

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 401**

**Representatives Law, Flowers, Coley, Uecker, Patton, S.**

—

**A BILL**

To amend sections 505.38, 737.08, 737.22, 3737.66, 1  
4765.01, 4765.04, 4765.49, and 4765.55 of the 2  
Revised Code to provide for the adoption of rules 3  
governing firefighter training. 4

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

**Section 1.** That sections 505.38, 737.08, 737.22, 3737.66, 5  
4765.01, 4765.04, 4765.49, and 4765.55 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 505.38.** (A) In each township or fire district that has a 8  
fire department, the head of the department shall be a fire chief, 9  
appointed by the board of township trustees, except that, in a 10  
joint fire district, the fire chief shall be appointed by the 11  
board of fire district trustees. Neither this section nor any 12  
other section of the Revised Code requires, or shall be construed 13  
to require, that the fire chief be a resident of the township or 14  
fire district. 15

The board shall provide for the employment of firefighters as 16  
it considers best and shall fix their compensation. No person 17  
shall be appointed as a permanent full-time paid member, whose 18  
duties include fire fighting, of the fire department of any 19  
township or fire district unless that person has received a 20

certificate issued under former section 3303.07 or section 4765.55  
of the Revised Code evidencing satisfactory completion of a  
firefighter training program. Those appointees shall continue in  
office until removed from office as provided by sections 733.35 to  
733.39 of the Revised Code. To initiate removal proceedings, and  
for that purpose, the board shall designate the fire chief or a  
private citizen to investigate the conduct and prepare the  
necessary charges in conformity with those sections.

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In case of the removal of a fire chief or any member of the  
fire department of a township or fire district, an appeal may be  
had from the decision of the board to the court of common pleas of  
the county in which the township or fire district fire department  
is situated to determine the sufficiency of the cause of removal.  
The appeal from the findings of the board shall be taken within  
ten days.

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No person who is appointed as a volunteer firefighter of the  
fire department of any township or fire district shall remain in  
that position unless either of the following applies:

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(1) Within one year of the appointment, the person has  
received a certificate issued under former section 3303.07 of the  
Revised Code or ~~division (C)(1) or (2)~~ of section 4765.55 of the  
Revised Code evidencing satisfactory completion of a firefighter  
training program.

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(2) The person began serving as a permanent full-time paid  
firefighter with the fire department of a city or village prior to  
July 2, 1970, or as a volunteer firefighter with the fire  
department of a city, village, or other township or fire district  
prior to July 2, 1979, and receives a certificate issued under  
division (C)(3) of section 4765.55 of the Revised Code.

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No person shall receive an appointment under this section, in  
the case of a volunteer firefighter, unless the person has, not

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more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is appointed as established by the board of township trustees having jurisdiction over the appointment. The appointing authority, prior to making an appointment, shall file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy of the report or findings of that licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination shall be paid for by the board of township trustees.

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(B) In each township not having a fire department, the board of township trustees shall appoint a fire prevention officer who shall exercise all of the duties of a fire chief except those involving the maintenance and operation of fire apparatus. The board may appoint one or more deputy fire prevention officers who shall exercise the duties assigned by the fire prevention officer.

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The board may fix the compensation for the fire prevention officer and the fire prevention officer's deputies as it considers best. The board shall appoint each fire prevention officer and deputy for a one-year term. An appointee may be reappointed at the end of a term to another one-year term. Any appointee may be removed from office during a term as provided by sections 733.35 to 733.39 of the Revised Code. Section 505.45 of the Revised Code extends to those officers.

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(C)(1) Division (A) of this section does not apply to any township that has a population of ten thousand or more persons residing within the township and outside of any municipal

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corporation, that has its own fire department employing ten or  
more full-time paid employees, and that has a civil service  
commission established under division (B) of section 124.40 of the  
Revised Code. The township shall comply with the procedures for  
the employment, promotion, and discharge of firefighters provided  
by Chapter 124. of the Revised Code, except as otherwise provided  
in divisions (C)(2) and (3) of this section.

(2) The board of township trustees of the township may  
appoint the fire chief, and any person so appointed shall be in  
the unclassified service under section 124.11 of the Revised Code  
and shall serve at the pleasure of the board. Neither this section  
nor any other section of the Revised Code requires, or shall be  
construed to require, that the fire chief be a resident of the  
township. A person who is appointed fire chief under these  
conditions and who is removed by the board or resigns from the  
position is entitled to return to the classified service in the  
township fire department in the position held just prior to the  
appointment as fire chief.

(3) The appointing authority of an urban township, as defined  
in section 504.01 of the Revised Code, may appoint to a vacant  
position any one of the three highest scorers on the eligible list  
for a promotional examination.

