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.</u> | 1466 |
| | 1467 |
| | 1468 |
| | 1469 |
| <u>(2) Employ as a medical director an individual who holds a current, valid certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.</u> | 1470 |
| | 1471 |
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| <u>(B) The medical director employed by a licensed air medical service organization pursuant to division (A)(2) of this section is ultimately responsible for the medical care provided to each patient by the organization.</u> | 1474 |
| | 1475 |
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| <u>Sec. 4766.20.</u> <u>The Ohio medical transportation board may create committees to review and make recommendations regarding medical transportation services provided in this state. A committee created under this section may receive information about medical transportation services provided in this state from emergency medical service organizations, nonemergency medical service organizations, air medical service organizations, experts in the field of medical transportation, and other entities or individuals designated by the board.</u> | 1478 |
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| <u>A committee created under this section shall meet all of the following requirements:</u> | 1487 |
| | 1488 |
| <u>(A) Be composed of at least one member of the board and any experts in the field of medical transportation designated by the board;</u> | 1489 |
| | 1490 |
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| <u>(B) Not exceed a total of six members;</u> | 1492 |

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| <u>(C) Cease to exist at the pleasure of the board;</u> | 1493 |
| <u>(D) Meet any other requirements established by the board.</u> | 1494 |
| <u>Sec. 5111.151. (A) This section applies to eligibility</u> | 1495 |
| <u>determinations for all cases involving medical assistance provided</u> | 1496 |
| <u>pursuant to this chapter, qualified medicare beneficiaries,</u> | 1497 |
| <u>specified low-income medicare beneficiaries, qualifying</u> | 1498 |
| <u>individuals-1, qualifying individuals-2, and medical assistance</u> | 1499 |
| <u>for covered families and children.</u> | 1500 |
| <u>(B) As used in this section:</u> | 1501 |
| <u>(1) "Trust" means any arrangement in which a grantor</u> | 1502 |
| <u>transfers real or personal property to a trust with the intention</u> | 1503 |
| <u>that it be held, managed, or administered by at least one trustee</u> | 1504 |
| <u>for the benefit of the grantor or beneficiaries. "Trust" includes</u> | 1505 |
| <u>any legal instrument or device similar to a trust.</u> | 1506 |
| <u>(2) "Legal instrument or device similar to a trust" includes,</u> | 1507 |
| <u>but is not limited to, escrow accounts, investment accounts,</u> | 1508 |
| <u>partnerships, contracts, and other similar arrangements that are</u> | 1509 |
| <u>not called trusts under state law but are similar to a trust and</u> | 1510 |
| <u>to which all of the following apply:</u> | 1511 |
| <u>(a) The property in the trust is held, managed, retained, or</u> | 1512 |
| <u>administered by a trustee.</u> | 1513 |
| <u>(b) The trustee has an equitable, legal, or fiduciary duty to</u> | 1514 |
| <u>hold, manage, retain, or administer the property for the benefit</u> | 1515 |
| <u>of the beneficiary.</u> | 1516 |
| <u>(c) The trustee holds identifiable property for the</u> | 1517 |
| <u>beneficiary.</u> | 1518 |
| <u>(3) "Grantor" is a person who creates a trust, including all</u> | 1519 |
| <u>of the following:</u> | 1520 |
| <u>(a) An individual;</u> | 1521 |

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|---|----------------------|
| <u>(b) An individual's spouse;</u> | 1522 |
| <u>(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;</u> | 1523 1524 1525 |
| <u>(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.</u> | 1526 1527 1528 |
| <u>(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.</u> | 1529 1530 |
| <u>(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.</u> | 1531 1532 |
| <u>(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.</u> | 1533 1534 1535 |
| <u>(7) "Applicant" is an individual who applies for medical assistance benefits or the individual's spouse.</u> | 1536 1537 |
| <u>(8) "Recipient" is an individual who receives medical assistance benefits or the individual's spouse.</u> | 1538 1539 |
| <u>(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable:</u> | 1540 1541 1542 |
| <u>(a) A trust that provides that the trust can be terminated only by a court;</u> | 1543 1544 |
| <u>(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee.</u> | 1545 1546 1547 |
| <u>(10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of</u> | 1548 1549 1550 |

