

As Introduced

**126th General Assembly
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H. B. No. 375

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Allen, Setzer**

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A B I L L

To amend sections 4765.05, 4765.11, and 4765.16 and 1
to enact sections 4765.101, 4765.102, 4765.111, 2
4765.112, 4765.113, 4765.114, 4765.115, and 3
4765.116 of the Revised Code concerning the 4
authority of the State Board of Emergency Medical 5
Services to suspend certificates to practice 6
emergency medical services. 7

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

Section 1. That sections 4765.05, 4765.11, and 4765.16 be 8
amended and sections 4765.101, 4765.102, 4765.111, 4765.112, 9
4765.113, 4765.114, 4765.115, and 4765.116 of the Revised Code be 10
enacted to read as follows: 11

Sec. 4765.05. As used in this section, "prehospital emergency 12
medical services" means an emergency medical services system that 13
provides medical services to patients who require immediate 14
assistance, because of illness or injury, prior to their arrival 15
at an emergency medical facility. 16

The state board of emergency medical services shall divide 17
the state geographically into prehospital emergency medical 18
services regions for purposes of overseeing the delivery of adult 19

and pediatric prehospital emergency medical services. ~~These~~ 20
~~regions shall consist of the same geographic regions as the health~~ 21
~~service areas designated by the director of health under section~~ 22
~~3702.58 of the Revised Code.~~ For each prehospital emergency 23
medical services region, the board shall appoint either a 24
physician to serve as the regional director or a physician 25
advisory board to serve as the regional advisory board. The board 26
shall specify the duties of each regional director and regional 27
advisory board. Regional directors and members of regional 28
advisory boards shall serve without compensation, but shall be 29
reimbursed for actual and necessary expenses incurred in carrying 30
out duties as regional directors and members of regional advisory 31
boards. 32

Sec. 4765.101. (A) The state board of emergency medical 33
services shall investigate any allegation that a person has 34
violated this chapter or a rule adopted under it. 35

Any person may submit to the board a written complaint 36
regarding an alleged violation of this chapter or a rule adopted 37
under it. In the absence of fraud or bad faith, no person 38
submitting a complaint to the board or testifying in an 39
adjudication hearing conducted in accordance with Chapter 119. of 40
the Revised Code with regard to such an alleged violation shall be 41
liable to any person for damages in a civil action as a result of 42
submitting the complaint or providing testimony. 43

(B) In investigating an allegation, the board may do any of 44
the following: 45

(1) Administer oaths; 46

(2) Order the taking of depositions; 47

(3) Issue subpoenas; 48

(4) Compel the attendance of witnesses and production of 49

books, accounts, papers, records, documents, and testimony.

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(C) A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the executive director of the board. Before issuance of a subpoena for patient record information, the executive director shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

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(D) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may, pursuant to the Rules of Civil Procedure, move for an order compelling the production of persons or records.

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(E) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or by an investigator for the division of emergency medical services of the department of public safety. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is an individual authorized by this chapter to practice emergency medical services, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or on the date that the person refuses to accept delivery.

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Sec. 4765.102. (A) As used in this section, "licensing agency" means any entity that has the authority pursuant to Title XLVII of the Revised Code to issue a license, and any other agency of this or another state, other than the Ohio supreme court, that

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has the authority to issue a license that authorizes an individual to engage in an occupation or profession. "Licensing agency" includes an administrative officer that has authority to issue a license that authorizes an individual to engage in an occupation or profession.

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(B) Except as provided in divisions (C) and (D) of this section and section 4765.111 of the Revised Code, all information the state board of emergency medical services receives pursuant to an investigation, including information regarding an alleged violation of this chapter or rules adopted under it or a complaint submitted under division (A) of section 4765.101 of the Revised Code is confidential and not subject to discovery in any civil action.

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(C) The board may release information otherwise made confidential by division (B) of this section to law enforcement officers or licensing agencies of this or another state that are prosecuting, adjudicating, or investigating the holder of a certificate issued under this chapter or a person who allegedly engaged in the unauthorized provision of emergency medical services.

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A law enforcement officer or licensing agency with information disclosed by the board under this division shall not divulge the information other than for the purpose of an adjudication by a court or licensing agency to which the subject of the adjudication is a party.