(4) The board of township trustees shall determine the number  
of personnel required and establish salary schedules and  
conditions of employment not in conflict with Chapter 124. of the  
Revised Code.

(5) No person shall receive an original appointment as a  
permanent full-time paid member of the fire department of the  
township described in this division unless the person has received  
a certificate issued under former section 3303.07 or section  
4765.55 of the Revised Code evidencing the satisfactory completion

of a firefighter training program. 115

(6) Persons employed as firefighters in the township 116  
described in this division on the date a civil service commission 117  
is appointed pursuant to division (B) of section 124.40 of the 118  
Revised Code, without being required to pass a competitive 119  
examination or a firefighter training program, shall retain their 120  
employment and any rank previously granted them by action of the 121  
board of township trustees or otherwise, but those persons are 122  
eligible for promotion only by compliance with Chapter 124. of the 123  
Revised Code. 124

**Sec. 737.08.** (A) The fire department of each city shall be 125  
composed of a chief of the fire department and other officers, 126  
firefighters, and employees provided for by ordinance. Neither 127  
this section nor any other section of the Revised Code requires, 128  
or shall be construed to require, that the fire chief be a 129  
resident of the city. 130

(B) No person shall be appointed as a permanent full-time 131  
paid member, whose duties include fire fighting, of the fire 132  
department of any city, unless either of the following applies: 133

(1) The person has received a certificate issued under former 134  
section 3303.07 of the Revised Code or ~~division (C)(1) or (2) of~~ 135  
section 4765.55 of the Revised Code evidencing satisfactory 136  
completion of a firefighter training program. 137

(2) The person began serving as a permanent full-time paid 138  
firefighter with the fire department of a village or other city 139  
prior to July 2, 1970, and receives a certificate issued under 140  
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 141

(C) No person who is appointed as a volunteer firefighter of 142  
a city fire department shall remain in that position, unless 143  
either of the following applies: 144

(1) Within one year of the appointment, the person has 145  
received a certificate issued under former section 3303.07 of the 146  
Revised Code or ~~division (C)(1) or (2)~~ of section 4765.55 of the 147  
Revised Code evidencing satisfactory completion of a firefighter 148  
training program. 149

(2) The person began serving as a permanent full-time paid 150  
firefighter with the fire department of a village or other city 151  
prior to July 2, 1970, or as a volunteer firefighter with the fire 152  
department of a township, fire district, village, or other city 153  
prior to July 2, 1979, and receives a certificate issued under 154  
~~division (C)(3)~~ of section 4765.55 of the Revised Code. 155

(D) The director of public safety shall have the exclusive 156  
management and control of other surgeons, secretaries, clerks, and 157  
employees provided for by ordinance or resolution of the 158  
legislative authority of the city. 159

**Sec. 737.22.** (A) Each village establishing a fire department 160  
shall have a fire chief as the department's head, appointed by the 161  
mayor with the advice and consent of the legislative authority of 162  
the village, who shall continue in office until removed from 163  
office as provided by sections 733.35 to 733.39 of the Revised 164  
Code. Neither this section nor any other section of the Revised 165  
Code requires, or shall be construed to require, that the fire 166  
chief be a resident of the village. 167

In each village not having a fire department, the mayor 168  
shall, with the advice and consent of the legislative authority of 169  
the village, appoint a fire prevention officer who shall exercise 170  
all of the duties of a fire chief except those involving the 171  
maintenance and operation of fire apparatus. 172

The legislative authority of the village may fix the 173  
compensation it considers best. The appointee shall continue in 174

office until removed from office as provided by sections 733.35 to 175  
733.39 of the Revised Code. Section 737.23 of the Revised Code 176  
shall extend to the officer. 177

(B) The legislative authority of the village may provide for 178  
the appointment of permanent full-time paid firefighters as it 179  
considers best and fix their compensation, or for the services of 180  
volunteer firefighters, who shall be appointed by the mayor with 181  
the advice and consent of the legislative authority, and shall 182  
continue in office until removed from office. 183

(1) No person shall be appointed as a permanent full-time 184  
paid firefighter of a village fire department, unless either of 185  
the following applies: 186

(a) The person has received a certificate issued under former 187  
section 3303.07 of the Revised Code or ~~division (C)(1) or (2) of~~ 188  
section 4765.55 of the Revised Code evidencing satisfactory 189  
completion of a firefighter training program. 190

(b) The person began serving as a permanent full-time paid 191  
firefighter with the fire department of a city or other village 192  
prior to July 2, 1970, and receives a certificate issued under 193  
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 194

(2) No person who is appointed as a volunteer firefighter of 195  
a village fire department shall remain in that position, unless 196  
either of the following applies: 197

(a) Within one year of the appointment, the person has 198  
received a certificate issued under former section 3303.07 or 199  
section 4765.55 of the Revised Code evidencing satisfactory 200  
completion of a firefighter training program. 201

