

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 195

Representatives Ingram, Seitz

Cosponsors: Representatives Antonio, Blessing, Brenner, Butler, Craig, Dean, Dever, Hagan, Howse, Keller, Kelly, Kent, Lepore-Hagan, Miller, Reineke, Riedel, Romanchuk, Stein, West, Wiggam

A BILL

To amend sections 4766.01, 4766.04, and 4766.09 of
the Revised Code to modify the provisions
concerning the transport of persons who require
the use of a wheelchair or other mobility aid in
nonemergency circumstances.

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

Section 1. That sections 4766.01, 4766.04, and 4766.09 of
the Revised Code be amended to read as follows:

Sec. 4766.01. As used in this chapter:

(A) "Advanced life support" means treatment described in
section 4765.39 of the Revised Code that a paramedic is
certified to perform.

(B) "Air medical service organization" means an
organization that furnishes, conducts, maintains, advertises,
promotes, or otherwise engages in providing medical services
with a rotorcraft air ambulance or fixed wing air ambulance.

(C) "Air medical transportation" means the transporting of

a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.

(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether hospitalized or handicapped or whether ambulatory or confined to a wheelchair.

(E) "Ambulette" means a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for transportation upon the streets or highways of this state of persons who require use of a wheelchair or other mobility aid.

(F) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an EMT is certified to perform.

(G) "Disaster situation" means any condition or situation described by rule of the state board of emergency medical, fire, and transportation services as a mass casualty, major emergency, natural disaster, or national emergency.

(H) "Emergency medical service organization" means an organization that uses EMTs, AEMTs, or paramedics, or a combination of EMTs, AEMTs, and paramedics, to provide medical

care to victims of illness or injury. An emergency medical 46
service organization includes, but is not limited to, a 47
commercial ambulance service organization, a hospital, and a 48
funeral home. 49

(I) "EMT," "AEMT," and "paramedic" have the same meanings 50
as in sections 4765.01 and 4765.011 of the Revised Code. 51

(J) "Fixed wing air ambulance" means a fixed wing aircraft 52
that is specifically designed, constructed, or modified and 53
equipped and is intended to be used as a means of air medical 54
transportation. 55

(K) "Intermediate life support" means treatment described 56
in section 4765.38 of the Revised Code that an AEMT is certified 57
to perform. 58

(L) "Major emergency" means any emergency event that 59
cannot be resolved through the use of locally available 60
emergency resources. 61

(M) "Mass casualty" means an emergency event that results 62
in ten or more persons being injured, incapacitated, made ill, 63
or killed. 64

(N) "Medical emergency" means an unforeseen event 65
affecting an individual in such a manner that a need for 66
immediate care is created. 67

(O) "Mobile intensive care unit" means an ambulance used 68
only for maintaining specialized or intensive care treatment and 69
used primarily for interhospital transports of patients whose 70
conditions require care beyond the scope of a paramedic as 71
provided in section 4765.39 of the Revised Code. 72

(P) (1) "Nonemergency medical service organization" means a 73

person that does both of the following: 74

(a) Provides services to the public on a regular basis for 75
the purpose of transporting individuals who require the use of a 76
wheelchair ~~or are confined to a wheelchair~~ other mobility aid to 77
receive health care services at health care facilities or health 78
care practitioners' offices in nonemergency circumstances; 79

(b) Provides the services for a fee, regardless of whether 80
the fee is paid by the person being transported, a third party 81
payer, as defined in section 3702.51 of the Revised Code, or any 82
other person or government entity. 83

(2) "Nonemergency medical service organization" does not 84
include a health care facility, as defined in section 1751.01 of 85
the Revised Code, that provides ambulette services only to 86
patients of that facility. 87

(Q) "Nontransport vehicle" means a motor vehicle operated 88
by a licensed emergency medical service organization not as an 89
ambulance, but as a vehicle for providing services in 90
conjunction with the ambulances operated by the organization or 91
other emergency medical service organizations. 92

(R) "Patient" means ~~any~~ either of the following: 93

(1) An individual who as a result of illness or injury 94
needs medical attention, whose physical or mental condition is 95
such that there is imminent danger of loss of life or 96
significant health impairment, or who may be otherwise 97
incapacitated or helpless as a result of a physical or mental 98
condition, ~~or;~~ 99

(2) An individual whose physical condition requires the 100
use of a wheelchair or other mobility aid and who requires 101
transport to or from a health care facility or health care 102

practitioner's office in nonemergency circumstances. 103

(S) "Rotorcraft air ambulance" means a helicopter or other 104
aircraft capable of vertical takeoffs, vertical landings, and 105
hovering that is specifically designed, constructed, or modified 106
and equipped and is intended to be used as a means of air 107
medical transportation. 108

