

**As Reported by the Senate Transportation, Commerce and Labor  
Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

**Sub. 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, Green, Householder, Hughes, Kick, Manning, Reece, Anielski, Arndt, Ashford, Boggs, Boyd, Carfagna, Celebrezze, Conditt, Cupp, DeVitis, Duffey, Edwards, Faber, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hambley, Holmes, LaTourette, Leland, O'Brien, Patterson, Perales, Ramos, Retherford, Rezabek, Roegner, Rogers, Ryan, Schaffer, Scherer, Sheehy, Slaby, Smith, R., Sprague, Sweeney, Sykes, Thompson, Young**

**Senators Brown, LaRose, Tavares**

---

**A BILL**

To amend sections 4766.01, 4766.04, and 4766.09 of  
the Revised Code to modify the law governing 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, 41  
natural disaster, or national emergency. 42

(H) "Emergency medical service organization" means an 43  
organization that uses EMTs, AEMTs, or paramedics, or a 44  
combination of EMTs, AEMTs, and paramedics, to provide medical 45  
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) "Health care practitioner" has the same meaning as in 56  
section 3701.74 of the Revised Code. 57

(L) "Health care services" has the same meaning as in 58  
section 3922.01 of the Revised Code. 59

(M) "Intermediate life support" means treatment described 60  
in section 4765.38 of the Revised Code that an AEMT is certified 61  
to perform. 62

~~(L)~~ (N) "Major emergency" means any emergency event that 63  
cannot be resolved through the use of locally available 64  
emergency resources. 65

~~(M)~~ (O) "Mass casualty" means an emergency event that 66  
results in ten or more persons being injured, incapacitated, 67  
made ill, or killed. 68

~~(N)~~(P) "Medical emergency" means an unforeseen event 69  
affecting an individual in such a manner that a need for 70  
immediate care is created. 71

~~(O)~~(Q) "Mobile intensive care unit" means an ambulance 72  
used only for maintaining specialized or intensive care 73  
treatment and used primarily for interhospital transports of 74  
patients whose conditions require care beyond the scope of a 75  
paramedic as provided in section 4765.39 of the Revised Code. 76

~~(P)~~(R) (1) "Nonemergency medical service organization" 77  
means a person that does both of the following: 78

(a) Provides services to the public on a regular basis for 79  
the purpose of transporting individuals who require the use of a 80  
wheelchair or ~~are confined to a wheelchair~~ other mobility aid to 81  
receive health care services at ~~health care facilities or health-~~ 82  
~~care practitioners' offices~~ in nonemergency circumstances; 83

(b) Provides the services for a fee, regardless of whether 84  
the fee is paid by the person being transported, a third party 85  
payer, as defined in section 3702.51 of the Revised Code, or any 86  
other person or government entity. 87

(2) "Nonemergency medical service organization" does not 88  
include a health care facility, as defined in section 1751.01 of 89  
the Revised Code, that provides ambulette services only to 90  
patients of that facility. 91

~~(Q)~~(S) "Nontransport vehicle" means a motor vehicle 92  
operated by a licensed emergency medical service organization 93  
not as an ambulance, but as a vehicle for providing services in 94  
conjunction with the ambulances operated by the organization or 95  
other emergency medical service organizations. 96

~~(R)~~(T) "Patient" means any individual who as a result of 97

illness or injury needs medical attention, whose physical or 98  
mental condition is such that there is imminent danger of loss 99  
of life or significant health impairment, or who may be 100  
otherwise incapacitated or helpless as a result of a physical or 101  
mental condition, or any individual whose physical condition 102  
requires the use of a wheelchair or other mobility aid. 103

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

(V) "Taxicab" means a taxicab vehicle operated by a 109  
taxicab service company, provided the company is not a 110  
nonemergency medical service organization. 111

(W) "Transportation network company driver" has the same 112  
meaning as in section 3942.01 of the Revised Code. 113

(X) "Transportation network company services" has the same 114  
meaning as in section 3942.01 of the Revised Code. 115