(b) The person has served as a permanent full-time paid 202  
firefighter with the fire department of a city or other village 203  
prior to July 2, 1970, or as a volunteer firefighter with the fire 204

department of a city, township, fire district, or other village 205  
prior to July 2, 1979, and receives a certificate issued under 206  
division (C)(3) of section 4765.55 of the Revised Code. 207

(3) No person shall receive an appointment under this section 208  
unless the person has, not more than sixty days prior to receiving 209  
the appointment, passed a physical examination, given by a 210  
licensed physician, a physician assistant, a clinical nurse 211  
specialist, a certified nurse practitioner, or a certified 212  
nurse-midwife, showing that the person meets the physical 213  
requirements necessary to perform the duties of the position to 214  
which the person is to be appointed as established by the 215  
legislative authority of the village. The appointing authority 216  
shall, prior to making an appointment, file with the Ohio police 217  
and fire pension fund or the local volunteer fire fighters' 218  
dependents fund board a copy of the report or findings of that 219  
licensed physician, physician assistant, clinical nurse 220  
specialist, certified nurse practitioner, or certified 221  
nurse-midwife. The professional fee for the physical examination 222  
shall be paid for by the legislative authority of the village. 223

**Sec. 3737.66.** (A) As used in this section, "firefighting 224  
agency" and "private fire company" have the same meanings as in 225  
section 9.60 of the Revised Code. 226

(B) No person shall claim to the public to be or act as a 227  
firefighter, volunteer firefighter, member of a fire department, 228  
chief of a fire department, or fire prevention officer unless ~~at~~ 229  
~~least one of the following applies:~~ 230

~~(1) The~~ the person is recognized as a firefighter, volunteer 231  
firefighter, member of a fire department, member of a private fire 232  
company, chief of a fire department, or fire prevention officer by 233  
the fire marshal or has received a certificate issued under former 234  
section 3303.07 or section 4765.55 of the Revised Code evidencing 235



satisfactory completion of a firefighter training program and has 236  
been appointed by the governing board of a firefighting agency or, 237  
in the case of a volunteer firefighter, receives such a 238  
certificate within one year after appointment by the governing 239  
board of a firefighting agency+ 240

~~(2) The person is a member of a private fire company and that 241  
company is providing fire protection in accordance with division 242  
(B), (C), or (D) of section 9.60 of the Revised Code. 243~~

**Sec. 4765.01.** As used in this chapter: 244

(A) "First responder" means an individual who holds a 245  
current, valid certificate issued under section 4765.30 of the 246  
Revised Code to practice as a first responder. 247

(B) "Emergency medical technician-basic" or "EMT-basic" means 248  
an individual who holds a current, valid certificate issued under 249  
section 4765.30 of the Revised Code to practice as an emergency 250  
medical technician-basic. 251

(C) "Emergency medical technician-intermediate" or "EMT-I" 252  
means an individual who holds a current, valid certificate issued 253  
under section 4765.30 of the Revised Code to practice as an 254  
emergency medical technician-intermediate. 255

(D) "Emergency medical technician-paramedic" or "paramedic" 256  
means an individual who holds a current, valid certificate issued 257  
under section 4765.30 of the Revised Code to practice as an 258  
emergency medical technician-paramedic. 259

(E) "Ambulance" means any motor vehicle that is used, or is 260  
intended to be used, for the purpose of responding to emergency 261  
medical situations, transporting emergency patients, and 262  
administering emergency medical service to patients before, 263  
during, or after transportation. 264

(F) "Cardiac monitoring" means a procedure used for the 265

purpose of observing and documenting the rate and rhythm of a 266  
patient's heart by attaching electrical leads from an 267  
electrocardiograph monitor to certain points on the patient's body 268  
surface. 269

(G) "Emergency medical service" means any of the services 270  
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 271  
the Revised Code that are performed by first responders, emergency 272  
medical technicians-basic, emergency medical 273  
technicians-intermediate, and paramedics. "Emergency medical 274  
service" includes such services performed before or during any 275  
transport of a patient, including transports between hospitals and 276  
transports to and from helicopters. 277

(H) "Emergency medical service organization" means a public 278  
or private organization using first responders, EMTs-basic, 279  
EMTs-I, or paramedics, or a combination of first responders, 280  
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 281  
services. 282

(I) "Physician" means an individual who holds a current, 283  
valid certificate issued under Chapter 4731. of the Revised Code 284  
authorizing the practice of medicine and surgery or osteopathic 285  
medicine and surgery. 286

(J) "Registered nurse" means an individual who holds a 287  
current, valid license issued under Chapter 4723. of the Revised 288  
Code authorizing the practice of nursing as a registered nurse. 289