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| <u>the beneficiary or grantor.</u> | 1551 |
| <u>(11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property.</u> | 1552 1553 1554 |
| <u>(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient.</u> | 1555 1556 1557 |
| <u>(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust.</u> | 1558 1559 1560 |
| <u>(C) If an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted by the department of job and family services governing trusts. The county department of job and family services may determine that the trust or portion of the trust is one of the following:</u> | 1561 1562 1563 1564 1565 1566 1567 |
| <u>(1) A countable resource;</u> | 1568 |
| <u>(2) Countable income;</u> | 1569 |
| <u>(3) A countable resource and countable income;</u> | 1570 |
| <u>(4) Not a countable resource or countable income.</u> | 1571 |
| <u>(D)(1) A trust or legal instrument or device similar to a trust shall be considered a medicaid qualifying trust if all of the following apply:</u> | 1572 1573 1574 |
| <u>(a) The trust was established on or prior to August 10, 1993.</u> | 1575 |
| <u>(b) The trust was not established by a will.</u> | 1576 |
| <u>(c) The trust was established by an applicant or recipient.</u> | 1577 |
| <u>(d) The applicant or recipient is or may become the beneficiary of all or part of the trust.</u> | 1578 1579 |

(e) Payment from the trust is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the applicant or recipient. 1580
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(2) If a trust meets the requirement of division (D)(1) of this section, the amount of the trust that is considered by the county department of job and family services as an available resource to the applicant or recipient shall be the maximum amount of payments permitted under the terms of the trust to be distributed to the applicant or recipient, assuming the full exercise of discretion by the trustee or trustees. The maximum amount shall include only amounts that are permitted to be distributed but are not distributed from either the income or principal of the trust. 1583
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(3) Amounts that are actually distributed from a Medicaid qualifying trust to a beneficiary for any purpose shall be treated in accordance with rules adopted by the department of job and family services governing income. 1593
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(4) Availability of a medicaid qualifying trust shall be considered without regard to any of the following: 1597
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(a) Whether or not the trust is irrevocable or was established for purposes other than to enable a grantor to qualify for medicaid, medical assistance for covered families and children, or as a qualified medicare beneficiary, specified low-income medicare beneficiary, qualifying individual-1, or qualifying individual-2; 1599
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(b) Whether or not the trustee actually exercises discretion. 1605

(5) If any real or personal property is transferred to a medicaid qualifying trust that is not distributable to the applicant or recipient, the transfer shall be considered an improper transfer of resources and shall be subject to rules adopted by the department of job and family services governing 1606
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improper transfers of resources.

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(6) The baseline date for the look-back period for transfers of assets involving a medicaid qualifying trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medical assistance. The following conditions also apply to look-back periods for transfers of assets involving medicaid qualifying trusts:

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(a) If a medicaid qualifying trust is a revocable trust and a portion of the trust is distributed to someone other than the applicant or recipient for the benefit of someone other than the applicant or recipient, the distribution shall be considered an improper transfer of resources. The look-back period shall be sixty months from the baseline date. The transfer shall be considered to have taken place on the date on which the payment to someone other than the applicant or recipient was made.

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(b) If a medicaid qualifying trust is an irrevocable trust and a portion of the trust is not distributable to the applicant or recipient, the trust shall be treated as an improper transfer of resources. The look-back period shall be sixty months from the baseline date. The transfer is considered to have been made as of the later of the date the trust was established or the date on which payment to the applicant or recipient was foreclosed. The value of the assets shall not be reduced by any payments from the trust that may be made from these unavailable assets at a later date.

