

**As Passed by the House**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 401**

**Representatives Law, Flowers, Coley, Uecker, Patton, S., Bulp, Evans, D.,  
Key, Perry, Sayre, Blessing, Book, Brown, DeBose, Distel, Dolan, Domenick,  
Driehaus, Fende, Hagan, Harwood, Hughes, Koziura, Martin, McGregor, J.,  
Otterman, Patton, T., Reed, Reidelbach, Schaffer, Setzer, Smith, G.,  
Stewart, D., Wagoner, Widener, Williams, Yuko**

—

**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 shall be appointed as a permanent full-time paid member, whose duties include fire fighting, of the fire department of any township or fire district unless that person has received a 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

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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  
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

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extends to those officers. 80

(C)(1) Division (A) of this section does not apply to any 81  
township that has a population of ten thousand or more persons 82  
residing within the township and outside of any municipal 83  
corporation, that has its own fire department employing ten or 84  
more full-time paid employees, and that has a civil service 85  
commission established under division (B) of section 124.40 of the 86  
Revised Code. The township shall comply with the procedures for 87  
the employment, promotion, and discharge of firefighters provided 88  
by Chapter 124. of the Revised Code, except as otherwise provided 89  
in divisions (C)(2) and (3) of this section. 90

(2) The board of township trustees of the township may 91  
appoint the fire chief, and any person so appointed shall be in 92  
the unclassified service under section 124.11 of the Revised Code 93  
and shall serve at the pleasure of the board. Neither this section 94  
nor any other section of the Revised Code requires, or shall be 95  
construed to require, that the fire chief be a resident of the 96  
township. A person who is appointed fire chief under these 97  
conditions and who is removed by the board or resigns from the 98  
position is entitled to return to the classified service in the 99  
township fire department in the position held just prior to the 100  
appointment as fire chief. 101

(3) The appointing authority of an urban township, as defined 102  
in section 504.01 of the Revised Code, may appoint to a vacant 103  
position any one of the three highest scorers on the eligible list 104  
for a promotional examination. 105

(4) The board of township trustees shall determine the number 106  
of personnel required and establish salary schedules and 107  
conditions of employment not in conflict with Chapter 124. of the 108  
Revised Code. 109

(5) No person shall receive an original appointment as a 110

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.

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

**Sec. 737.08.** (A) The fire department of each city shall be composed of a chief of the fire department and other officers, firefighters, and employees provided for by ordinance. 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 city.

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

(1) 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.

(2) The person began serving as a permanent full-time paid firefighter with the fire department of a village or other city prior to July 2, 1970, and receives a fire training certificate

issued under ~~division (C)(3)~~ of section 4765.55 of the Revised Code. 141  
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(C) No person who is appointed as a volunteer firefighter of a city fire department shall remain in that position, unless either of the following applies: 143  
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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. 146  
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(2) The person began serving as a permanent full-time paid firefighter with the fire department of a village or other city prior to July 2, 1970, or as a volunteer firefighter with the fire department of a township, fire district, village, or other city prior to July 2, 1979, and receives a fire training certificate issued under ~~division (C)(3)~~ of section 4765.55 of the Revised Code. 151  
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(D) The director of public safety shall have the exclusive management and control of other surgeons, secretaries, clerks, and employees provided for by ordinance or resolution of the legislative authority of the city. 158  
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**Sec. 737.22.** (A) Each village establishing a fire department shall have a fire chief as the department's head, appointed by the mayor with the advice and consent of the legislative authority of the village, who shall continue in office until removed from office as provided by sections 733.35 to 733.39 of the Revised Code. 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 village. 162  
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In each village not having a fire department, the mayor 170

shall, with the advice and consent of the legislative authority of 171  
the village, appoint a fire prevention officer who shall exercise 172  
all of the duties of a fire chief except those involving the 173  
maintenance and operation of fire apparatus. 174

The legislative authority of the village may fix the 175  
compensation it considers best. The appointee shall continue in 176  
office until removed from office as provided by sections 733.35 to 177  
733.39 of the Revised Code. Section 737.23 of the Revised Code 178  
shall extend to the officer. 179

