

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 43

Senator Carey

Cosponsors: Senators Clancy, Amstutz

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A B I L L

To amend sections 4765.01, 4765.11, 4765.28, 4765.29, 1
4765.30, 4765.43, 4765.50, and 4765.99 of the 2
Revised Code to modify the ambulance staffing and 3
personnel certification requirements for emergency 4
medical service organizations that use volunteers. 5

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

Section 1. That sections 4765.01, 4765.11, 4765.28, 4765.29, 6
4765.30, 4765.43, 4765.50, and 4765.99 of the Revised Code be 7
amended to read as follows: 8

Sec. 4765.01. As used in this chapter: 9

(A) "First responder" means an individual who holds a 10
current, valid certificate issued under section 4765.30 of the 11
Revised Code to practice as a first responder. 12

(B) "Emergency medical technician-basic" or "EMT-basic" means 13
an individual who holds a current, valid certificate issued under 14
section 4765.30 of the Revised Code to practice as an emergency 15
medical technician-basic. 16

(C) "Emergency medical technician-intermediate" or "EMT-I" 17
means an individual who holds a current, valid certificate issued 18

under section 4765.30 of the Revised Code to practice as an 19
emergency medical technician-intermediate. 20

(D) "Emergency medical technician-paramedic" or "paramedic" 21
means an individual who holds a current, valid certificate issued 22
under section 4765.30 of the Revised Code to practice as an 23
emergency medical technician-paramedic. 24

(E) "Ambulance" means any motor vehicle that is used, or is 25
intended to be used, for the purpose of responding to emergency 26
medical situations, transporting emergency patients, and 27
administering emergency medical service to patients before, 28
during, or after transportation. 29

(F) "Cardiac monitoring" means a procedure used for the 30
purpose of observing and documenting the rate and rhythm of a 31
patient's heart by attaching electrical leads from an 32
electrocardiograph monitor to certain points on the patient's body 33
surface. 34

(G) "Emergency medical service" means any of the services 35
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 36
the Revised Code that are performed by first responders, emergency 37
medical technicians-basic, emergency medical 38
technicians-intermediate, and paramedics. "Emergency medical 39
service" includes such services performed before or during any 40
transport of a patient, including transports between hospitals and 41
transports to and from helicopters. 42

(H) "Emergency medical service organization" means a public 43
or private organization using first responders, EMTs-basic, 44
EMTs-I, or paramedics, or a combination of first responders, 45
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 46
services. 47

(I) "Substantially volunteer emergency medical service 48
organization" means an emergency medical service organization that 49

uses only volunteer first responders, volunteer EMTs-basic, 50
volunteer EMTs-I, or volunteer paramedics, or a combination of 51
such volunteers, for fifty per cent or more of the time during any 52
seven-day period in which the organization makes emergency medical 53
services available to the public. 54

(J) "Physician" means an individual who holds a current, 55
valid certificate issued under Chapter 4731. of the Revised Code 56
authorizing the practice of medicine and surgery or osteopathic 57
medicine and surgery. 58

~~(J)~~(K) "Registered nurse" means an individual who holds a 59
current, valid license issued under Chapter 4723. of the Revised 60
Code authorizing the practice of nursing as a registered nurse. 61

~~(K)~~(L) "Volunteer" means a person who provides services 62
either for no compensation or for compensation that does not 63
exceed the actual expenses incurred in providing the services or 64
in training to provide the services. 65

~~(L)~~(M) "Emergency medical service personnel" means first 66
responders, emergency medical service technicians-basic, emergency 67
medical service technicians-intermediate, emergency medical 68
service technicians-paramedic, and persons who provide medical 69
direction to such persons. 70

~~(M)~~(N) "Hospital" has the same meaning as in section 3727.01 71
of the Revised Code. 72

~~(N)~~(O) "Trauma" or "traumatic injury" means severe damage to 73
or destruction of tissue that satisfies both of the following 74
conditions: 75

