

**As Passed by the House**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 128**

**Representatives Carey, Peterson**

**Cosponsors: Representatives Balderson, Combs, Kozlowski, Slaby, Hollington, Maag, Antonio, Boose, Grossman, Derickson, Amstutz, DeGeeter, Ruhl, Anielski, Baker, Barnes, Beck, Blair, Blessing, Bubp, Butler, Carney, Clyde, Fedor, Fende, Gardner, Garland, Gentile, Gerberry, Gonzales, Goyal, Hackett, Hagan, C., Hall, Hottinger, Johnson, Letson, Luckie, Lundy, Mallory, McClain, Mecklenborg, Milkovich, Newbold, O'Brien, Patmon, Phillips, Roegner, Rosenberger, Sears, Sprague, Stebelton, Stinziano, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young**  
**Speaker Batchelder**

—

**A B I L L**

To amend sections 505.44, 505.84, 4765.07, 4765.43, 1  
and 4766.03, to enact sections 505.441 and 2  
4765.011, and to repeal section 4765.431 of the 3  
Revised Code to revise the requirements for 4  
staffing ambulances and the priorities for 5  
distributing grants for emergency medical 6  
services, and to specify additional titles to be 7  
used by emergency medical service personnel. 8

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

**Section 1.** That sections 505.44, 505.84, 4765.07, 4765.43, 9  
and 4766.03 be amended and sections 505.441 and 4765.011 of the 10  
Revised Code be enacted to read as follows: 11

Sec. 505.44. As used in this section: 12

(A) "Emergency medical service organization" has the same 13  
meaning as in section 4765.01 of the Revised Code. 14

(B) "State agency" means all departments, boards, offices, 15  
commissions, agencies, colleges, universities, institutions, and 16  
other instrumentalities of this or another state. 17

In order to obtain the services of ambulance service 18  
organizations, to obtain additional services from ambulance 19  
service organizations in times of emergency, to obtain the 20  
services of emergency medical service organizations, or, if the 21  
township is located in a county with a population of forty 22  
thousand or less, to obtain the services of nonemergency patient 23  
transport service organizations, a township may enter into a 24  
contract with one or more state agencies, townships, municipal 25  
corporations, counties, nonprofit corporations, joint emergency 26  
medical services districts, fire and ambulance districts, or 27  
private ambulance owners, regardless of whether such state 28  
agencies, townships, municipal corporations, counties, nonprofit 29  
corporations, joint emergency medical services districts, fire and 30  
ambulance districts, or private ambulance owners are located 31  
within or outside the state, upon such terms as are agreed to by 32  
them, to furnish or receive services from ambulance or emergency 33  
medical service organizations or, if the township is located in a 34  
county with a population of forty thousand or less, to furnish or 35  
receive services from nonemergency patient transport service 36  
organizations, or may enter into a contract for the interchange of 37  
services from ambulance or emergency medical service organizations 38  
or, if the township is located in a county with a population of 39  
forty thousand or less, the interchange of services from 40  
nonemergency patient transport service organizations, within the 41  
several territories of the contracting parties, if the contract is 42

first authorized by the respective boards of township trustees, 43  
the other legislative bodies, or the officer or body authorized to 44  
contract on behalf of the state agency. Such contracts shall not 45  
be entered into with a state agency or nonprofit corporation that 46  
receives more than half of its operating funds from governmental 47  
entities with the intention of directly competing with the 48  
operation of other ambulance, emergency medical, or nonemergency 49  
patient transport service organizations in the township unless the 50  
state agency or nonprofit corporation is awarded the contract 51  
after submitting the lowest and best bid to the board of township 52  
trustees. 53

The contract may provide for ~~a fixed annual charge to be paid~~ 54  
~~at the times agreed upon and stipulated in the contract, or for~~ 55  
~~compensation based upon a stipulated price for each run, call, or~~ 56  
~~emergency, or such terms as the elapsed time of service required~~ 57  
~~in such run, call, or emergency, or any combination thereof~~ 58  
parties may agree. 59

Any township wishing to commence providing or wishing to 60  
enter into a contract for the first time to furnish or obtain 61  
services from nonemergency patient transport service organizations 62  
on or after March 1, 1993, including a township in which a private 63  
provider has been providing the service, shall demonstrate the 64  
need for public funding for the service to, and obtain approval 65  
from, the state board of emergency medical services or its 66  
immediate successor board prior to the establishment of a 67  
township-operated or township-funded service. 68