(B) The legislative authority of the village may provide for 180  
the appointment of permanent full-time paid firefighters as it 181  
considers best and fix their compensation, or for the services of 182  
volunteer firefighters, who shall be appointed by the mayor with 183  
the advice and consent of the legislative authority, and shall 184  
continue in office until removed from office. 185

(1) No person shall be appointed as a permanent full-time 186  
paid firefighter of a village fire department, unless either of 187  
the following applies: 188

(a) The person has received a certificate issued under former 189  
section 3303.07 of the Revised Code or ~~division (C)(1) or (2) of~~ 190  
section 4765.55 of the Revised Code evidencing satisfactory 191  
completion of a firefighter training program. 192

(b) The person began serving as a permanent full-time paid 193  
firefighter with the fire department of a city or other village 194  
prior to July 2, 1970, and receives a fire training certificate 195  
issued under ~~division (C)(3) of~~ section 4765.55 of the Revised 196  
Code. 197

(2) No person who is appointed as a volunteer firefighter of 198  
a village fire department shall remain in that position, unless 199  
either of the following applies: 200

(a) Within one year of the appointment, the person has 201  
received a certificate issued under former section 3303.07 or 202  
section 4765.55 of the Revised Code evidencing satisfactory 203  
completion of a firefighter training program. 204

(b) The person has served as a permanent full-time paid 205  
firefighter with the fire department of a city or other village 206  
prior to July 2, 1970, or as a volunteer firefighter with the fire 207  
department of a city, township, fire district, or other village 208  
prior to July 2, 1979, and receives a certificate issued under 209  
division (C)(3) of section 4765.55 of the Revised Code. 210

(3) No person shall receive an appointment under this section 211  
unless the person has, not more than sixty days prior to receiving 212  
the appointment, passed a physical examination, given by a 213  
licensed physician, a physician assistant, a clinical nurse 214  
specialist, a certified nurse practitioner, or a certified 215  
nurse-midwife, showing that the person meets the physical 216  
requirements necessary to perform the duties of the position to 217  
which the person is to be appointed as established by the 218  
legislative authority of the village. The appointing authority 219  
shall, prior to making an appointment, file with the Ohio police 220  
and fire pension fund or the local volunteer fire fighters' 221  
dependents fund board a copy of the report or findings of that 222  
licensed physician, physician assistant, clinical nurse 223  
specialist, certified nurse practitioner, or certified 224  
nurse-midwife. The professional fee for the physical examination 225  
shall be paid for by the legislative authority of the village. 226

**Sec. 3737.66.** (A) As used in this section, "firefighting 227  
agency" and "private fire company" have the same meanings as in 228  
section 9.60 of the Revised Code. 229

(B) No person shall claim to the public to be or act as a 230  
firefighter, volunteer firefighter, member of a fire department, 231



chief of a fire department, or fire prevention officer unless at 232  
~~least one of the following applies:~~ 233

~~(1) The the person is recognized as a firefighter, volunteer 234  
firefighter, member of a fire department, member of a private fire 235  
company, chief of a fire department, or fire prevention officer by 236  
the fire marshal or has received a certificate issued under former 237  
section 3303.07 or section 4765.55 of the Revised Code evidencing 238  
satisfactory completion of a firefighter training program and has 239  
been appointed by the governing board of a firefighting agency or, 240  
in the case of a volunteer firefighter, receives such a 241  
certificate within one year after appointment by the governing 242  
board of a firefighting agency.~~ 243

~~(2) The person is a member of a private fire company and that 244  
company is providing fire protection in accordance with division 245  
(B), (C), or (D) of section 9.60 of the Revised Code.~~ 246

**Sec. 4765.01.** As used in this chapter: 247

(A) "First responder" means an individual who holds a 248  
current, valid certificate issued under section 4765.30 of the 249  
Revised Code to practice as a first responder. 250

(B) "Emergency medical technician-basic" or "EMT-basic" means 251  
an individual who holds a current, valid certificate issued under 252  
section 4765.30 of the Revised Code to practice as an emergency 253  
medical technician-basic. 254

(C) "Emergency medical technician-intermediate" or "EMT-I" 255  
means an individual who holds a current, valid certificate issued 256  
under section 4765.30 of the Revised Code to practice as an 257  
emergency medical technician-intermediate. 258