(1) It creates a significant risk of any of the following: 76

(a) Loss of life; 77

(b) Loss of a limb; 78

(c) Significant, permanent disfigurement; 79

(d) Significant, permanent disability.	80
(2) It is caused by any of the following:	81
(a) Blunt or penetrating injury;	82
(b) Exposure to electromagnetic, chemical, or radioactive energy;	83 84
(c) Drowning, suffocation, or strangulation;	85
(d) A deficit or excess of heat.	86
(O) <u>(P)</u> "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	87 88
(P) <u>(Q)</u> "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	89 90 91 92 93 94 95
(Q) <u>(R)</u> "Trauma center" means all of the following:	96
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	97 98
(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;	99 100 101
(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;	102 103 104
(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.	105 106 107 108

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

~~(S)~~(T) "Adult" means involving a patient who is not a pediatric patient.

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

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

~~(V)~~(W) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.

~~(W)~~(X) "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.

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

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

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

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

(3) Application fees for certificates of accreditation,

certificates of approval, certificates to teach, and certificates 138
to practice, which shall be deposited into the trauma and 139
emergency medical services fund created in section 4513.263 of the 140
Revised Code; 141

(4) Criteria for determining when the application or renewal 142
fee for a certificate to practice may be waived because an 143
applicant cannot afford to pay the fee; 144

(5) Procedures for issuance and renewal of certificates of 145
accreditation, certificates of approval, certificates to teach, 146
and certificates to practice, including any procedures necessary 147
to ensure that adequate notice of renewal is provided in 148
accordance with division ~~(D)~~(E) of section 4765.30 of the Revised 149
Code; 150

(6) Procedures for suspending or revoking certificates of 151
accreditation, certificates of approval, certificates to teach, 152
and certificates to practice; 153

(7) Grounds for suspension or revocation of a certificate to 154
practice issued under section 4765.30 of the Revised Code and for 155
taking any other disciplinary action against a first responder, 156
EMT-basic, EMT-I, or paramedic; 157

(8) Procedures for taking disciplinary action against a first 158
responder, EMT-basic, EMT-I, or paramedic; 159

(9) Standards for certificates of accreditation and 160
certificates of approval, except that the board shall not adopt 161
rules that establish as a condition for receipt of the 162
certificates a requirement that the emergency medical services 163
training program or continuing education program administer all or 164
part of the examinations offered by a national examination entity, 165
including the national registry of emergency medical technicians; 166

(10) Qualifications for certificates to teach; 167

(11) Requirements for a certificate to practice;	168
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	169 170 171 172 173
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	174 175 176 177 178
(14) Examinations for <u>issuing</u> certificates to practice <u>by examination</u> ;	179 180
(15) Procedures for administering examinations for certificates to practice <u>by examination</u> ;	181 182
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	183 184 185 186
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	187 188
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B)(5) of section 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B)(6) of section 4765.39 of the Revised Code to perform;	189 190 191 192 193 194 195 196
(19) Standards and procedures for implementing the	197

requirements of section 4765.06 of the Revised Code, including	198
designations of the persons who are required to report information	199
to the board and the types of information to be reported;	200
(20) Procedures for administering the emergency medical	201
services grant program established under section 4765.07 of the	202
Revised Code;	203
(21) Procedures consistent with Chapter 119. of the Revised	204
Code for appealing decisions of the board;	205
(22) Minimum qualifications and peer review and quality	206
improvement requirements for persons who provide medical direction	207
to emergency medical service personnel;	208
(23) The manner in which a patient, or a patient's parent,	209
guardian, or custodian may consent to the board releasing	210
identifying information about the patient under division (D) of	211
section 4765.102 of the Revised Code;	212
(24) Circumstances under which a training program or	213
continuing education program, or portion of either type of	214
program, may be taught by a person who does not hold a certificate	215
to teach issued under section 4765.23 of the Revised Code.	216
(B) The board may adopt, and may amend and rescind, rules in	217
accordance with Chapter 119. of the Revised Code and division (C)	218
of this section that establish the following:	219
(1) Specifications of information that may be collected under	220
the trauma system registry and incidence reporting system created	221
under section 4765.06 of the Revised Code;	222
(2) Standards and procedures for implementing any of the	223
recommendations made by any committees of the board or under	224
section 4765.57 of the Revised Code;	225
(3) Requirements that a person must meet to receive a	226
certificate to practice as a first responder pursuant to division	227