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(c) If a medicaid qualifying trust is an irrevocable trust and a portion or all of the trust may be disbursed to or for the benefit of the applicant or recipient, any payment that is made to another person other than the applicant or recipient shall be considered an improper transfer of resources. The look-back period shall be thirty-six months from the baseline date. The transfer

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shall be considered to have been made as of the date of payment to 1642
the other person. 1643

(E)(1) A trust or legal instrument or device similar to a 1644
trust shall be considered a self-settled trust if all of the 1645
following apply: 1646

(a) The trust was established on or after August 11, 1993. 1647

(b) The trust was not established by a will. 1648

(c) The trust was established by an applicant or recipient, 1649
spouse of an applicant or recipient, or a person, including a 1650
court or administrative body, with legal authority to act in place 1651
of or on behalf of an applicant, recipient, or spouse, or acting 1652
at the direction or on request of an applicant, recipient, or 1653
spouse. 1654

(2) A trust that meets the requirements of division (E)(1) of 1655
this section and is a revocable trust shall be treated by the 1656
county department of job and family services as follows: 1657

(a) The corpus of the trust shall be considered a resource 1658
available to the applicant or recipient. 1659

(b) Payments from the trust to or for the benefit of the 1660
applicant or recipient shall be considered unearned income of the 1661
applicant or recipient. 1662

(c) Any other payments from the trust shall be considered an 1663
improper transfer of resources and shall be subject to rules 1664
adopted by the department of job and family services governing 1665
improper transfers of resources. 1666

(3) A trust that meets the requirements of division (E)(1) of 1667
this section and is an irrevocable trust shall be treated by the 1668
county department of job and family services as follows: 1669

(a) If there are any circumstances under which payment from 1670
the trust could be made to or for the benefit of the applicant or 1671

recipient, including a payment that can be made only in the 1672
future, the portion from which payments could be made shall be 1673
considered a resource available to the applicant or recipient. The 1674
county department of job and family services shall not take into 1675
account when payments can be made. 1676

(b) Any payment that is actually made to or for the benefit 1677
of the applicant or recipient from either the corpus or income 1678
shall be considered unearned income. 1679

(c) If a payment is made to someone other than to the 1680
applicant or recipient and the payment is not for the benefit of 1681
the applicant or recipient, the payment shall be considered an 1682
improper transfer of resources and shall be subject to rules 1683
adopted by the department of job and family services governing 1684
improper transfers of resources. 1685

(d) The date of the transfer shall be the later of the date 1686
of establishment of the trust or the date of the occurrence of the 1687
event. 1688

(e) When determining the value of the transferred resource 1689
under this provision, the value of the trust shall be its value on 1690
the date payment to the applicant or recipient was foreclosed. 1691

(f) Any income earned or other resources added subsequent to 1692
the foreclosure date shall be added to the total value of the 1693
trust. 1694

(g) Any payments to or for the benefit of the applicant or 1695
recipient after the foreclosure date but prior to the application 1696
date shall be subtracted from the total value. Any other payments 1697
shall not be subtracted from the value. 1698

(h) Any addition of resources after the foreclosure date 1699
shall be considered a separate transfer. 1700

(4) If a trust is funded with assets of another person or 1701

persons in addition to assets of the applicant or recipient, the 1702
applicable provisions of this section and rules adopted by the 1703
department of job and family services governing trusts shall apply 1704
only to the portion of the trust attributable to the applicant or 1705
recipient. 1706

(5) The availability of a self-settled trust shall be 1707
considered without regard to any of the following: 1708

(a) The purpose for which the trust is established; 1709

(b) Whether the trustees have exercised or may exercise 1710
discretion under the trust; 1711

(c) Any restrictions on when or whether distributions may be 1712
made from the trust; 1713

(d) Any restrictions on the use of distributions from the 1714
trust. 1715

(6) The baseline date for the look-back period for transfers 1716
of assets involving a self-settled trust shall be the date on 1717
which the applicant or recipient is both institutionalized and 1718
first applies for medical assistance. The following conditions 1719
also apply to look-back periods for transfers of assets involving 1720
self-settled trusts: 1721

(a) If a self-settled trust is a revocable trust and a 1722
portion of the trust is distributed to someone other than the 1723
applicant or recipient for the benefit of someone other than the 1724
applicant or recipient, the distribution shall be considered an 1725
improper transfer of resources. The look-back period shall be 1726
sixty months from the baseline date. The transfer shall be 1727
considered to have taken place on the date on which the payment to 1728
someone other than the applicant or recipient was made. 1729