(D) "Emergency medical technician-paramedic" or "paramedic" 259  
means an individual who holds a current, valid certificate issued 260  
under section 4765.30 of the Revised Code to practice as an 261

emergency medical technician-paramedic.	262
(E) "Ambulance" means any motor vehicle that is used, or is intended to be used, for the purpose of responding to emergency medical situations, transporting emergency patients, and administering emergency medical service to patients before, during, or after transportation.	263 264 265 266 267
(F) "Cardiac monitoring" means a procedure used for the purpose of observing and documenting the rate and rhythm of a patient's heart by attaching electrical leads from an electrocardiograph monitor to certain points on the patient's body surface.	268 269 270 271 272
(G) "Emergency medical service" means any of the services described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of the Revised Code that are performed by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and paramedics. "Emergency medical service" includes such services performed before or during any transport of a patient, including transports between hospitals and transports to and from helicopters.	273 274 275 276 277 278 279 280
(H) "Emergency medical service organization" means a public or private organization using first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services.	281 282 283 284 285
(I) "Physician" means 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.	286 287 288 289
(J) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code authorizing the practice of nursing as a registered nurse.	290 291 292

(K) "Volunteer" means a person who provides services either 293  
for no compensation or for compensation that does not exceed the 294  
actual expenses incurred in providing the services or in training 295  
to provide the services. 296

(L) "Emergency medical service personnel" means first 297  
responders, emergency medical service technicians-basic, emergency 298  
medical service technicians-intermediate, emergency medical 299  
service technicians-paramedic, and persons who provide medical 300  
direction to such persons. 301

(M) "Hospital" has the same meaning as in section 3727.01 of 302  
the Revised Code. 303

(N) "Trauma" or "traumatic injury" means severe damage to or 304  
destruction of tissue that satisfies both of the following 305  
conditions: 306

(1) It creates a significant risk of any of the following: 307

(a) Loss of life; 308

(b) Loss of a limb; 309

(c) Significant, permanent disfigurement; 310

(d) Significant, permanent disability. 311

(2) It is caused by any of the following: 312

(a) Blunt or penetrating injury; 313

(b) Exposure to electromagnetic, chemical, or radioactive 314  
energy; 315

(c) Drowning, suffocation, or strangulation; 316

(d) A deficit or excess of heat. 317

(O) "Trauma victim" or "trauma patient" means a person who 318  
has sustained a traumatic injury. 319

(P) "Trauma care" means the assessment, diagnosis, 320

transportation, treatment, or rehabilitation of a trauma victim by 321  
emergency medical service personnel or by a physician, nurse, 322  
physician assistant, respiratory therapist, physical therapist, 323  
chiropractor, occupational therapist, speech-language pathologist, 324  
audiologist, or psychologist licensed to practice as such in this 325  
state or another jurisdiction. 326

(Q) "Trauma center" means all of the following: 327

(1) Any hospital that is verified by the American college of 328  
surgeons as an adult or pediatric trauma center; 329

(2) Any hospital that is operating as an adult or pediatric 330  
trauma center under provisional status pursuant to section 331  
3727.101 of the Revised Code; 332

(3) Until December 31, 2004, any hospital in this state that 333  
is designated by the director of health as a level II pediatric 334  
trauma center under section 3727.081 of the Revised Code; 335

(4) Any hospital in another state that is licensed or 336  
designated under the laws of that state as capable of providing 337  
specialized trauma care appropriate to the medical needs of the 338  
trauma patient. 339

(R) "Pediatric" means involving a patient who is less than 340  
sixteen years of age. 341

(S) "Adult" means involving a patient who is not a pediatric 342  
patient. 343

(T) "Geriatric" means involving a patient who is at least 344  
seventy years old or exhibits significant anatomical or 345  
physiological characteristics associated with advanced aging. 346

(U) "Air medical organization" means an organization that 347  
provides emergency medical services, or transports emergency 348  
victims, by means of fixed or rotary wing aircraft. 349

(V) "Emergency care" and "emergency facility" have the same 350

meanings as in section 3727.01 of the Revised Code. 351

(W) "Stabilize," except as it is used in division (B) of 352  
section 4765.35 of the Revised Code with respect to the manual 353  
stabilization of fractures, has the same meaning as in section 354  
1753.28 of the Revised Code. 355