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(D) If an investigation conducted under section 4765.101 of the Revised Code requires a review of patient records, the investigation and proceedings related to it shall be conducted in such a manner as to protect patient confidentiality. The board shall not make public the name or any other identifying information about a patient unless proper consent is given in

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accordance with rules adopted by the board. If the patient is less 112
than eighteen years of age, the board shall obtain consent from 113
the patient's parent, guardian, or custodian. 114

Sec. 4765.11. (A) The state board of emergency medical 115
services shall adopt, and may amend and rescind, rules in 116
accordance with Chapter 119. of the Revised Code and division (C) 117
of this section that establish all of the following: 118

(1) Procedures for its governance and the control of its 119
actions and business affairs; 120

(2) Standards for the performance of emergency medical 121
services by first responders, emergency medical technicians-basic, 122
emergency medical technicians-intermediate, and emergency medical 123
technicians-paramedic; 124

(3) Application fees for certificates of accreditation, 125
certificates of approval, certificates to teach, and certificates 126
to practice, which shall be deposited into the trauma and 127
emergency medical services fund created in section 4513.263 of the 128
Revised Code; 129

(4) Criteria for determining when the application or renewal 130
fee for a certificate to practice may be waived because an 131
applicant cannot afford to pay the fee; 132

(5) Procedures for issuance and renewal of certificates of 133
accreditation, certificates of approval, certificates to teach, 134
and certificates to practice, including any procedures necessary 135
to ensure that adequate notice of renewal is provided in 136
accordance with division (D) of section 4765.30 of the Revised 137
Code; 138

(6) Procedures for suspending or revoking certificates of 139
accreditation, certificates of approval, certificates to teach, 140
and certificates to practice; 141

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	142 143 144 145
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	146 147
(9) Standards for certificates of accreditation and certificates of approval;	148 149
(10) Qualifications for certificates to teach;	150
(11) Requirements for a certificate to practice;	151
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	152 153 154 155 156
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	157 158 159 160 161
(14) Examinations for certificates to practice;	162
(15) Procedures for administering examinations for certificates to practice;	163 164
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	165 166 167 168
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	169 170

(18) Procedures for approving the additional emergency 171
medical services first responders are authorized by division (C) 172
of section 4765.35 of the Revised Code to perform, EMTs-basic are 173
authorized by division (C) of section 4765.37 of the Revised Code 174
to perform, EMTs-I are authorized by division (B)(5) of section 175
4765.38 of the Revised Code to perform, and paramedics are 176
authorized by division (B)(6) of section 4765.39 of the Revised 177
Code to perform; 178

(19) Standards and procedures for implementing the 179
requirements of section 4765.06 of the Revised Code, including 180
designations of the persons who are required to report information 181
to the board and the types of information to be reported; 182

(20) Procedures for administering the emergency medical 183
services grant program established under section 4765.07 of the 184
Revised Code; 185

(21) Procedures consistent with Chapter 119. of the Revised 186
Code for appealing decisions of the board; 187

(22) Minimum qualifications and peer review and quality 188
improvement requirements for persons who provide medical direction 189
to emergency medical service personnel; 190

(23) The manner in which a patient, or a patient's parent, 191
guardian, or custodian may consent to the board releasing 192
identifying information about the patient under division (D) of 193
section 4765.102 of the Revised Code; 194

(24) Circumstances under which a training program or 195
continuing education program, or portion thereof, may be taught by 196
a person who does not hold a certificate to teach issued under 197
section 4765.23 of the Revised Code. 198

(B) The board may adopt, and may amend and rescind, rules in 199
accordance with Chapter 119. of the Revised Code and division (C) 200

of this section that establish the following:	201
(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;	202 203 204
(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.57 of the Revised Code;	205 206 207
(3) Requirements that a person must meet to receive a certificate to practice as a first responder pursuant to division (A)(2) of section 4765.30 of the Revised Code;	208 209 210
(4) Any other rules necessary to implement this chapter.	211
(C) In developing and administering rules adopted under this chapter, the state board of emergency medical services shall consult with regional directors and regional physician advisory boards created by section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.	212 213 214 215 216
(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.	217 218 219 220 221 222 223 224 225 226 227 228
This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.	229 230