(A) <u>(B)</u> (2) of section 4765.30 of the Revised Code;	228
(4) Any other rules necessary to implement this chapter.	229
(C) In developing and administering rules adopted under this chapter, the state board of emergency medical services shall consult with regional directors and regional physician advisory boards created by section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.	230 231 232 233 234
(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.	235 236 237 238 239 240 241 242 243 244 245 246
This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.	247 248
Sec. 4765.28. A person seeking a certificate to practice as a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic shall submit a completed application for certification to the state board of emergency medical services on a form the board shall prescribe and furnish. Except as provided in division (B) of section 4765.29 of the Revised Code, the <u>The applicant shall specify whether the application is being submitted for a certificate to practice by examination or a certificate to practice without examination, as provided in division (A) of</u>	249 250 251 252 253 254 255 256 257 258

section 4765.30 of the Revised Code. 259

The application shall include evidence that the applicant 260
received the appropriate certificate of completion pursuant to 261
section 4765.24 of the Revised Code. ~~The~~ An applicant for a 262
certificate to practice by examination who is directed to complete 263
a specific portion of an emergency medical services training 264
program pursuant to division (B)(2) of section 4765.29 of the 265
Revised Code is not required to resubmit evidence of receiving a 266
certificate of completion, but shall submit satisfactory proof 267
that the portion of the program has been successfully completed 268
before being permitted to take the examination. 269

The application shall be accompanied by the appropriate 270
application fee established in rules adopted under section 4765.11 271
of the Revised Code, unless the board waives the fee on 272
determining pursuant to those rules that the applicant cannot 273
afford to pay the fee. 274

Sec. 4765.29. (A) The state board of emergency medical 275
services shall provide for the examination of applicants for 276
~~certification~~ certificates to practice as issued by examination to 277
first responders, emergency medical technicians-basic, emergency 278
medical technicians-intermediate, and emergency medical 279
technicians-paramedic. The examinations shall be established by 280
the board in rules adopted under section 4765.11 of the Revised 281
Code. The board may administer the examinations or contract with 282
other persons to administer the examinations. In either case, the 283
examinations shall be administered pursuant to procedures 284
established in rules adopted under section 4765.11 of the Revised 285
Code and shall be offered at various locations in the state 286
selected by the board. 287

(B)(1) Except as provided in division (B)(2) of this section, 288
an applicant shall not be permitted to take an examination for the 289

same certificate to practice more than three times since last 290
receiving the certificate of completion pursuant to section 291
4765.24 of the Revised Code that qualifies the applicant to take 292
the examination unless the applicant receives another certificate 293
of completion that qualifies the applicant to take the 294
examination. 295

~~(B)(2)~~ On request of an applicant who fails three 296
examinations for the same certificate to practice, the board may 297
direct the applicant to complete a specific portion of an 298
accredited emergency medical services training program. If the 299
applicant provides satisfactory proof to the board that the 300
applicant has successfully completed that portion of the program, 301
the applicant shall be permitted to take the examination. 302

Sec. 4765.30. (A) The state board of emergency medical 303
services shall issue certificates to practice by examination, as 304
provided for under section 4765.29 of the Revised Code, and 305
certificates to practice without such examination. A certificate 306
to practice issued by examination authorizes the holder to 307
practice for any emergency medical service organization. A 308
certificate to practice issued without examination authorizes the 309
holder to practice only as a volunteer and only for a 310
substantially volunteer emergency medical service organization. 311

When a certificate to practice is issued without examination, 312
the board shall include on the certificate a statement specifying 313
that the certificate has been issued without examination. The 314
statement shall be included on each renewed or replaced 315
certificate to practice that is issued to the holder. 316

(B)(1) The state board of emergency medical services shall 317
issue a certificate to practice as a first responder to an 318
applicant who meets all of the following conditions: 319