(X) "Transfer" has the same meaning as in section 1753.28 of 356  
the Revised Code. 357

(Y) "Firefighter" means any member of a fire department as 358  
defined in section 742.01 of the Revised Code. 359

(Z) "Volunteer firefighter" has the same meaning as in 360  
section 146.01 of the Revised Code. 361

(AA) "Part-time paid firefighter" means a person who provides 362  
firefighting services on less than a full-time basis, is routinely 363  
scheduled to be present on site at a fire station or other 364  
designated location for purposes of responding to a fire or other 365  
emergency, and receives more than nominal compensation for the 366  
provision of firefighting services. 367

**Sec. 4765.04.** (A) The firefighter and fire safety inspector 368  
training committee of the state board of emergency medical 369  
services is hereby created and shall consist of the members of the 370  
board who are chiefs of fire departments, and the members of the 371  
board who are emergency medical technicians-basic, emergency 372  
medical technicians-intermediate, and emergency medical 373  
technicians-paramedic appointed from among persons nominated by 374  
the Ohio association of professional fire fighters or the northern 375  
Ohio fire fighters and from among persons nominated by the Ohio 376  
state firefighter's association. Each member of the committee, 377  
except the chairperson, may designate a person with fire 378  
experience to serve in that member's place. The members of the 379  
committee or their designees shall select a chairperson from among 380

the members or their designees. 381

The committee may conduct investigations in the course of 382  
discharging its duties under this chapter. In the course of an 383  
investigation, the committee may issue subpoenas. If a person 384  
subpoenaed fails to comply with the subpoena, the committee may 385  
authorize its chairperson to apply to the court of common pleas in 386  
the county where the person to be subpoenaed resides for an order 387  
compelling compliance in the same manner as compliance with a 388  
subpoena issued by the court is compelled. 389

(B) The trauma committee of the state board of emergency 390  
medical services is hereby created and shall consist of the 391  
following members appointed by the director of public safety: 392

(1) A physician who is certified by the American board of 393  
surgery or American osteopathic board of surgery and actively 394  
practices general trauma surgery, appointed from among three 395  
persons nominated by the Ohio chapter of the American college of 396  
surgeons, three persons nominated by the Ohio state medical 397  
association, and three persons nominated by the Ohio osteopathic 398  
association; 399

(2) A physician who is certified by the American board of 400  
surgery or the American osteopathic board of surgery and actively 401  
practices orthopedic trauma surgery, appointed from among three 402  
persons nominated by the Ohio orthopedic society and three persons 403  
nominated by the Ohio osteopathic association; 404

(3) A physician who is certified by the American board of 405  
neurological surgeons or the American osteopathic board of surgery 406  
and actively practices neurosurgery on trauma victims, appointed 407  
from among three persons nominated by the Ohio state neurological 408  
society and three persons nominated by the Ohio osteopathic 409  
association; 410

(4) A physician who is certified by the American board of 411  
surgeons or American osteopathic board of surgeons and actively 412  
specializes in treating burn victims, appointed from among three 413  
persons nominated by the Ohio chapter of the American college of 414  
surgeons and three persons nominated by the Ohio osteopathic 415  
association; 416

(5) A dentist who is certified by the American board of oral 417  
and maxillofacial surgery and actively practices oral and 418  
maxillofacial surgery, appointed from among three persons 419  
nominated by the Ohio dental association; 420

(6) A physician who is certified by the American board of 421  
physical medicine and rehabilitation or American osteopathic board 422  
of rehabilitation medicine and actively provides rehabilitative 423  
care to trauma victims, appointed from among three persons 424  
nominated by the Ohio society of physical medicine and 425  
rehabilitation and three persons nominated by the Ohio osteopathic 426  
association; 427

(7) A physician who is certified by the American board of 428  
surgery or American osteopathic board of surgery with special 429  
qualifications in pediatric surgery and actively practices 430  
pediatric trauma surgery, appointed from among three persons 431  
nominated by the Ohio chapter of the American academy of 432  
pediatrics and three persons nominated by the Ohio osteopathic 433  
association; 434