Sec. 4765.111. Except as provided in this section or sections 4765.112 to 4765.116 of the Revised Code, the state board of emergency medical services shall conduct disciplinary proceedings regarding the holder of a certificate issued under this chapter in accordance with rules adopted by the board under section 4765.11 of the Revised Code. 231
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The board and a holder of a certificate are the parties to a hearing conducted under this chapter. Either party may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than fourteen days prior to the commencement of the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than seven days before the hearing, the responding party shall provide the requested list of witnesses and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension of time to provide the list and copies. 237
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Failure to timely provide a list or copies requested in accordance with this section shall result in exclusion from the hearing of the witnesses, testimony or documents. 249
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Sec. 4765.112. (A) The state board of emergency medical services may, by an affirmative vote of the majority of its members, suspend without a prior hearing a certificate to practice issued under this chapter if the board determines that there is clear and convincing evidence that continued practice by the certificate holder presents a danger of immediate and serious harm to the public and that the certificate holder has done any of the following: 252
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(1) Furnished false, fraudulent, or misleading information to 260

the board; 261

(2) Engaged in activities that exceed those permitted by the 262
individual's certificate; 263

(3) In a court of this or any other state or federal court 264
been convicted of, pled guilty to, or been the subject of a 265
judicial finding of guilt of, a judicial finding of guilt 266
resulting from a plea of no contest to, or a judicial finding of 267
eligibility for intervention in lieu of conviction for, a felony 268
or for a misdemeanor committed in the course of practice or 269
involving gross immorality or moral turpitude. 270

(B) Immediately following the decision to impose a summary 271
suspension, the board shall, in accordance with section 119.07 of 272
the Revised Code, issue a written order of suspension and cause it 273
to be delivered to the certificate holder and notify the 274
certificate holder of the opportunity for a hearing. If timely 275
requested by the certificate holder, a hearing shall be conducted 276
in accordance with section 4765.115 of the Revised Code. 277

Sec. 4765.113. If the board imposes a suspension on the basis 278
of a conviction, judicial finding, or plea as described in 279
division (A)(3) of section 4765.112 of the Revised Code that is 280
overturned on appeal, the certificate holder may, on exhaustion of 281
the criminal appeal process, file with the board a petition for 282
reconsideration of the suspension along with appropriate court 283
documents. On receipt of the petition and documents, the board 284
shall reinstate the certificate holder's certificate to practice. 285

Sec. 4765.114. (A) A certificate to practice emergency 286
medical services issued under this chapter is automatically 287
suspended on the certificate holder's conviction of, plea of 288
guilty to, or judicial finding of guilt of any of the following: 289
aggravated murder, murder, voluntary manslaughter, felonious 290

assault, kidnapping, rape, sexual battery, gross sexual 291
imposition, aggravated arson, aggravated burglary, aggravated 292
robbery, or a substantially equivalent offense committed in this 293
or another jurisdiction. Continued practice after the suspension 294
is practicing without a certificate. 295

(B) If the board has knowledge that an automatic suspension 296
has occurred, it shall, in accordance with section 119.07 of the 297
Revised Code, notify the certificate holder of the suspension and 298
of the opportunity for a hearing. If timely requested by the 299
certificate holder, a hearing shall be conducted in accordance 300
with section 4765.115 of the Revised Code. 301

Sec. 4765.115. (A) A suspension order issued under section 302
4765.112 or automatic suspension under section 4765.114 of the 303
Revised Code is not subject to suspension by a court prior to a 304
hearing under this section or during the pendency of any appeal 305
filed under section 119.12 of the Revised Code. 306

(B) A suspension order issued under section 4765.112 or 307
automatic suspension under section 4765.114 of the Revised Code 308
remains in effect, unless reversed by the board, until a final 309
adjudication order issued by the board pursuant to this section 310
becomes effective. 311

(C) Hearings requested pursuant to section 4765.112 or 312
4765.114 of the Revised Code shall be conducted under this section 313
in accordance with Chapter 119. of the Revised Code. 314

(D) A hearing under this section shall be held not later than 315
fifteen days but not earlier than seven days after the certificate 316
holder requests it, unless another date is agreed to by the 317
certificate holder and the board. 318

(E) After completion of an adjudication hearing, the board 319
may adopt, by an affirmative vote of the majority of its members, 320

a final adjudication order that imposes any of the following 321
sanctions: 322

(1) Suspension of the holder's certificate to practice; 323

(2) Revocation of the holder's certificate to practice; 324

(3) Issuance of a written reprimand; 325

(4) A refusal to renew or a limitation on the holder's 326
certificate to practice. 327

The board shall issue its final adjudication order not later 328
than forty-five days after completion of an adjudication hearing. 329
If the board does not issue a final order within that time period, 330
the suspension order is void, but any final adjudication order 331
subsequently issued is not affected. 332