(K) "Volunteer" means a person who provides services either 290  
for no compensation or for compensation that does not exceed the 291  
actual expenses incurred in providing the services or in training 292  
to provide the services. 293

(L) "Emergency medical service personnel" means first 294  
responders, emergency medical service technicians-basic, emergency 295  
medical service technicians-intermediate, emergency medical 296

service technicians-paramedic, and persons who provide medical	297
direction to such persons.	298
(M) "Hospital" has the same meaning as in section 3727.01 of	299
the Revised Code.	300
(N) "Trauma" or "traumatic injury" means severe damage to or	301
destruction of tissue that satisfies both of the following	302
conditions:	303
(1) It creates a significant risk of any of the following:	304
(a) Loss of life;	305
(b) Loss of a limb;	306
(c) Significant, permanent disfigurement;	307
(d) Significant, permanent disability.	308
(2) It is caused by any of the following:	309
(a) Blunt or penetrating injury;	310
(b) Exposure to electromagnetic, chemical, or radioactive	311
energy;	312
(c) Drowning, suffocation, or strangulation;	313
(d) A deficit or excess of heat.	314
(O) "Trauma victim" or "trauma patient" means a person who	315
has sustained a traumatic injury.	316
(P) "Trauma care" means the assessment, diagnosis,	317
transportation, treatment, or rehabilitation of a trauma victim by	318
emergency medical service personnel or by a physician, nurse,	319
physician assistant, respiratory therapist, physical therapist,	320
chiropractor, occupational therapist, speech-language pathologist,	321
audiologist, or psychologist licensed to practice as such in this	322
state or another jurisdiction.	323
(Q) "Trauma center" means all of the following:	324

(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	325 326
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	327 328 329
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	330 331 332
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	333 334 335 336
(R) "Pediatric" means involving a patient who is less than sixteen years of age.	337 338
(S) "Adult" means involving a patient who is not a pediatric patient.	339 340
(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.	341 342 343
(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.	344 345 346
(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.	347 348
(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.	349 350 351 352
(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.	353 354

(Y) "Firefighter" means any member of a fire department as 355  
defined in section 742.01 of the Revised Code. 356

(Z) "Volunteer firefighter" has the same meaning as in 357  
section 146.01 of the Revised Code. 358

(AA) "Part-time paid firefighter" means a person who provides 359  
firefighting services on less than a full-time basis, is routinely 360  
scheduled to be present on site at a fire station or other 361  
designated location for purposes of responding to a fire or other 362  
emergency, and receives more than nominal compensation for the 363  
provision of firefighting services. 364

**Sec. 4765.04.** (A) The firefighter and fire safety inspector 365  
training committee of the state board of emergency medical 366  
services is hereby created and shall consist of the members of the 367  
board who are chiefs of fire departments, and the members of the 368  
board who are emergency medical technicians-basic, emergency 369  
medical technicians-intermediate, and emergency medical 370  
technicians-paramedic appointed from among persons nominated by 371  
the Ohio association of professional fire fighters or the northern 372  
Ohio fire fighters and from among persons nominated by the Ohio 373  
state firefighter's association. Each member of the committee, 374  
except the chairperson, may designate a person with fire 375  
experience to serve in that member's place. The members of the 376  
committee or their designees shall select a chairperson from among 377  
the members or their designees. 378

The committee may conduct investigations in the course of 379  
discharging its duties under Chapter 4765. of the Revised Code. In 380  
the course of an investigation, the committee may issue subpoenas. 381  
If a person subpoenaed fails to comply with the subpoena, the 382  
committee may authorize its chairperson to apply to the court of 383  
common pleas, in the county where the person to be subpoenaed 384  
resides, for an order compelling compliance in the same manner as 385

compliance with a subpoena issued by the court is compelled. 386

(B) The trauma committee of the state board of emergency 387  
medical services is hereby created and shall consist of the 388  
following members appointed by the director of public safety: 389

(1) A physician who is certified by the American board of 390  
surgery or American osteopathic board of surgery and actively 391  
practices general trauma surgery, appointed from among three 392  
persons nominated by the Ohio chapter of the American college of 393  
surgeons, three persons nominated by the Ohio state medical 394  
association, and three persons nominated by the Ohio osteopathic 395  
association; 396

(2) A physician who is certified by the American board of 397  
surgery or the American osteopathic board of surgery and actively 398  
practices orthopedic trauma surgery, appointed from among three 399  
persons nominated by the Ohio orthopedic society and three persons 400  
nominated by the Ohio osteopathic association; 401

(3) A physician who is certified by the American board of 402  
neurological surgeons or the American osteopathic board of surgery 403  
and actively practices neurosurgery on trauma victims, appointed 404  
from among three persons nominated by the Ohio state neurological 405  
society and three persons nominated by the Ohio osteopathic 406  
association; 407