(8) A physician who is certified by the American board of 435  
emergency medicine or American osteopathic board of emergency 436  
medicine, actively practices emergency medicine, and is actively 437  
involved in emergency medical services, appointed from among three 438  
persons nominated by the Ohio chapter of the American college of 439  
emergency physicians and three persons nominated by the Ohio 440  
osteopathic association; 441

(9) A physician who is certified by the American board of 442  
pediatrics, American osteopathic board of pediatrics, or American 443  
board of emergency medicine, is sub-boarded in pediatric emergency 444  
medicine, actively practices pediatric emergency medicine, and is 445  
actively involved in emergency medical services, appointed from 446  
among three persons nominated by the Ohio chapter of the American 447  
academy of pediatrics, three persons nominated by the Ohio chapter 448  
of the American college of emergency physicians, and three persons 449  
nominated by the Ohio osteopathic association; 450

(10) A physician who is certified by the American board of 451  
surgery, American osteopathic board of surgery, or American board 452  
of emergency medicine and is the chief medical officer of an air 453  
medical organization, appointed from among three persons nominated 454  
by the Ohio association of air medical services; 455

(11) A coroner or medical examiner appointed from among three 456  
people nominated by the Ohio state coroners' association; 457

(12) A registered nurse who actively practices trauma nursing 458  
at an adult or pediatric trauma center, appointed from among three 459  
persons nominated by the Ohio association of trauma nurse 460  
coordinators; 461

(13) A registered nurse who actively practices emergency 462  
nursing and is actively involved in emergency medical services, 463  
appointed from among three persons nominated by the Ohio chapter 464  
of the emergency nurses' association; 465

(14) The chief trauma registrar of an adult or pediatric 466  
trauma center, appointed from among three persons nominated by the 467  
alliance of Ohio trauma registrars; 468

(15) The administrator of an adult or pediatric trauma 469  
center, appointed from among three persons nominated by OHA: the 470  
association for hospitals and health systems, three persons 471  
nominated by the Ohio osteopathic association, three persons 472



nominated by the association of Ohio children's hospitals, and 473  
three persons nominated by the health forum of Ohio; 474

(16) The administrator of a hospital that is not a trauma 475  
center and actively provides emergency care to adult or pediatric 476  
trauma patients, appointed from among three persons nominated by 477  
OHA: the association for hospitals and health systems, three 478  
persons nominated by the Ohio osteopathic association, three 479  
persons nominated by the association of Ohio children's hospitals, 480  
and three persons nominated by the health forum of Ohio; 481

(17) The operator of an ambulance company that actively 482  
provides trauma care to emergency patients, appointed from among 483  
three persons nominated by the Ohio ambulance association; 484

(18) The chief of a fire department that actively provides 485  
trauma care to emergency patients, appointed from among three 486  
persons nominated by the Ohio fire chiefs' association; 487

(19) An EMT or paramedic who is certified under this chapter 488  
and actively provides trauma care to emergency patients, appointed 489  
from among three persons nominated by the Ohio association of 490  
professional firefighters, three persons nominated by the northern 491  
Ohio fire fighters, three persons nominated by the Ohio state 492  
firefighters' association, and three persons nominated by the Ohio 493  
association of emergency medical services; 494

(20) A person who actively advocates for trauma victims, 495  
appointed from three persons nominated by the Ohio brain injury 496  
association and three persons nominated by the governor's council 497  
on people with disabilities; 498

(21) A physician or nurse who has substantial administrative 499  
responsibility for trauma care provided in or by an adult or 500  
pediatric trauma center, appointed from among three persons 501  
nominated by OHA: the association for hospitals and health 502  
systems, three persons nominated by the Ohio osteopathic 503

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  
representatives may be hospital administrators, physicians,  
nurses, or other clinical professionals.