(F) Any action taken by the board under this section 333
resulting in a suspension from practice shall be accompanied by a 334
written statement of the conditions under which the certificate to 335
practice may be reinstated. Reinstatement of a certificate 336
suspended under this section requires an affirmative vote by the 337
majority of the members of the board. 338

(G) When the board revokes or refuses to reinstate a 339
certificate to practice, the board may specify that its action is 340
permanent. An individual subject to permanent action taken by the 341
board is forever ineligible to hold a certificate of the type 342
revoked or refused and the board shall not accept from the 343
individual an application for reinstatement of the certificate or 344
for a new certificate. 345

Sec. 4765.116. If a certificate holder subject to a 346
suspension order issued by the board under section 4765.112 or an 347
automatic suspension order under section 4765.114 of the Revised 348
Code fails to make a timely request for a hearing, the following 349
apply: 350

(A) In the case of a certificate holder subject to a summary suspension order, the board is not required to hold a hearing, but may adopt, by an affirmative vote of a majority of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (E) of section 4765.115 of the Revised Code. 351
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(B) In the case of a certificate holder subject to an automatic suspension order, the board may adopt, by an affirmative vote of a majority of its members, a final order that permanently revokes the holder's certificate to practice. 357
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Sec. 4765.16. (A) All courses offered through an emergency medical services training program or an emergency medical services continuing education program, other than ambulance driving, shall be developed under the direction of a physician who specializes in emergency medicine. Each course that deals with trauma care shall be developed in consultation with a physician who specializes in trauma surgery. ~~Each~~ Except as specified by the board pursuant to rules adopted under section 4765.11 of the Revised Code, each course offered through a training program or continuing education program shall be taught by a person who holds the appropriate certificate to teach issued under section 4765.23 of the Revised Code. 361
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(B) A training program for first responders shall meet the standards established in rules adopted by the state board of emergency medical services under section 4765.11 of the Revised Code. The program shall include courses in both of the following areas for at least the number of hours established by the board's rules: 373
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(1) Emergency victim care; 379

(2) Reading and interpreting a trauma victim's vital signs. 380

(C) A training program for emergency medical technicians-basic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in each of the following areas for at least the number of hours established by the board's rules:

- (1) Emergency victim care;
- (2) Reading and interpreting a trauma victim's vital signs;
- (3) Triage protocols for adult and pediatric trauma victims;
- (4) In-hospital training;
- (5) Clinical training;
- (6) Training as an ambulance driver.

Each operator of a training program for emergency medical technicians-basic shall allow any pupil in the twelfth grade in a secondary school who is at least seventeen years old and who otherwise meets the requirements for admission into such a training program to be admitted to and complete the program and, as part of the training, to ride in an ambulance with emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic. Each emergency medical service organization shall allow pupils participating in training programs to ride in an ambulance with emergency medical technicians-basic, advanced emergency medical technicians-intermediate, and emergency medical technicians-paramedic.

(D) A training program for emergency medical technicians-intermediate shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include, or require as a prerequisite, the training specified in division (C) of this section and courses in each of the following areas for at least the number of hours

established by the board's rules:	411
(1) Recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to persons who suffer life-threatening allergic reactions, conducted in accordance with rules adopted by the board under section 4765.11 of the Revised Code;	412 413 414 415 416 417
(2) Venous access procedures;	418
(3) Cardiac monitoring and electrical interventions to support or correct the cardiac function.	419 420
(E) A training program for emergency medical technicians-paramedic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include, or require as a prerequisite, the training specified in divisions (C) and (D) of this section and courses in each of the following areas for at least the number of hours established by the board's rules:	421 422 423 424 425 426 427
(1) Medical terminology;	428
(2) Venous access procedures;	429
(3) Airway procedures;	430
(4) Patient assessment and triage;	431
(5) Acute cardiac care, including administration of parenteral injections, electrical interventions, and other emergency medical services;	432 433 434
(6) Emergency and trauma victim care beyond that required under division (C) of this section;	435 436
(7) Clinical training beyond that required under division (C) of this section.	437 438
(F) A continuing education program for first responders,	439

EMTs-basic, EMTs-I, or paramedics shall meet the standards 440
established in rules adopted by the board under section 4765.11 of 441
the Revised Code. A continuing education program shall include 442
instruction and training in subjects established by the board's 443
rules for at least the number of hours established by the board's 444
rules. 445

Section 2. That existing sections 4765.05, 4765.11, and 446
4765.16 of the Revised Code are hereby repealed. 447