(4) A physician who is certified by the American board of 408  
surgeons or American osteopathic board of surgeons and actively 409  
specializes in treating burn victims, appointed from among three 410  
persons nominated by the Ohio chapter of the American college of 411  
surgeons and three persons nominated by the Ohio osteopathic 412  
association; 413

(5) A dentist who is certified by the American board of oral 414  
and maxillofacial surgery and actively practices oral and 415  
maxillofacial surgery, appointed from among three persons 416

nominated by the Ohio dental association; 417

(6) A physician who is certified by the American board of 418  
physical medicine and rehabilitation or American osteopathic board 419  
of rehabilitation medicine and actively provides rehabilitative 420  
care to trauma victims, appointed from among three persons 421  
nominated by the Ohio society of physical medicine and 422  
rehabilitation and three persons nominated by the Ohio osteopathic 423  
association; 424

(7) A physician who is certified by the American board of 425  
surgery or American osteopathic board of surgery with special 426  
qualifications in pediatric surgery and actively practices 427  
pediatric trauma surgery, appointed from among three persons 428  
nominated by the Ohio chapter of the American academy of 429  
pediatrics and three persons nominated by the Ohio osteopathic 430  
association; 431

(8) A physician who is certified by the American board of 432  
emergency medicine or American osteopathic board of emergency 433  
medicine, actively practices emergency medicine, and is actively 434  
involved in emergency medical services, appointed from among three 435  
persons nominated by the Ohio chapter of the American college of 436  
emergency physicians and three persons nominated by the Ohio 437  
osteopathic association; 438

(9) A physician who is certified by the American board of 439  
pediatrics, American osteopathic board of pediatrics, or American 440  
board of emergency medicine, is sub-boarded in pediatric emergency 441  
medicine, actively practices pediatric emergency medicine, and is 442  
actively involved in emergency medical services, appointed from 443  
among three persons nominated by the Ohio chapter of the American 444  
academy of pediatrics, three persons nominated by the Ohio chapter 445  
of the American college of emergency physicians, and three persons 446  
nominated by the Ohio osteopathic association; 447

(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, or American board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among three persons nominated by the Ohio association of air medical services;

(11) A coroner or medical examiner appointed from among three people nominated by the Ohio state coroners' association;

(12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio association of trauma nurse coordinators;

(13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the emergency nurses' association;

(14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among three persons nominated by the alliance of Ohio trauma registrars;

(15) The administrator of an adult or pediatric trauma center, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;



(17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio ambulance association;

(18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio fire chiefs' association;

(19) An EMT or paramedic who is certified under this chapter and actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio association of professional firefighters, three persons nominated by the northern Ohio fire fighters, three persons nominated by the Ohio state firefighters' association, and three persons nominated by the Ohio association of emergency medical services;

(20) A person who actively advocates for trauma victims, appointed from three persons nominated by the Ohio brain injury association and three persons nominated by the governor's council on people with disabilities;

(21) A physician or nurse who has substantial administrative responsibility for trauma care provided in or by an adult or pediatric trauma center, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(22) Three representatives of hospitals that are not trauma centers and actively provide emergency care to trauma patients, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and

three persons nominated by the health forum of Ohio. The 510  
representatives may be hospital administrators, physicians, 511  
nurses, or other clinical professionals. 512

Members of the committee shall have substantial experience in 513  
the categories they represent, shall be residents of this state, 514  
and may be members of the state board of emergency medical 515  
services. In appointing members of the committee, the director 516  
shall attempt to include members representing urban and rural 517  
areas, various geographical areas of the state, and various 518  
schools of training. The director shall not appoint to the 519  
committee more than one member who is employed by or practices at 520  
the same hospital, health system, or emergency medical service 521  
organization. 522

The director may refuse to appoint any of the persons 523  
nominated by an organization or organizations under this division. 524  
In that event, the organization or organizations shall continue to 525  
nominate the required number of persons until the director 526  
appoints to the committee one or more of the persons nominated by 527  
the organization or organizations. 528

Initial appointments to the committee shall be made by the 529  
director not later than ninety days after November 3, 2000. 530  
Members of the committee shall serve at the pleasure of the 531  
director, except that any member of the committee who ceases to be 532  
qualified for the position to which the member was appointed shall 533  
cease to be a member of the committee. Vacancies on the committee 534  
shall be filled in the same manner as original appointments. 535

The members of the committee shall serve without compensation 536  
but shall be reimbursed for actual and necessary expenses incurred 537  
in carrying out duties as members of the committee. 538

The committee shall select a chairperson and vice-chairperson 539  
from among its members. A majority of all members of the committee 540

shall constitute a quorum. No action shall be taken without the  
concurrence of a majority of all members of the committee. The  
committee shall meet at the call of the chair, upon written  
request of five members of the committee, and at the direction of  
the state board of emergency medical services. The committee shall  
not meet at times or locations that conflict with meetings of the  
board. The executive director and medical director of the state  
board of emergency medical services may participate in any meeting  
of the committee and shall do so at the request of the committee.