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

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

Initial appointments to the committee shall be made by the  
director not later than ninety days after November 3, 2000.  
Members of the committee shall serve at the pleasure of the

director, except that any member of the committee who ceases to be 535  
qualified for the position to which the member was appointed shall 536  
cease to be a member of the committee. Vacancies on the committee 537  
shall be filled in the same manner as original appointments. 538

The members of the committee shall serve without compensation 539  
but shall be reimbursed for actual and necessary expenses incurred 540  
in carrying out duties as members of the committee. 541

The committee shall select a chairperson and vice-chairperson 542  
from among its members. A majority of all members of the committee 543  
shall constitute a quorum. No action shall be taken without the 544  
concurrence of a majority of all members of the committee. The 545  
committee shall meet at the call of the chair, upon written 546  
request of five members of the committee, and at the direction of 547  
the state board of emergency medical services. The committee shall 548  
not meet at times or locations that conflict with meetings of the 549  
board. The executive director and medical director of the state 550  
board of emergency medical services may participate in any meeting 551  
of the committee and shall do so at the request of the committee. 552

The committee shall advise and assist the state board of 553  
emergency medical services in matters related to adult and 554  
pediatric trauma care and the establishment and operation of the 555  
state trauma registry. In matters relating to the state trauma 556  
registry, the board and the committee shall consult with trauma 557  
registrars from adult and pediatric trauma centers in the state. 558  
The committee may appoint a subcommittee to advise and assist with 559  
the trauma registry. The subcommittee may include persons with 560  
expertise relevant to the trauma registry who are not members of 561  
the board or committee. 562

(C) The state board of emergency medical services may appoint 563  
other committees and subcommittees as it considers necessary. 564

(D) The state board of emergency medical services, and any of 565

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.

**Sec. 4765.49.** (A) A first responder, emergency medical  
technician-basic, emergency medical technician-intermediate, or  
emergency medical technician-paramedic is not liable in damages in  
a civil action for injury, death, or loss to person or property  
resulting from the individual's administration of emergency  
medical services, unless the services are administered in a manner  
that constitutes willful or wanton misconduct. A physician or  
registered nurse designated by a physician, 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 individual's advisory communication or  
assistance, unless the advisory communication or assistance is  
provided in a manner that constitutes willful or wanton  
misconduct. Medical directors and members of cooperating physician  
advisory boards of emergency medical service organizations 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 the act or omission  
constitutes willful or wanton misconduct.

(B) A political subdivision, joint ambulance district, joint

emergency medical services district, or other public agency, and  
any officer or employee of a public agency or of a private  
organization operating under contract or in joint agreement with  
one or more political subdivisions, that provides emergency  
medical services, or that enters into a joint agreement or a  
contract with the state, any political subdivision, joint  
ambulance district, or joint emergency medical services district  
for the provision of emergency medical services, is not liable in  
damages in a civil action for injury, death, or loss to person or  
property arising out of any actions taken by a first responder,  
EMT-basic, EMT-I, or paramedic working under the officer's or  
employee's jurisdiction, or for injury, death, or loss to person  
or property arising out of any actions of licensed medical  
personnel advising or assisting the first responder, EMT-basic,  
EMT-I, or paramedic, unless the services are provided in a manner  
that constitutes willful or wanton misconduct.

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

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

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

misconduct.

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(D) An EMT-basic, EMT-I, paramedic, or other operator, who holds a valid commercial driver's license issued pursuant to Chapter 4506. of the Revised Code or driver's license issued pursuant to Chapter 4507. of the Revised Code and who is employed by an emergency medical service organization that is not owned or operated by a political subdivision as defined in section 2744.01 of the Revised Code, is not liable in damages in a civil action for injury, death, or loss to person or property that is caused by the operation of an ambulance by the EMT-basic, EMT-I, paramedic, or other operator while responding to or completing a call for emergency medical services, unless the operation constitutes willful or wanton misconduct or does not comply with the precautions of section 4511.03 of the Revised Code. An emergency medical service organization is not liable in damages in a civil action for any injury, death, or loss to person or property that is caused by the operation of an ambulance by its employee or agent, if this division grants the employee or agent immunity from civil liability for the injury, death, or loss.

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

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(F) A person who is performing the functions of a first

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responder, EMT-basic, EMT-I, or paramedic under the authority of  
the laws of a state that borders this state and who provides  
emergency medical services to or transportation of a patient in  
this state is not liable in damages in a civil action for injury,  
death, or loss to person or property resulting from the person's  
administration of emergency medical services, unless the services  
are administered in a manner that constitutes willful or wanton  
misconduct. A physician or registered nurse designated by a  
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  
person's acts or omissions in the performance of the person's  
duties, unless an act or omission constitutes willful or wanton  
misconduct.