(a) Except as provided in division ~~(A)~~(B)(2) of this section, 320

is a volunteer for a nonprofit emergency medical service 321
organization or a nonprofit fire department; 322

(b) Holds the appropriate certificate of completion issued in 323
accordance with section 4765.24 of the Revised Code; 324

(c) Passes the ~~appropriate~~ first responder examination 325
~~conducted under~~ provided in accordance with section 4765.29 of the 326
Revised Code, if the applicant is applying for certificate to 327
practice by examination; 328

(d) Is not in violation of any provision of this chapter or 329
the rules adopted under it; 330

(e) Meets any other certification requirements established in 331
rules adopted under section 4765.11 of the Revised Code. 332

(2) The board may waive the requirement to be a volunteer for 333
a nonprofit entity if the applicant meets other requirements 334
established in rules adopted under division (B)(3) of section 335
4765.11 of the Revised Code relative to a person's eligibility to 336
practice as a first responder. 337

~~(B)~~(C) The state board of emergency medical services shall 338
issue a certificate to practice as an emergency medical 339
technician-basic to an applicant who meets all of the following 340
conditions: 341

(1) Holds a certificate of completion in emergency medical 342
services training-basic issued in accordance with section 4765.24 343
of the Revised Code; 344

(2) Passes the EMT-basic examination ~~for emergency medical~~ 345
~~technicians basic conducted under~~ provided in accordance with 346
section 4765.29 of the Revised Code, if the applicant is applying 347
for certificate to practice by examination; 348

(3) Is not in violation of any provision of this chapter or 349
the rules adopted under it; 350

(4) Meets any other certification requirements established in 351
rules adopted under section 4765.11 of the Revised Code. 352

~~(C)~~(D) The state board of emergency medical services shall 353
issue a certificate to practice as an emergency medical 354
technician-intermediate or emergency medical technician-paramedic 355
to an applicant who meets all of the following conditions: 356

(1) Holds a certificate to practice as an emergency medical 357
technician-basic; 358

(2) Holds the appropriate certificate of completion issued in 359
accordance with section 4765.24 of the Revised Code; 360

(3) Passes the ~~appropriate~~ EMT-I or paramedic examination 361
~~conducted under, whichever is applicable to the applicant,~~ 362
provided in accordance with section 4765.29 of the Revised Code, 363
if the applicant is applying for certificate to practice by 364
examination; 365

(4) Is not in violation of any provision of this chapter or 366
the rules adopted under it; 367

(5) Meets any other certification requirements established in 368
rules adopted under section 4765.11 of the Revised Code. 369

~~(D)~~(E)(1) A certificate to practice is valid for three years 370
and may be renewed by the board pursuant to procedures established 371
in rules adopted under section 4765.11 of the Revised Code. ~~Not~~ 372

(2) Not later than sixty days prior to the expiration date of 373
an individual's certificate to practice, the board shall notify 374
the individual of the scheduled expiration and furnish an 375
application for renewal. 376

(3) An application for renewal shall be accompanied by the 377
appropriate renewal fee established in rules adopted under section 378
4765.11 of the Revised Code, unless the board waives the fee on 379
determining pursuant to those rules that the applicant cannot 380

afford to pay the fee. Except as provided in division (B) of 381
section 4765.31 of the Revised Code, the application shall include 382
evidence of either of the following: 383

~~(1)~~(a) That the applicant received a certificate of 384
completion from the appropriate emergency medical services 385
continuing education program pursuant to section 4765.24 of the 386
Revised Code; 387

~~(2)~~(b) That the applicant has successfully passed an 388
examination that demonstrates the competence to have a certificate 389
renewed without completing an emergency medical services 390
continuing education program. The board shall approve such 391
examinations in accordance with rules adopted under section 392
4765.11 of the Revised Code. 393

~~(E)~~(4) The board shall not require an applicant for renewal 394
of a certificate to practice to take an examination as a condition 395
of renewing the certificate. ~~This division~~ Division (E)(4) of this 396
section does not preclude the use of examinations by operators of 397
approved emergency medical services continuing education programs 398
as a condition for issuance of a certificate of completion in 399
emergency medical services continuing education. 400