The committee shall advise and assist the state board of  
emergency medical services in matters related to adult and  
pediatric trauma care and the establishment and operation of the  
state trauma registry. In matters relating to the state trauma  
registry, the board and the committee shall consult with trauma  
registrars from adult and pediatric trauma centers in the state.  
The committee may appoint a subcommittee to advise and assist with  
the trauma registry. The subcommittee may include persons with  
expertise relevant to the trauma registry who are not members of  
the board or committee.

(C) The state board of emergency medical services may appoint  
other committees and subcommittees as it considers necessary.

(D) The state board of emergency medical services, and any of  
its committees or subcommittees, may request assistance from any  
state agency. The board and its committees and subcommittees may  
permit persons who are not members of those bodies to participate  
in deliberations of those bodies, but no person who is not a  
member of the board shall vote on the board and no person who is  
not a member of a committee created under division (A) or (B) of  
this section shall vote on that committee.

(E) Sections 101.82 to 101.87 of the Revised Code do not  
apply to the committees established under division (A) or (B) of

this section.

572

**Sec. 4765.49.** (A) A first responder, emergency medical 573  
technician-basic, emergency medical technician-intermediate, or 574  
emergency medical technician-paramedic is not liable in damages in 575  
a civil action for injury, death, or loss to person or property 576  
resulting from the individual's administration of emergency 577  
medical services, unless the services are administered in a manner 578  
that constitutes willful or wanton misconduct. A physician or 579  
registered nurse designated by a physician, who is advising or 580  
assisting in the emergency medical services by means of any 581  
communication device or telemetering system, is not liable in 582  
damages in a civil action for injury, death, or loss to person or 583  
property resulting from the individual's advisory communication or 584  
assistance, unless the advisory communication or assistance is 585  
provided in a manner that constitutes willful or wanton 586  
misconduct. Medical directors and members of cooperating physician 587  
advisory boards of emergency medical service organizations are not 588  
liable in damages in a civil action for injury, death, or loss to 589  
person or property resulting from their acts or omissions in the 590  
performance of their duties, unless the act or omission 591  
constitutes willful or wanton misconduct. 592

(B) A political subdivision, joint ambulance district, joint 593  
emergency medical services district, or other public agency, and 594  
any officer or employee of a public agency or of a private 595  
organization operating under contract or in joint agreement with 596  
one or more political subdivisions, that provides emergency 597  
medical services, or that enters into a joint agreement or a 598  
contract with the state, any political subdivision, joint 599  
ambulance district, or joint emergency medical services district 600  
for the provision of emergency medical services, is not liable in 601  
damages in a civil action for injury, death, or loss to person or 602

property arising out of any actions taken by a first responder, 603  
EMT-basic, EMT-I, or paramedic working under the officer's or 604  
employee's jurisdiction, or for injury, death, or loss to person 605  
or property arising out of any actions of licensed medical 606  
personnel advising or assisting the first responder, EMT-basic, 607  
EMT-I, or paramedic, unless the services are provided in a manner 608  
that constitutes willful or wanton misconduct. 609

(C) A student who is enrolled in an emergency medical 610  
services training program accredited under section 4765.17 of the 611  
Revised Code or an emergency medical services continuing education 612  
program approved under that section is not liable in damages in a 613  
civil action for injury, death, or loss to person or property 614  
resulting from either of the following: 615

(1) The student's administration of emergency medical 616  
services or patient care or treatment, if the services, care, or 617  
treatment is administered while the student is under the direct 618  
supervision and in the immediate presence of an EMT-basic, EMT-I, 619  
paramedic, registered nurse, or physician and while the student is 620  
receiving clinical training that is required by the program, 621  
unless the services, care, or treatment is provided in a manner 622  
that constitutes willful or wanton misconduct; 623

(2) The student's training as an ambulance driver, unless the 624  
driving is done in a manner that constitutes willful or wanton 625  
misconduct. 626

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 627  
holds a valid commercial driver's license issued pursuant to 628  
Chapter 4506. of the Revised Code or driver's license issued 629  
pursuant to Chapter 4507. of the Revised Code and who is employed 630  
by an emergency medical service organization that is not owned or 631  
operated by a political subdivision as defined in section 2744.01 632  
of the Revised Code, is not liable in damages in a civil action 633

for injury, death, or loss to person or property that is caused by 634  
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 635  
or other operator while responding to or completing a call for 636  
emergency medical services, unless the operation constitutes 637  
willful or wanton misconduct or does not comply with the 638  
precautions of section 4511.03 of the Revised Code. An emergency 639  
medical service organization is not liable in damages in a civil 640  
action for any injury, death, or loss to person or property that 641  
is caused by the operation of an ambulance by its employee or 642  
agent, if this division grants the employee or agent immunity from 643  
civil liability for the injury, death, or loss. 644