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

~~(B)~~ The executive director of the state board of emergency  
medical services ~~shall~~, with the advice and counsel of the  
firefighter and fire safety inspector training committee of the  
state board of emergency medical services, shall assist in the  
establishment and maintenance by any state agency, or any county,  
township, city, village, school district, or educational service  
center of a fire service training program for the training of all  
paid and persons in positions of any fire training certification  
level approved by the executive director, including full-time paid  
firefighters, part-time paid firefighters, volunteer firefighters  
and, fire safety inspectors in this state. The executive director,  
with the advice and counsel of the committee, shall adopt  
~~standards~~ rules to regulate ~~such those~~ firefighter and fire safety  
inspector training programs, and other training programs approved  
by the executive director. The ~~standards~~ rules may include, but  
need not be limited to, ~~provisions for minimum courses of study  
training curriculum, certification examinations, training~~



schedules, minimum hours of instruction, attendance requirements, 724  
required equipment and facilities, ~~qualifications of instructors,~~ 725  
basic physical requirements, and methods of training for all 726  
persons in positions of any fire training certification level 727  
approved by the executive director, including full-time paid 728  
firefighters, part-time paid firefighters, volunteer firefighters, 729  
and fire safety inspectors, ~~and training schedules.~~ The ~~standards~~ 730  
rules adopted to regulate training programs for volunteer 731  
firefighters shall not require more than thirty-six hours of 732  
training. ~~The~~ 733

The executive director, with the advice and counsel of the 734  
committee, shall provide for the classification and chartering of 735  
~~such~~ fire service training programs in accordance with rules 736  
adopted under division (B) of this section, and may ~~revoke~~ take 737  
action against any ~~charter~~ chartered training program or 738  
applicant, in accordance with rules adopted under divisions (B)(4) 739  
and (5) of this section, for failure to meet standards set by the 740  
adopted rules. 741

~~(C)~~(B) The executive director, with the advice and counsel of 742  
the firefighter and fire safety inspector training committee of 743  
the state board of emergency medical services, shall adopt, and 744  
may amend or rescind, rules under Chapter 119. of the Revised Code 745  
that establish all of the following: 746

(1) Requirements for, and procedures for chartering, the 747  
training programs regulated by this section; 748

(2) Requirements for, and requirements and procedures for 749  
obtaining and renewing, an instructor certificate to teach the 750  
training programs and continuing education classes regulated by 751  
this section; 752

(3) Requirements for, and requirements and procedures for 753  
obtaining and renewing, any of the fire training certificates 754

<u>regulated by this section;</u>	755
<u>(4) Grounds and procedures for suspending, revoking,</u>	756
<u>restricting, or refusing to issue or renew any of the certificates</u>	757
<u>or charters regulated by this section, which grounds shall be</u>	758
<u>limited to one of the following:</u>	759
<u>(a) Failure to satisfy the education or training requirements</u>	760
<u>of this section;</u>	761
<u>(b) Conviction of a felony offense;</u>	762
<u>(c) Conviction of a misdemeanor involving moral turpitude;</u>	763
<u>(d) Conviction of a misdemeanor committed in the course of</u>	764
<u>practice;</u>	765
<u>(e) In the case of a chartered training program or applicant,</u>	766
<u>failure to meet standards set by the rules adopted under this</u>	767
<u>division.</u>	768
<u>(5) Grounds and procedures for imposing and collecting fines,</u>	769
<u>not to exceed one thousand dollars, in relation to actions taken</u>	770
<u>under division (B)(4) of this section against persons holding</u>	771
<u>certificates and charters regulated by this section, the fines to</u>	772
<u>be deposited into the trauma and emergency medical services fund</u>	773
<u>established under section 4513.263 of the Revised Code;</u>	774
<u>(6) Continuing education requirements for certificate</u>	775
<u>holders, including a requirement that credit shall be granted for</u>	776
<u>in-service training programs conducted by local entities;</u>	777
<u>(7) Procedures for considering the granting of an extension</u>	778
<u>or exemption of fire service continuing education requirements;</u>	779
<u>(8) Certification cycles for which the certificates and</u>	780
<u>charters regulated by this section are valid.</u>	781
<u>(C) The executive director, with the advice and counsel of</u>	782
<u>the firefighter and fire safety inspector training committee of</u>	783