(b) If a self-settled trust is an irrevocable trust and a 1730
portion of the trust is not distributable to the applicant or 1731

recipient, the trust shall be treated as an improper transfer of 1732
resources. The look-back period shall be sixty months from the 1733
baseline date. The transfer is considered to have been made as of 1734
the later of the date the trust was established or the date on 1735
which payment to the applicant or recipient was foreclosed. The 1736
value of these assets shall not be reduced by any payments from 1737
the trust that may be made from these unavailable assets at a 1738
later date. 1739

(c) If a self-settled trust is an irrevocable trust and a 1740
portion or all of the trust may be disbursed to or for the benefit 1741
of the applicant or recipient, any payment that is made to another 1742
person other than the applicant or recipient shall be considered 1743
an improper transfer of resources. The look-back period shall be 1744
thirty-six months from the baseline date. The transfer shall be 1745
considered to have been made as of the date of payment to the 1746
other person. 1747

(F) The principal or income from any of the following shall 1748
be exempt from being counted as a resource by a county department 1749
of job and family services: 1750

(1)(a) A special needs trust that meets all of the following 1751
requirements: 1752

(i) The trust contains assets of an applicant or recipient 1753
under sixty-five years of age and may contain the assets of other 1754
individuals. 1755

(ii) The applicant or recipient is disabled as defined in 1756
rules adopted by the department of job and family services. 1757

(iii) The trust is established for the benefit of the 1758
applicant or recipient by a parent, grandparent, legal guardian, 1759
or a court. 1760

(iv) The trust requires that on the death of the applicant or 1761

recipient the state will receive all amounts remaining in the 1762
trust up to an amount equal to the total amount of medical 1763
assistance paid on behalf of the applicant or recipient. 1764

(b) If a special needs trust meets the requirements of 1765
division (F)(1)(a) of this section and has been established for a 1766
disabled applicant or recipient under sixty-five years of age, the 1767
exemption for the trust granted pursuant to division (F) of this 1768
section shall continue after the disabled applicant or recipient 1769
becomes sixty-five years of age if the applicant or recipient 1770
continues to be disabled as defined in rules adopted by the 1771
department of job and family services. Except for income earned by 1772
the trust, the grantor shall not add to or otherwise augment the 1773
trust after the applicant or recipient attains sixty-five years of 1774
age. An addition or augmentation of the trust by the applicant or 1775
recipient with the applicant's own assets after the applicant or 1776
recipient attains sixty-five years of age shall be treated as an 1777
improper transfer of resources. 1778

(c) Cash distributions to the applicant or recipient shall be 1779
counted as unearned income. All other distributions from the trust 1780
shall be treated as provided in rules adopted by the department of 1781
job and family services governing in-kind income. 1782

(d) Transfers of assets to a special needs trust shall not be 1783
treated as an improper transfer of resources. Assets held prior to 1784
the transfer to the trust shall be considered as countable assets 1785
or countable income or countable assets and income. 1786

(2)(a) A qualifying income trust that meets all of the 1787
following requirements: 1788

(i) The trust is composed only of pension, social security, 1789
and other income to the applicant or recipient, including 1790
accumulated interest in the trust. 1791

(ii) The income is received by the individual and the right 1792

to receive the income is not assigned or transferred to the trust. 1793

(iii) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medical assistance paid on behalf of the applicant or recipient. 1794
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(b) No resources shall be used to establish or augment the trust. 1798
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(c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services. 1800
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(d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medical assistance. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medical assistance. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient. 1804
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(e) All income placed in a qualifying income trust shall be combined with any countable income not placed in the trust to arrive at a base income figure to be used for spend down calculations. 1812
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(f) The base income figure shall be used for post-eligibility deductions, including personal needs allowance, monthly income allowance, family allowance, and medical expenses not subject to third party payment. Any income remaining shall be used toward payment of patient liability. Payments made from a qualifying income trust shall not be combined with the base income figure for post-eligibility calculations. 1816
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(g) The base income figure shall be used when determining the 1823
spend down budget for the applicant or recipient. Any income 1824
remaining after allowable deductions are permitted as provided 1825
under rules adopted by the department of job and family services 1826
shall be considered the applicant's or recipient's spend down 1827
liability. 1828