Sec. 4765.43. (A) A person who drives an ambulance that is 401
equipped for emergency medical services, is not required by this 402
chapter to be certified as ~~an~~ a first responder, emergency medical 403
technician-basic, emergency medical technician-intermediate, or 404
emergency medical technician-paramedic. 405

(B) During each emergency run made by an ambulance that is 406
equipped for emergency medical services and is operated by an 407
emergency medical service organization ~~that does not utilize any~~ 408
~~volunteer emergency medical service providers~~, the ambulance shall 409
be staffed as follows: 410

(1) If the emergency run occurs during a period in which the organization is using one or more emergency medical services personnel who are paid to staff the ambulance, the ambulance shall be staffed throughout the emergency run by at least two EMTs-basic, EMTs-I, or paramedics. At

(2) If the emergency run occurs during a period in which the organization is using only volunteers to staff the ambulance, the ambulance shall be staffed, at any time a patient is being transported in an the ambulance that is equipped for emergency medical services and is operated by an emergency medical service organization that utilizes volunteer emergency medical service providers, the ambulance shall be staffed by at least two EMTs basic, EMTs I, or paramedics. At all other times during an emergency run, the ambulance shall be staffed, by at least one first responder and at least one EMT-basic, EMT-I, or paramedic. When

(C) When an ambulance is so staffed in accordance with division (B) of this section, it may be driven by a any person who is not certified as an EMT basic, EMT I, or paramedic at least eighteen years of age.

Sec. 4765.50. (A)(1) Except as provided in division (D) of this section, no person shall represent that the person is a first responder, an emergency medical technician-basic or EMT-basic, an emergency medical technician-intermediate or EMT-I, or an emergency medical technician-paramedic or paramedic unless appropriately certified under section 4765.30 of the Revised Code.

(2) No person who holds a certificate to practice issued without examination pursuant to division (A) of section 4765.30 of the Revised Code shall provide emergency medical services except as a volunteer for a substantially volunteer emergency medical service organization.

(B)(1) No person shall operate an emergency medical services training program without a certificate of accreditation issued under section 4765.17 of the Revised Code.

(2) No person shall operate an emergency medical services continuing education program without a certificate of approval issued under section 4765.17 of the Revised Code.

(C) No public or private entity shall advertise or disseminate information leading the public to believe that the entity is an emergency medical service organization, unless that entity actually provides emergency medical services.

(D) A person who is performing the functions of a first responder, EMT-basic, EMT-I, or paramedic under the authority of the laws of a jurisdiction other than this state, who is employed by or serves as a volunteer with an emergency medical service organization based in that state, and provides emergency medical services to or transportation of a patient in this state is not in violation of division (A)(1) or (2) of this section.

A person who is performing the functions of a first responder, EMT-basic, EMT-I, or paramedic under a reciprocal agreement authorized by section 4765.10 of the Revised Code is not in violation of division (A)(1) or (2) of this section.

(E) On and after November 3, 2002, no physician shall purposefully do any of the following:

(1) Admit an adult trauma patient to a hospital that is not an adult trauma center for the purpose of providing adult trauma care;

(2) Admit a pediatric trauma patient to a hospital that is not a pediatric trauma center for the purpose of providing pediatric trauma care;

(3) Fail to transfer an adult or pediatric trauma patient to

an adult or pediatric trauma center in accordance with applicable 472
federal law, state law, and adult or pediatric trauma protocols 473
and patient transfer agreements adopted under section 3727.09 of 474
the Revised Code. 475

Sec. 4765.99. Whoever violates division (A)(1), 476
(A)(2), (B)(1), (B)(2), or (C) of section 4765.50 of the Revised 477
Code is guilty of a minor misdemeanor on a first offense. On each 478
subsequent offense, such person is guilty of a misdemeanor of the 479
fourth degree. 480

Section 2. That existing sections 4765.01, 4765.11, 4765.28, 481
4765.29, 4765.30, 4765.43, 4765.50, and 4765.99 of the Revised 482
Code are hereby repealed. 483