the state board of emergency medical services, shall issue or 784  
renew an instructor certificate to teach the training programs and 785  
continuing education classes regulated by this section to any 786  
applicant that the executive director determines meets the 787  
qualifications established in rules adopted under division (B) of 788  
this section, and may take disciplinary action against an 789  
instructor certificate holder or applicant in accordance with 790  
rules adopted under division (B) of this section. The executive 791  
director, with the advice and counsel of the committee, shall 792  
charter or renew the charter of any training program that the 793  
executive director determines meets the qualifications established 794  
in rules adopted under division (B) of this section, and may take 795  
disciplinary action against the holder of a charter in accordance 796  
with rules adopted under division (B) of this section. 797

(D) The executive director shall issue or renew a fire 798  
training certificate for a firefighter, a fire safety inspector, 799  
or another position of any fire training certification level 800  
approved by the executive director, to any applicant that the 801  
executive director determines meets the qualifications established 802  
in rules adopted under division (B) of this section and may take 803  
disciplinary actions against a certificate holder or applicant in 804  
accordance with rules adopted under division (B) of this section. 805

(E) Certificates issued under this ~~division~~ section shall be 806  
on a form prescribed by the executive director, with the advice 807  
and counsel of the firefighter and fire safety inspector training 808  
committee of the state board of emergency medical services. 809

~~(1) The executive director shall issue a certificate to each~~ 810  
~~person satisfactorily completing a chartered training program.~~ 811

~~(2)~~(F)(1) The executive director, with the committee's advice 812  
and counsel of the firefighter and fire safety inspector training 813  
committee of the state board of emergency medical services, shall 814

establish criteria for evaluating the standards maintained by 815  
other states and the branches of the United States military for 816  
firefighter, fire safety inspector, and fire instructor training 817  
programs, and other training programs recognized by the executive 818  
director, to determine whether the standards are equivalent to 819  
those established under this section and shall establish 820  
requirements and procedures for issuing a certificate to each 821  
person who presents proof to the executive director of having 822  
satisfactorily completed a training program that meets those 823  
standards. 824

~~(3)(2)~~ The executive director, with the committee's advice 825  
and counsel, shall ~~establish~~ adopt rules establishing requirements 826  
and procedures for issuing a fire training certificate in lieu of 827  
completing a chartered ~~firefighter~~ training program ~~to any person~~ 828  
~~requesting a certificate who began serving as a permanent~~ 829  
~~full-time paid firefighter with the fire department of a city or~~ 830  
~~village prior to July 2, 1970, or as a volunteer firefighter with~~ 831  
~~the fire department of a township, fire district, city, or village~~ 832  
~~prior to July 2, 1979.~~ 833

~~(D)(G)~~ Nothing in this section invalidates any other section 834  
of the Revised Code relating to the fire training academy. Section 835  
4765.11 of the Revised Code does not affect any powers and duties 836  
granted to the executive director under this section. 837

**Section 2.** That existing sections 505.38, 737.08, 737.22, 838  
3737.66, 4765.01, 4765.04, 4765.49, and 4765.55 of the Revised 839  
Code are hereby repealed. 840

**Section 3.** The Executive Director of the State Board of 841  
Emergency Medical Services shall adopt the rules required by this 842  
act within twelve months after the act's effective date. The 843  
Executive Director shall phase in the renewal of current 844

certificates over a twelve-month period following the rules' 845  
effective date in accordance with a schedule determined by the 846  
Executive Director. 847

**Section 4.** Section 505.38 of the Revised Code is presented in 848  
this act as a composite of the section as amended by both Am. H.B. 849  
515 and Sub. S.B. 245 of the 124th General Assembly. The General 850  
Assembly, applying the principle stated in division (B) of section 851  
1.52 of the Revised Code that amendments are to be harmonized if 852  
reasonably capable of simultaneous operation, finds that the 853  
composite is the resulting version of the section in effect prior 854  
to the effective date of the section as presented in this act. 855  
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