(E) An employee or agent of an emergency medical service 645  
organization who receives requests for emergency medical services 646  
that are directed to the organization, dispatches first 647  
responders, EMTs-basic, EMTs-I, or paramedics in response to those 648  
requests, communicates those requests to those employees or agents 649  
of the organization who are authorized to dispatch first 650  
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 651  
combination of these functions for the organization, is not liable 652  
in damages in a civil action for injury, death, or loss to person 653  
or property resulting from the individual's acts or omissions in 654  
the performance of those duties for the organization, unless an 655  
act or omission constitutes willful or wanton misconduct. 656

(F) A person who is performing the functions of a first 657  
responder, EMT-basic, EMT-I, or paramedic under the authority of 658  
the laws of a state that borders this state and who provides 659  
emergency medical services to or transportation of a patient in 660  
this state is not liable in damages in a civil action for injury, 661  
death, or loss to person or property resulting from the person's 662  
administration of emergency medical services, unless the services 663  
are administered in a manner that constitutes willful or wanton 664  
misconduct. A physician or registered nurse designated by a 665

physician, who is licensed to practice in the adjoining state and  
who is advising or assisting in the emergency medical services by  
means of any communication device or telemetering system is not  
liable in damages in a civil action for injury, death, or loss to  
person or property resulting from the person's advisory  
communication or assistance, unless the advisory communication or  
assistance is provided in a manner that constitutes willful or  
wanton misconduct.

(G) A person certified under section 4765.23 of the Revised  
Code to teach in an emergency medical services training program or  
emergency medical services continuing education program, and a  
person who teaches at the Ohio fire academy established under  
section 3737.33 of the Revised Code or in a fire service training  
program described in division ~~(B)~~(A) of section 4765.55 of the  
Revised Code, is not liable in damages in a civil action for  
injury, death, or loss to person or property resulting from the  
person's acts or omissions in the performance of the person's  
duties, unless an act or omission constitutes willful or wanton  
misconduct.

(H) In the accreditation of emergency medical services  
training programs or approval of emergency medical services  
continuing education programs, the state board of emergency  
medical services and any person or entity authorized by the board  
to evaluate applications for accreditation or approval are not  
liable in damages in a civil action for injury, death, or loss to  
person or property resulting from their acts or omissions in the  
performance of their duties, unless an act or omission constitutes  
willful or wanton misconduct.

(I) A person authorized by an emergency medical service  
organization to review the performance of first responders,  
EMTs-basic, EMTs-I, and paramedics or to administer quality  
assurance programs is not liable in damages in a civil action for

injury, death, or loss to person or property resulting from the 698  
person's acts or omissions in the performance of the person's 699  
duties, unless an act or omission constitutes willful or wanton 700  
misconduct. 701

**Sec. 4765.55.** (A) ~~This section does not apply to a 702  
cooperative education school district. 703~~

~~(B)~~ The executive director of the state board of emergency 704  
medical services shall, with the advice and counsel of the 705  
firefighter and fire safety inspector training committee of the 706  
state board of emergency medical services, shall assist in the 707  
establishment and maintenance by any state agency, or any county, 708  
township, city, village, school district, or educational service 709  
center of a fire service training program for the training of all 710  
paid and persons in positions of any certification level approved 711  
by the executive director, including full-time paid firefighters, 712  
part-time paid firefighters, volunteer firefighters and, fire 713  
safety inspectors in this state. The executive director, with the 714  
advice and counsel of the committee, shall adopt ~~standards~~ rules 715  
to regulate such firefighter and fire safety inspector training 716  
programs, and other training programs approved by the executive 717  
director. The ~~standards~~ rules may include, but need not be limited 718  
to, ~~provisions for minimum courses of study~~ training curriculum, 719  
certification examinations, training schedules, minimum hours of 720  
instruction, attendance requirements, required equipment and 721  
facilities, ~~qualifications of instructors,~~ basic physical 722  
requirements and methods of training for all persons in positions 723  
of any certification level approved by the executive director, 724  
including full-time paid firefighters, part-time paid 725  
firefighters, volunteer firefighters, and fire safety inspectors, 726  
~~and training schedules.~~ The ~~standards~~ rules adopted to regulate 727  
training programs for volunteer firefighters shall not require 728



more than thirty-six hours of training. The executive director, 729  
with the advice and counsel of the committee, shall provide for 730  
the classification and chartering of such training programs in 731  
accordance with rules adopted under division (B) of this section, 732  
and may ~~revoke~~ take action against any charter chartered training 733  
program or applicant, in accordance with rules adopted under 734  
divisions (B)(4) and (5) of this section, for failure to meet 735  
standards set by the adopted rules. 736