(3)(a) A pooled trust that meets all of the following 1829
requirements: 1830

(i) The trust contains the assets of the applicant or 1831
recipient of any age who is disabled as defined in rules adopted 1832
by the department of job and family services. 1833

(ii) The trust is established and managed by a nonprofit 1834
association. 1835

(iii) A separate account is maintained for each beneficiary 1836
of the trust but, for purposes of investment and management of 1837
funds, the trust pools the funds in these accounts. 1838

(iv) Accounts in the trust are established by the applicant 1839
or recipient, the applicant's or recipient's parent, grandparent, 1840
or legal guardian, or a court solely for the benefit of 1841
individuals who are disabled. 1842

(v) The trust requires that, to the extent that any amounts 1843
remaining in the beneficiary's account on the death of the 1844
beneficiary are not retained by the trust, the trust pay to the 1845
state the amounts remaining in the trust up to an amount equal to 1846
the total amount of medical assistance paid on behalf of the 1847
beneficiary. 1848

(b) Cash distributions to the applicant or recipient shall be 1849
counted as unearned income. All other distributions from the trust 1850
shall be treated as provided in rules adopted by the department of 1851
job and family services governing in-kind income. 1852

(c) Transfers of assets to a pooled trust shall not be 1853
treated as an improper transfer of resources. Assets held prior to 1854
the transfer to the trust shall be considered as countable assets, 1855
countable income, or countable assets and income. 1856

(4) A supplemental services trust that meets the requirements 1857
of section 1339.51 of the Revised Code and to which all of the 1858
following apply: 1859

(a) A person may establish a supplemental services trust 1860
pursuant to section 1339.51 of the Revised Code only for another 1861
person who is eligible to receive services through one of the 1862
following agencies: 1863

(i) The department of mental retardation and developmental 1864
disabilities; 1865

(ii) A county board of mental retardation and developmental 1866
disabilities; 1867

(iii) The department of mental health; 1868

(iv) A board of alcohol, drug addiction, and mental health 1869
services. 1870

(b) A county department of job and family services shall not 1871
determine eligibility for another agency's program. An applicant 1872
or recipient shall do one of the following: 1873

(i) Provide documentation from one of the agencies listed in 1874
division (F)(4)(a) of this section that establishes that the 1875
applicant or recipient was determined to be eligible for services 1876
from the agency at the time of the creation of the trust; 1877

(ii) Provide an order from a court of competent jurisdiction 1878
that states that the applicant or recipient was eligible for 1879
services from one of the agencies listed in division (F)(4)(a) of 1880
this section at the time of the creation of the trust. 1881

(c) At the time the trust is created, the trust principal 1882

does not exceed the maximum amount permitted. The maximum amount 1883
permitted in calendar year 2002 is two hundred fourteen thousand 1884
dollars. Each year thereafter, the maximum amount permitted is the 1885
prior year's amount plus two thousand dollars. 1886

(d) A county department of job and family services shall 1887
review the trust to determine whether it complies with the 1888
provisions of section 1339.51 of the Revised Code. 1889

(e) Payments from supplemental services trusts shall be 1890
exempt as long as the payments are for supplemental services as 1891
defined in rules adopted by the department of job and family 1892
services. All supplemental services shall be purchased by the 1893
trustee and shall not be purchased through direct cash payments to 1894
the beneficiary. 1895

(f) If a trust is represented as a supplemental services 1896
trust and a county department of job and family services 1897
determines that the trust does not meet the requirements provided 1898
in division (F)(4) of this section and section 1339.51 of the 1899
Revised Code, the county department of job and family services 1900
shall not consider it an exempt trust. 1901

(G)(1) A trust or legal instrument or device similar to a 1902
trust shall be considered a trust established by an individual for 1903
the benefit of the applicant or recipient if all of the following 1904
apply: 1905

(a) The trust is created by a person other than the applicant 1906
or recipient. 1907

(b) The trust names the applicant or recipient as a 1908
beneficiary. 1909

(c) The trust is funded with assets or property in which the 1910
applicant or recipient has never held an ownership interest prior 1911
to the establishment of the trust. 1912