Sec. 505.441. (A) As used in this section, "run" includes a 69  
call and an emergency to which a contracting party responds under 70  
a contract executed pursuant to section 505.44 of the Revised 71  
Code. 72

(B) A township that enters into a contract with another party 73

for services pursuant to section 505.44 of the Revised Code may 74  
provide in the contract that the contracting party shall collect 75  
and retain any fee that the township may charge for each run 76  
involving ambulance service, emergency medical service, or 77  
nonemergency patient transport service. The contract shall require 78  
that once each month, the contracting party shall provide the 79  
township with a written report that shall include for the previous 80  
month the number of runs the contracting party made in the 81  
township, the amount that was billed for each run, and the amount 82  
received for each run from the person that was billed for that 83  
particular run. The report also shall include the total amount 84  
collected that calendar year to date and the total amount 85  
outstanding that calendar year to date. 86

**Sec. 505.84.** As used in this section, "authorized medicare 87  
reimbursement rate" means such rate established for the locality 88  
under Title XVIII of the "Social Security Act," 49 Stat. 620 89  
(1935), 42 U.S.C.A. 301, as amended. 90

A board of township trustees may establish reasonable charges 91  
for the use of fire and rescue services, ambulance services, or 92  
emergency medical services. The board may establish different 93  
charges for township residents and nonresidents, and may, in its 94  
discretion, waive all or part of the charge for any resident. The 95  
charge for ambulance transportation for nonresidents shall be an 96  
amount not less than the authorized medicare reimbursement rate, 97  
except that, if prior to September 9, 1988, the board had 98  
different charges for residents and nonresidents and the charge 99  
for nonresidents was less than the authorized medicare 100  
reimbursement rate, the board may charge nonresidents less than 101  
the authorized medicare reimbursement rate. 102

~~Charges~~ Except as provided in section 505.441 of the Revised 103  
Code, charges collected under this section shall be kept in a 104

separate fund designated as "the fire and rescue services, 105  
ambulance services, and emergency medical services fund," and 106  
shall be appropriated and administered by the board. The fund 107  
shall be used for the payment of the costs of the management, 108  
maintenance, and operation of fire and rescue services, ambulance 109  
services, and emergency medical services in the township. If the 110  
fire and rescue services, ambulance services, and emergency 111  
medical services are discontinued in the township, any balance 112  
remaining in the fund shall be paid into the general fund of the 113  
township. 114

Sec. 4765.011. (A) With respect to the following individuals 115  
who receive certificates to practice issued under this chapter, 116  
all of the following apply: 117

(1) A first responder shall be also known as an emergency 118  
medical responder or EMR; 119

(2) An emergency medical technician-basic or EMT-basic shall 120  
be also known as an emergency medical technician or EMT, 121  
respectively; 122

(3) An emergency medical technician-intermediate or EMT-I 123  
shall be also known as an advanced emergency medical technician or 124  
AEMT, respectively. 125

(B) With respect to the provisions of this chapter and all 126  
other provisions of the Revised Code that refer to the individuals 127  
specified in division (A) of this section, all of the following 128  
apply: 129

(1) A reference to a first responder is deemed to be a 130  
reference to an emergency medical responder or EMR; 131

(2) A reference to an emergency medical technician-basic or 132  
EMT-basic is deemed to be a reference to an emergency medical 133  
technician or EMT, respectively; 134

(3) A reference to an emergency medical technician-intermediate or EMT-I is deemed to be a reference to an advanced emergency medical technician or AEMT, respectively. 135  
136  
137

**Sec. 4765.07.** (A) The state board of emergency medical services shall adopt rules under section 4765.11 of the Revised Code to establish and administer a grant program under which grants are distributed according to the following priorities: 138  
139  
140  
141

(1) First priority shall be given to emergency medical service organizations for the training of personnel, for the purchase of equipment and vehicles, and to improve the availability, accessibility, and quality of emergency medical services in this state. In this category, the board shall give priority to grants that fund training and equipping of emergency medical service personnel. 142  
143  
144  
145  
146  
147  
148

(2) Second priority shall be given to entities that research, test, and evaluate medical procedures and systems related to adult and pediatric trauma care. 149  
150  
151

(3) Third priority shall be given to entities that research the causes, nature, and effects of traumatic injuries, educate the public about injury prevention, and implement, test, and evaluate injury prevention strategies. 152  
153  
154  
155

~~(3) Third~~ (4) Fourth priority shall be given to entities that research, test, and evaluate procedures that promote the rehabilitation, retraining, and reemployment of adult or pediatric trauma victims and social service support mechanisms for adult or pediatric trauma victims and their families. 156  
157  
158  
159  
160