Sec. 4766.04. (A) Except as otherwise provided in this 109
chapter, no person shall furnish, operate, conduct, maintain, 110
advertise, engage in, or propose or profess to engage in the 111
business or service in this state of transporting persons who 112
are seriously ill, injured, or otherwise incapacitated or who 113
require the use of a wheelchair or ~~are confined to a wheelchair~~ 114
other mobility aid unless the person is licensed pursuant to 115
this section. 116

(B) To qualify for a license as a basic life-support, 117
intermediate life-support, advanced life-support, or mobile 118
intensive care unit organization, an emergency medical service 119
organization shall do all of the following: 120

(1) Apply for a permit for each ambulance and nontransport 121
vehicle owned or leased as provided in section 4766.07 of the 122
Revised Code; 123

(2) Meet all requirements established in rules adopted by 124
the state board of emergency medical, fire, and transportation 125
services regarding ambulances and nontransport vehicles, 126
including requirements pertaining to equipment, communications 127
systems, staffing, and level of care the particular organization 128
is permitted to render; 129

(3) Maintain the appropriate type and amount of insurance 130
as specified in section 4766.06 of the Revised Code; 131

(4) Meet all other requirements established under rules adopted by the board for the particular license.	132 133
(C) To qualify for a license to provide ambulette service, a nonemergency medical service organization shall do all of the following:	134 135 136
(1) Apply for a permit for each ambulette owned or leased as provided in section 4766.07 of the Revised Code;	137 138
(2) Meet all requirements established in rules adopted by the state board of emergency medical, fire, and transportation services regarding ambulances, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render;	139 140 141 142 143
(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;	144 145
(4) Meet all other requirements established under rules adopted by the board for the license.	146 147
(D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following:	148 149 150
(1) Apply for a permit for each rotorcraft air ambulance and fixed wing air ambulance owned or leased as provided in section 4766.07 of the Revised Code;	151 152 153
(2) Meet all requirements established in rules adopted by the state board of emergency medical, fire, and transportation services regarding rotorcraft air ambulances and fixed wing air ambulances, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render;	154 155 156 157 158 159

(3) Maintain the appropriate type and amount of insurance	160
as specified in section 4766.06 of the Revised Code;	161
(4) Meet all other requirements established under rules	162
adopted by the board for the license.	163
(E) An emergency medical service organization that applies	164
for a license as a basic life-support, intermediate life-	165
support, advanced life-support, or mobile intensive care unit	166
organization; a nonemergency medical service organization that	167
applies for a license to provide ambulance service; or an air	168
medical service organization that applies for a license to	169
provide air medical transportation shall submit a completed	170
application to the board, on a form provided by the board for	171
each particular license, together with the appropriate fees	172
established under section 4766.05 of the Revised Code. The	173
application form shall include all of the following:	174
(1) The name and business address of the operator of the	175
organization for which licensure is sought;	176
(2) The name under which the applicant will operate the	177
organization;	178
(3) A list of the names and addresses of all officers and	179
directors of the organization;	180
(4) For emergency medical service organizations and	181
nonemergency medical service organizations, a description of	182
each vehicle to be used, including the make, model, year of	183
manufacture, mileage, vehicle identification number, and the	184
color scheme, insignia, name, monogram, or other distinguishing	185
characteristics to be used to designate the applicant's vehicle;	186
(5) For air medical service organizations using fixed wing	187
air ambulances, a description of each aircraft to be used,	188

including the make, model, year of manufacture, and aircraft	189
hours on airframe;	190
(6) For air medical service organizations using rotorcraft	191
air ambulances, a description of each aircraft to be used,	192
including the make, model, year of manufacture, aircraft hours	193
on airframe, aircraft identification number, and the color	194
scheme, insignia, name, monogram, or other distinguishing	195
characteristics to be used to designate the applicant's	196
rotorcraft air ambulance;	197
(7) The location and description of each place from which	198
the organization will operate;	199
(8) A description of the geographic area to be served by	200
the applicant;	201
(9) Any other information the board, by rule, determines	202
necessary.	203
(F) Within sixty days after receiving a completed	204
application for licensure as a basic life-support, intermediate	205
life-support, advanced life-support, or mobile intensive care	206
unit organization; an ambulette service; or an air medical	207
service organization, the board shall approve or deny the	208
application. The board shall deny an application if it	209
determines that the applicant does not meet the requirements of	210
this chapter or any rules adopted under it. The board shall send	211
notice of the denial of an application by certified mail to the	212
applicant. The applicant may request a hearing within ten days	213
after receipt of the notice. If the board receives a timely	214
request, it shall hold a hearing in accordance with Chapter 119.	215
of the Revised Code.	216
(G) If an applicant or licensee operates or plans to	217

operate an organization in more than one location under the same 218
or different identities, the applicant or licensee shall apply 219
for and meet all requirements for licensure or renewal of a 220
license, other than payment of a license fee or renewal fee, for 221
operating the organization at each separate location. An 222
applicant or licensee that operates or plans to operate under 223
the same organization identity in separate locations shall pay 224
only a single license fee. 225