(2) Any portion of a trust that meets the requirements of 1913
division (G)(1) of this section shall be an available resource 1914
only if the trust permits the trustee to expend principal, corpus, 1915
or assets of the trust for the applicant's or recipient's medical 1916
care, care, comfort, maintenance, health, welfare, general well 1917
being, or any combination of these purposes. 1918

(3) A trust that meets the requirements of division (G)(1) of 1919
this section shall be considered an available resource even if the 1920
trust contains any of the following types of provisions: 1921

(a) A provision that prohibits the trustee from making 1922
payments that would supplant or replace medical assistance or 1923
other public assistance; 1924

(b) A provision that prohibits the trustee from making 1925
payments that would impact or have an effect on the applicant's or 1926
recipient's right, ability, or opportunity to receive medical 1927
assistance or other public assistance; 1928

(c) A provision that attempts to prevent the trust or its 1929
corpus or principal from being counted as an available resource. 1930

(4) A trust that meets the requirements of division (G)(1) of 1931
this section shall not be counted as an available resource if at 1932
least one of the following circumstances applies: 1933

(a) If a trust contains a clear statement requiring the 1934
trustee to preserve a portion of the trust for another beneficiary 1935
or remainderman, that portion of the trust shall not be counted as 1936
an available resource. Terms of a trust that grant discretion to 1937
preserve a portion of the trust shall not qualify as a clear 1938
statement requiring the trustee to preserve a portion of the 1939
trust. 1940

(b) If a trust contains a clear statement requiring the 1941
trustee to use a portion of the trust for a purpose other than 1942

medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as an available resource. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose. 1943
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(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as an available resource and payments shall be treated in accordance with rules adopted by the department of job and family services governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments. 1949
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(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as an available resource, the trust shall not be counted as an available resource. Terms of a trust that grant discretion to terminate the trust do not qualify as a clear statement requiring the trustee to terminate the trust. 1956
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(e) If a person obtains a judgment from a court of competent jurisdiction that expressly prevents the trustee from using part or all of the trust for the medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, the trust or that portion of the trust subject to the court order shall not be counted as a resource. 1962
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(f) If a trust is specifically exempt from being counted as an available resource by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as a resource. 1968
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(g) If an applicant or recipient presents a final judgment from a court demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel 1971
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payments from the trust, the trust shall not be counted as an 1974
available resource. 1975

(h) If an applicant or recipient presents a final judgment 1976
from a court demonstrating that in a civil action against the 1977
trustee the applicant or recipient was only able to compel limited 1978
or periodic payments, the trust shall not be counted as an 1979
available resource and payments shall be treated in accordance 1980
with rules adopted by the department of job and family services 1981
governing income. 1982

(i) If an applicant or recipient provides written 1983
documentation showing that the cost of a civil action brought to 1984
compel payments from the trust would be cost prohibitive, the 1985
trust shall not be counted as an available resource. 1986

(5) Any actual payments to the applicant or recipient from a 1987
trust that meet the requirements of division (G)(1) of this 1988
section, including trusts that are not counted as an available 1989
resource, shall be treated as provided in rules adopted by the 1990
department of job and family services governing income. Payments 1991
to any person other than the applicant or recipient shall not be 1992
considered income to the applicant or recipient. Payments from the 1993
trust to a person other than the applicant or recipient shall not 1994
be considered an improper transfer of assets. 1995

Sec. 5503.12. (A) The superintendent of the state highway 1996
patrol, with the approval of the director of public safety, may 1997
authorize the registrar of motor vehicles and designated deputy 1998
registrars to collect inspection and testing fees on behalf of the 1999
state highway patrol. The superintendent and the registrar jointly 2000
shall determine and designate the deputy registrars who shall 2001
collect inspection and testing fees under this section. 2002

(B)(1) In addition to collecting the inspection and testing 2003

fees, the registrar and each designated deputy registrar may collect and retain a service fee in the amount specified in division (D) of section 4503.10 of the Revised Code for each inspection and testing fee collected on behalf of the state highway patrol.