~~(4) Fourth~~ (5) Fifth priority shall be given to entities that ~~research, test, and evaluate medical procedures related to adult and pediatric trauma care~~ conduct research on, test, or evaluate one or more of the following: 161  
162  
163  
164

<u>(a) Procedures governing the performance of emergency medical services in this state;</u>	165
	166
<u>(b) The training of emergency medical service personnel;</u>	167
<u>(c) The staffing of emergency medical service organizations.</u>	168
<u>(6) For grants distributed for the grant award years occurring not later than the award year ending June 30, 2017, sixth priority shall be given to entities that operate paramedic training programs and are seeking national accreditation of the programs.</u>	169
	170
	171
	172
	173
<u>(B) To be eligible for a grant distributed pursuant to division (A)(6) of this section, an applicant for the grant shall meet all of the following conditions:</u>	174
	175
	176
<u>(1) Hold a certificate of accreditation issued by the board under section 4765.17 of the Revised Code to operate a paramedic training program;</u>	177
	178
	179
<u>(2) Be seeking initial national accreditation of the program from an accrediting organization approved by the board;</u>	180
	181
<u>(3) Apply for the national accreditation on or after February 25, 2010.</u>	182
	183
<u>(C) The grant program shall be funded from the trauma and emergency medical services grants fund created by section 4513.263 of the Revised Code.</u>	184
	185
	186
<del>Sec. 4765.43. (A) A person who drives an ambulance that is equipped for emergency medical services, is not required by this chapter to be certified as an emergency medical technician basic, emergency medical technician intermediate, or emergency medical technician paramedic.</del>	187
	188
	189
	190
	191
<del>(B)(1) During each emergency run made by an ambulance that is equipped for emergency medical services and is operated by an</del>	192
	193

~~emergency medical service organization that does not utilize any~~ 194  
~~volunteer emergency medical service providers or does not~~ 195  
~~substantially utilize those providers~~ During each emergency run 196  
made by an ambulance that is equipped for emergency medical 197  
services, the emergency medical service organization operating the 198  
ambulance shall staff the ambulance in accordance with this 199  
section. 200

For purposes of determining the applicable staffing 201  
requirements, both of the following apply: 202

(1) An emergency run consists of components that are 203  
distinguished between the period during which the ambulance is 204  
traveling to the scene of an emergency and, if applicable, the 205  
period during which the ambulance is transporting a patient from 206  
the scene of the emergency. 207

(2) In the case of an emergency medical service organization 208  
that utilizes a combination of volunteer and paid first 209  
responders, emergency medical service technicians-basic, emergency 210  
medical service technicians-intermediate, or emergency medical 211  
service technicians-paramedic, the organization is considered to 212  
be substantially utilizing volunteers in a particular week when 213  
the paid individuals, taken as a whole, are scheduled for a total 214  
of not more than one hundred ninety-two hours in that week. 215

(B) With respect to the driver of an ambulance during an 216  
emergency run, both of the following apply: 217

(1) The driver must be at least eighteen years of age. 218

(2) The driver must hold a certificate issued under section 219  
4765.30 of the Revised Code to practice as a first responder, 220  
EMT-basic, EMT-I, or paramedic or a fire training certificate 221  
issued pursuant to section 4765.55 of the Revised Code to provide 222  
services as a firefighter. 223

(C) With respect to the component of an emergency run during 224



which the ambulance is traveling to the scene of the emergency, 225  
the ambulance shall be staffed by at least one EMT-basic, EMT-I, 226  
or paramedic. This individual may serve as the driver. 227

(D) With respect to the component of an emergency run during 228  
which a patient is being transported, the ambulance shall be 229  
staffed as follows: 230

(1) If the emergency medical service organization utilizes 231  
only paid individuals or utilizes volunteers on a basis that is 232  
not considered to be substantially utilizing volunteers, the 233  
ambulance shall be staffed by at least two EMTs-basic, EMTs-I, or 234  
paramedics. ~~When an ambulance is so staffed, it may be driven by a~~ 235  
~~person who is not certified as an EMT basic, EMT-I, or paramedic~~ 236  
One of these individuals may serve as the driver. 237