(H) An emergency medical service organization that wishes 226
to provide ambulance services to the public must apply for a 227
separate license under division (C) of this section. 228

(I) Each license issued under this section and each permit 229
issued under section 4766.07 of the Revised Code expires one 230
year after the date of issuance and may be renewed in accordance 231
with the standard renewal procedures of Chapter 4745. of the 232
Revised Code. An application for renewal shall include the 233
license or permit renewal fee established under section 4766.05 234
of the Revised Code. An applicant for renewal of a permit also 235
shall submit to the board proof of an annual inspection of the 236
vehicle or aircraft for which permit renewal is sought. The 237
board shall renew a license if the applicant meets the 238
requirements for licensure and shall renew a permit if the 239
applicant and vehicle or aircraft meet the requirements to 240
maintain a permit for that vehicle or aircraft. 241

(J) Each licensee shall maintain accurate records of all 242
service responses conducted. The records shall be maintained on 243
forms prescribed by the board and shall contain information as 244
specified by rule by the board. 245

Sec. 4766.09. This chapter does not apply to any of the 246
following: 247

(A) A person rendering services with an ambulance in the event of a disaster situation when licensees' vehicles based in the locality of the disaster situation are incapacitated or insufficient in number to render the services needed;	248 249 250 251
(B) Any person operating an ambulance, ambulette, rotorcraft air ambulance, or fixed wing air ambulance outside this state unless receiving a person within this state for transport to a location within this state;	252 253 254 255
(C) A publicly owned or operated emergency medical service organization and the vehicles it owns or leases and operates, except as provided in section 307.051, division (G) of section 307.055, division (F) of section 505.37, division (B) of section 505.375, and division (B) (3) of section 505.72 of the Revised Code;	256 257 258 259 260 261
(D) An ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government;	262 263 264
(E) A publicly owned and operated fire department vehicle;	265
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	266 267 268
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	269 270 271
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	272 273 274
(I) A public emergency medical service organization;	275

(J) A fire department, rescue squad, or life squad	276
comprised of volunteers who provide services without expectation	277
of remuneration and do not receive payment for services other	278
than reimbursement for expenses;	279
(K) A private, nonprofit emergency medical service	280
organization when fifty per cent or more of its personnel are	281
volunteers, as defined in section 4765.01 of the Revised Code;	282
(L) Emergency medical service personnel who are regulated	283
by the state board of emergency medical, fire, and	284
transportation services under Chapter 4765. of the Revised Code;	285
(M) Any of the following that operates a transit bus, as	286
that term is defined in division (Q) of section 5735.01 of the	287
Revised Code, unless the entity provides ambulette services that	288
are reimbursed under the state medicaid plan:	289
(1) A public nonemergency medical service organization;	290
(2) An urban or rural public transit system;	291
(3) A private nonprofit organization that receives grants	292
under section 5501.07 of the Revised Code.	293
(N) (1) An entity, to the extent it provides ambulette	294
services, if the entity meets all of the following conditions:	295
(a) The entity is certified by the department of aging or	296
the department's designee in accordance with section 173.391 of	297
the Revised Code or operates under a contract or grant agreement	298
with the department or the department's designee in accordance	299
with section 173.392 of the Revised Code.	300
(b) The entity meets the requirements of section 4766.14	301
of the Revised Code.	302

(c) The entity does not provide ambulette services that 303
are reimbursed under the state medicaid plan. 304

(2) A vehicle, to the extent it is used to provide 305
ambulette services, if the vehicle meets both of the following 306
conditions: 307

(a) The vehicle is owned by an entity that meets the 308
conditions specified in division (N)(1) of this section. 309

(b) The vehicle does not provide ambulette services that 310
are reimbursed under the state medicaid plan. 311

(O) A vehicle that meets both of the following criteria, 312
unless the vehicle provides services that are reimbursed under 313
the state medicaid plan: 314

(1) The vehicle was purchased with funds from a grant made 315
by the United States secretary of transportation under 49 U.S.C. 316
5310; 317

(2) The department of transportation holds a lien on the 318
vehicle. 319

(P) Any of the following vehicles that provide 320
transportation services to the public on a regular basis, 321
including to one or more persons who are patients as defined in 322
division (R)(2) of section 4766.01 of the Revised Code: 323

(1) A taxicab or other similar vehicle for hire; 324

(2) A vehicle owned or operated by a transportation 325
network company or transportation network company driver, as 326
defined in section 3942.01 of the Revised Code. 327

Section 2. That existing sections 4766.01, 4766.04, and 328
4766.09 of the Revised Code are hereby repealed. 329