(2) Each designated deputy registrar, upon receipt of any inspection and testing fee, shall transmit the fees to the registrar in the manner prescribed by the registrar.

(3) The registrar shall deposit the inspection and testing fees collected by and transmitted to the registrar to the credit of the fund specified by law.

(C) The superintendent, with the approval of the director, shall establish appropriate procedures to be used by the registrar and designated deputy registrars for determining proof of payment of inspection and testing fees.

(D) As used in this section, "inspection and testing fees" includes the following:

(1) Fees for vehicle inspections conducted under sections 4505.11, 4505.111, 4513.52, 4513.53, 4519.56, and 4519.61, ~~and 4766.07~~ of the Revised Code;

(2) Fees for testing of commercial driver's license applicants under section 4506.09 of the Revised Code;

(3) Except as may otherwise be specifically provided by law, any statutory fees for similar vehicle inspections or driver testing conducted by the state highway patrol that the superintendent may specify for collection under this section.

Section 2. That existing sections 307.051, 307.055, 505.37, 505.375, 505.72, 4503.49, 4513.263, 4766.01, 4766.02, 4766.03, 4766.04, 4766.05, 4766.06, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, and 5503.12 of the Revised Code are

hereby repealed. 2034

Section 3. That the version of section 4513.263 of the 2035
Revised Code that is scheduled to take effect January 1, 2004, be 2036
amended to read as follows: 2037

Sec. 4513.263. (A) As used in this section and in section 2038
4513.99 of the Revised Code: 2039

(1) "Automobile" means any commercial tractor, passenger car, 2040
commercial car, or truck that is required to be factory-equipped 2041
with an occupant restraining device for the operator or any 2042
passenger by regulations adopted by the United States secretary of 2043
transportation pursuant to the "National Traffic and Motor Vehicle 2044
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 2045

(2) "Occupant restraining device" means a seat safety belt, 2046
shoulder belt, harness, or other safety device for restraining a 2047
person who is an operator of or passenger in an automobile and 2048
that satisfies the minimum federal vehicle safety standards 2049
established by the United States department of transportation. 2050

(3) "Passenger" means any person in an automobile, other than 2051
its operator, who is occupying a seating position for which an 2052
occupant restraining device is provided. 2053

(4) "Commercial tractor," "passenger car," and "commercial 2054
car" have the same meanings as in section 4501.01 of the Revised 2055
Code. 2056

(5) "Vehicle" and "motor vehicle," as used in the definitions 2057
of the terms set forth in division (A)(4) of this section, have 2058
the same meanings as in section 4511.01 of the Revised Code. 2059

(B) No person shall do any of the following: 2060

(1) Operate an automobile on any street or highway unless 2061

that person is wearing all of the available elements of a properly
adjusted occupant restraining device, or operate a school bus that
has an occupant restraining device installed for use in its
operator's seat unless that person is wearing all of the available
elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless
each passenger in the automobile who is subject to the requirement
set forth in division (B)(3) of this section is wearing all of the
available elements of a properly adjusted occupant restraining
device;

(3) Occupy, as a passenger, a seating position on the front
seat of an automobile being operated on any street or highway
unless that person is wearing all of the available elements of a
properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all
factory-equipped occupant restraining devices in the taxicab are
maintained in usable form.

(C) Division (B)(3) of this section does not apply to a
person who is required by section 4511.81 of the Revised Code to
be secured in a child restraint device. Division (B)(1) of this
section does not apply to a person who is an employee of the
United States postal service or of a newspaper home delivery
service, during any period in which the person is engaged in the
operation of an automobile to deliver mail or newspapers to
addressees. Divisions (B)(1) and (3) of this section do not apply
to a person who has an affidavit signed by a physician licensed to
practice in this state under Chapter 4731. of the Revised Code or
a chiropractor licensed to practice in this state under Chapter
4734. of the Revised Code that states that the person has a
physical impairment that makes use of an occupant restraining
device impossible or impractical.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit as follows:

(1) Eight per cent shall be deposited into the seat belt education fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish a seat belt education program.

(2) Eight per cent shall be deposited into the elementary school program fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish and administer elementary school programs that encourage seat safety belt use.