~~(C)~~(B) The executive director, with the advice and counsel of 737  
the firefighter and fire inspector training committee of the state 738  
board of emergency medical services, shall adopt, and may amend or 739  
rescind, rules under Chapter 119. of the Revised Code that 740  
establish all of the following: 741

(1) Requirements for, and procedures for chartering, the 742  
training programs regulated by this section; 743

(2) Requirements for, and requirements and procedures for 744  
obtaining and renewing, a certificate to teach the training 745  
programs regulated by this section; 746

(3) Requirements for, and requirements and procedures for 747  
obtaining and renewing, any of the certificates to practice 748  
regulated by this section; 749

(4) Grounds and procedures for suspending, revoking, 750  
restricting, or refusing to issue or renew, any of the 751  
certificates or charters regulated by this section and for taking 752  
other disciplinary actions against the holders of the certificates 753  
and charters; 754

(5) Grounds and procedures for imposing and collecting fines, 755  
not to exceed one thousand dollars, on persons holding 756  
certificates and charters regulated by this section, the fines to 757  
be deposited into the trauma and emergency medical services fund 758  
established under section 4513.263 of the Revised Code; 759

(6) Continuing education requirements for certificate holders; 760  
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(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements; 762  
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(8) Certification cycles for which the certificates and charters regulated by this section are valid. 764  
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(C) The executive director, with the advice and counsel of the firefighter and fire inspector training committee of the state board of emergency medical services, shall issue or renew a certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against a certificate holder or applicant in accordance with rules adopted under division (B) of this section. The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section. 766  
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(D) The executive director shall issue or renew a certificate to practice as a firefighter, fire safety inspector, or in another position of any certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section. 782  
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(E) Certificates issued under this ~~division~~ section shall be 790

on a form prescribed by the executive director, with the advice 791  
and counsel of the firefighter and fire inspector training 792  
committee of the state board of emergency medical services. 793

~~(1) The executive director shall issue a certificate to each 794  
person satisfactorily completing a chartered training program. 795~~

~~(2)(F)(1)~~ The executive director, with the ~~committee's~~ advice 796  
and counsel of the firefighter and fire inspector training 797  
committee of the state board of emergency medical services, shall 798  
establish criteria for evaluating the standards maintained by 799  
other states and the branches of the United States military for 800  
firefighter, fire safety inspector, and fire instructor training 801  
programs, and other training programs recognized by the executive 802  
director, to determine whether the standards are equivalent to 803  
those established under this section and shall establish 804  
requirements and procedures for issuing a certificate to each 805  
person who presents proof to the executive director of having 806  
satisfactorily completed a training program that meets those 807  
standards. 808

~~(3)(2)~~ The executive director, with the committee's advice 809  
and counsel, shall ~~establish~~ adopt rules establishing requirements 810  
and procedures for issuing a certificate in lieu of completing a 811  
chartered ~~firefighter~~ training program ~~to any person requesting a~~ 812  
~~certificate who began serving as a permanent full time paid~~ 813  
~~firefighter with the fire department of a city or village prior to~~ 814  
~~July 2, 1970, or as a volunteer firefighter with the fire~~ 815  
~~department of a township, fire district, city, or village prior to~~ 816  
~~July 2, 1979.~~ 817

~~(D)(G)~~ Nothing in this section invalidates any other section 818  
of the Revised Code relating to the fire training academy. Section 819  
4765.11 of the Revised Code does not affect any powers and duties 820  
granted to the executive director under this section. 821

**Section 2.** That existing sections 505.38, 737.08, 737.22, 822  
3737.66, 4765.01, 4765.04, 4765.49, and 4765.55 of the Revised 823  
Code are hereby repealed. 824

**Section 3.** The Executive Director of the State Board of 825  
Emergency Medical Services shall adopt the rules required by this 826  
act within twelve months after the act's effective date. The 827  
Executive Director shall phase in the renewal of current 828  
certificates over a twelve-month period following the rules' 829  
effective date in accordance with a schedule determined by the 830  
Executive Director. 831

**Section 4.** Section 505.38 of the Revised Code is presented in 832  
this act as a composite of the section as amended by both Am. H.B. 833  
515 and Sub. S.B. 245 of the 124th General Assembly. The General 834  
Assembly, applying the principle stated in division (B) of section 835  
1.52 of the Revised Code that amendments are to be harmonized if 836  
reasonably capable of simultaneous operation, finds that the 837  
composite is the resulting version of the section in effect prior 838  
to the effective date of the section as presented in this act. 839  
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