~~(2) During each emergency run made by an ambulance that is~~ 238  
~~equipped for emergency medical services and is operated by an~~ 239  
~~If~~ the emergency medical service organization that is 240  
~~substantially~~ utilizes volunteer emergency medical service providers 241  
~~utilizing~~ volunteers or utilizes only volunteers, 242  
the ambulance shall be 243  
staffed by at least two EMTs-basic, EMTs-I, or paramedics or by at 244  
least one first responder and one EMT-basic, EMT-I, or paramedic. 245  
~~When an ambulance is so staffed, it may be driven by a person who~~ 246  
~~is not certified as a first responder, EMT basic, EMT-I, or~~ 247  
~~paramedic. If circumstances so require, an ambulance that is~~ 248  
~~staffed by only one first responder and one EMT basic, EMT-I, or~~ 249  
~~paramedic may be driven by the first responder who is staffing the~~ 250  
~~ambulance with the EMT basic, EMT-I, or paramedic~~ One of these  
individuals may serve as the driver, but if the staffing 251  
requirement is being met by utilizing a first responder, the first 252  
responder shall serve as the driver. 253

~~(C) For purposes of division (B) of this section, an~~ 254  
~~emergency medical service organization substantially utilizes~~ 255  
~~volunteer emergency medical service providers if, on any given~~ 256

~~date, for the six month period immediately prior to that date, the 257  
organization's daily average number of hours during which the 258  
organization used only volunteer first responders, volunteer 259  
EMTs basic, volunteer EMTs I, or volunteer paramedics, or a 260  
combination of such volunteers, was fifty per cent or more of the 261  
daily average number of hours that the organization made emergency 262  
medical services available to the public. 263~~

**Sec. 4766.03.** (A) The Ohio medical transportation board shall 264  
adopt rules, in accordance with Chapter 119. of the Revised Code, 265  
implementing the requirements of this chapter. The rules shall 266  
include provisions relating to the following: 267

(1) Requirements for an emergency medical service 268  
organization to receive a permit for an ambulance or nontransport 269  
vehicle; 270

(2) Requirements for an emergency medical service 271  
organization to receive a license as a basic life-support, 272  
intermediate life-support, advanced life-support, or mobile 273  
intensive care unit organization; 274

(3) Requirements for a nonemergency medical service 275  
organization to receive a permit for an ambulette vehicle; 276

(4) Requirements for a nonemergency medical service 277  
organization to receive a license for an ambulette service; 278

(5) Requirements for an air medical service organization to 279  
receive a permit for a rotorcraft air ambulance or fixed wing air 280  
ambulance; 281

(6) Requirements for licensure of air medical service 282  
organizations; 283

(7) Forms for applications and renewals of licenses and 284  
permits; 285

(8) Requirements for record keeping of service responses made 286

by licensed emergency medical service organizations;	287
(9) Fee amounts for licenses and permits, and their renewals;	288
(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	289 290
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	291 292 293
(12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations that specify for each type of vehicle or aircraft the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle or aircraft;	294 295 296 297 298 299 300 301 302
(13) The level of care each type of emergency medical service organization, nonemergency medical service organization, and air medical service organization is authorized to provide;	303 304 305
(14) Eligibility requirements for employment as an ambulette driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant for employment as an ambulette driver provide a set of fingerprints to law enforcement authorities if the applicant comes under final consideration for employment.	306 307 308 309 310 311 312
(15) Any other rules that the board determines necessary for the implementation and enforcement of this chapter.	313 314
(B) In the rules for ambulances and nontransport vehicles adopted under division (A)(12) of this section, the board may	315 316

establish requirements that vary according to whether the 317  
emergency medical service organization using the vehicles is 318  
licensed as a basic life-support, intermediate life-support, 319  
advanced life-support, or mobile intensive care unit organization. 320

(C) A mobile intensive care unit that is not dually certified 321  
to provide advanced life-support and meets the requirements of the 322  
rules adopted under this section is not required to carry 323  
immobilization equipment, including board splint kits, traction 324  
splints, backboards, backboard straps, cervical immobilization 325  
devices, cervical collars, stair chairs, folding cots, or other 326  
types of immobilization equipment determined by the board to be 327  
unnecessary for mobile intensive care units. 328

A mobile intensive care unit is exempt from the emergency 329  
medical technician staffing requirements of ~~division (B) of~~ 330  
section 4765.43 of the Revised Code when it is staffed by at least 331  
one physician or registered nurse and another person, designated 332  
by a physician, who holds a valid license or certificate to 333  
practice in a health care profession, and when at least one of the 334  
persons staffing the mobile intensive care unit is a registered 335  
nurse whose training meets or exceeds the training required for a 336  
paramedic. 337

**Section 2.** That existing sections 505.44, 505.84, 4765.07, 338  
4765.43, and 4766.03 and section 4765.431 of the Revised Code are 339  
hereby repealed. 340