(3) Two per cent shall be deposited into the Ohio ~~ambulance licensing~~ medical transportation trust fund created by section 4766.05 of the Revised Code.

(4) Twenty-eight per cent shall be deposited into the trauma and emergency medical services fund, which is hereby created in

the state treasury, and shall be used by the department of public 2124
safety for the administration of the division of emergency medical 2125
services and the state board of emergency medical services. 2126

(5) Fifty-four per cent shall be deposited into the trauma 2127
and emergency medical services grants fund, which is hereby 2128
created in the state treasury, and shall be used by the state 2129
board of emergency medical services to make grants, in accordance 2130
with section 4765.07 of the Revised Code and rules the board 2131
adopts under section 4765.11 of the Revised Code. 2132

(F)(1) Subject to division (F)(2) of this section, the 2133
failure of a person to wear all of the available elements of a 2134
properly adjusted occupant restraining device or to ensure that 2135
each passenger of an automobile being operated by the person is 2136
wearing all of the available elements of such a device, in 2137
violation of division (B) of this section, shall not be considered 2138
or used as evidence of negligence or contributory negligence, 2139
shall not diminish recovery for damages in any civil action 2140
involving the person arising from the ownership, maintenance, or 2141
operation of an automobile; shall not be used as a basis for a 2142
criminal prosecution of the person other than a prosecution for a 2143
violation of this section; and shall not be admissible as evidence 2144
in any civil or criminal action involving the person other than a 2145
prosecution for a violation of this section. 2146

(2) If, at the time of an accident involving a passenger car 2147
equipped with occupant restraining devices, any occupant of the 2148
passenger car who sustained injury or death was not wearing an 2149
available occupant restraining device, was not wearing all of the 2150
available elements of such a device, or was not wearing such a 2151
device as properly adjusted, then, consistent with the Rules of 2152
Evidence, the fact that the occupant was not wearing the available 2153
occupant restraining device, was not wearing all of the available 2154
elements of such a device, or was not wearing such a device as 2155

properly adjusted is admissible in evidence in relation to any 2156
claim for relief in a tort action to the extent that the claim for 2157
relief satisfies all of the following: 2158

(a) It seeks to recover damages for injury or death to the 2159
occupant. 2160

(b) The defendant in question is the manufacturer, designer, 2161
distributor, or seller of the passenger car. 2162

(c) The claim for relief against the defendant in question is 2163
that the injury or death sustained by the occupant was enhanced or 2164
aggravated by some design defect in the passenger car or that the 2165
passenger car was not crashworthy. 2166

(3) As used in division (F)(2) of this section, "tort action" 2167
means a civil action for damages for injury, death, or loss to 2168
person or property. "Tort action" includes a product liability 2169
claim that is subject to sections 2307.71 to 2307.80 of the 2170
Revised Code, but does not include a civil action for damages for 2171
a breach of a contract or another agreement between persons. 2172

(G)(1) Whoever violates division (B)(1) of this section shall 2173
be fined thirty dollars. 2174

(2) Whoever violates division (B)(3) of this section shall be 2175
fined twenty dollars. 2176

(3) Except as otherwise provided in this division, whoever 2177
violates division (B)(4) of this section is guilty of a minor 2178
misdemeanor. If the offender previously has been convicted of or 2179
pleaded guilty to a violation of division (B)(4) of this section, 2180
whoever violates division (B)(4) of this section is guilty of a 2181
misdemeanor of the third degree. 2182

Section 4. That the existing version of section 4513.263 of 2183
the Revised Code that is scheduled to take effect January 1, 2004, 2184
is hereby repealed. 2185

Section 5. Sections 3 and 4 of this act take effect January 2186
1, 2004. 2187

Section 6. Within 60 days after the effective date of this 2188
act, the Governor shall appoint the additional members of the Ohio 2189
Medical Transportation Board required by section 4766.02 of the 2190
Revised Code, as amended by this act. The terms of the first two 2191
new members shall expire July 5, 2004, and the terms of the second 2192
two new members shall expire on July 5, 2005. Thereafter, the 2193
terms of office shall be as specified in section 4766.02 of the 2194
Revised Code. 2195