**Sec. 4766.04.** (A) (1) Except as otherwise provided in this 116  
chapter, unless a person is an emergency medical service 117  
organization licensed under division (B) or an air medical 118  
service organization licensed under division (D) of this 119  
section, no person shall furnish, operate, conduct, maintain, 120  
advertise, engage in, or propose or profess to engage in, 121  
the business or service in this state of ~~transporting persons~~ 122  
providing emergency medical transportation to an individual who 123  
are seriously ill, injured, or otherwise incapacitated or is 124  
experiencing a medical emergency. 125

(2) Except as otherwise provided in this chapter, unless a 126

person is a nonemergency medical service organization licensed 127  
under division (C) of this section, no person shall engage in, 128  
or profess to engage in, the business or service of providing 129  
nonemergency medical transportation to an individual who ~~require~~ 130  
~~requires~~ the use of a wheelchair or ~~are confined to a wheelchair~~ 131  
~~unless the person is licensed pursuant to this section~~ other 132  
mobility aid, and who is not experiencing a medical emergency, 133  
between any of the following locations: 134

(a) A hospital; 135

(b) An emergency department; 136

(c) A dialysis center; 137

(d) A long-term care facility, including a nursing home; 138

(e) A surgical facility; 139

(f) An inpatient rehabilitation facility; 140

(g) A memory care center; 141

(h) A health care practitioner's office; 142

(i) Any other licensed inpatient facility. 143

(B) To qualify for a license as a basic life-support, 144  
intermediate life-support, advanced life-support, or mobile 145  
intensive care unit organization, an emergency medical service 146  
organization shall do all of the following: 147

(1) Apply for a permit for each ambulance and nontransport 148  
vehicle owned or leased as provided in section 4766.07 of the 149  
Revised Code; 150

(2) Meet all requirements established in rules adopted by 151  
the state board of emergency medical, fire, and transportation 152  
services regarding ambulances and nontransport vehicles, 153

|                                                                                                                                                                                                                                                                                                     |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| including requirements pertaining to equipment, communications systems, staffing, and level of care the particular organization is permitted to render;                                                                                                                                             | 154<br>155<br>156               |
| (3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;                                                                                                                                                                                      | 157<br>158                      |
| (4) Meet all other requirements established under rules adopted by the board for the particular license.                                                                                                                                                                                            | 159<br>160                      |
| (C) To qualify for a license to provide ambulette service, a nonemergency medical service organization shall do all of the following:                                                                                                                                                               | 161<br>162<br>163               |
| (1) Apply for a permit for each ambulette owned or leased as provided in section 4766.07 of the Revised Code;                                                                                                                                                                                       | 164<br>165                      |
| (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; | 166<br>167<br>168<br>169<br>170 |
| (3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;                                                                                                                                                                                      | 171<br>172                      |
| (4) Meet all other requirements established under rules adopted by the board for the license.                                                                                                                                                                                                       | 173<br>174                      |
| (D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following:                                                                                                                                                              | 175<br>176<br>177               |
| (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;                                                                                                                                           | 178<br>179<br>180               |

(2) Meet all requirements established in rules adopted by 181  
the state board of emergency medical, fire, and transportation 182  
services regarding rotorcraft air ambulances and fixed wing air 183  
ambulances, including requirements pertaining to equipment, 184  
communication systems, staffing, and level of care the 185  
organization is permitted to render; 186

(3) Maintain the appropriate type and amount of insurance 187  
as specified in section 4766.06 of the Revised Code; 188

(4) Meet all other requirements established under rules 189  
adopted by the board for the license. 190

(E) An emergency medical service organization that applies 191  
for a license as a basic life-support, intermediate life- 192  
support, advanced life-support, or mobile intensive care unit 193  
organization; a nonemergency medical service organization that 194  
applies for a license to provide ambulette service; or an air 195  
medical service organization that applies for a license to 196  
provide air medical transportation shall submit a completed 197  
application to the board, on a form provided by the board for 198  
each particular license, together with the appropriate fees 199  
established under section 4766.05 of the Revised Code. The 200  
application form shall include all of the following: 201

(1) The name and business address of the operator of the 202  
organization for which licensure is sought; 203

(2) The name under which the applicant will operate the 204  
organization; 205

(3) A list of the names and addresses of all officers and 206  
directors of the organization; 207

(4) For emergency medical service organizations and 208  
nonemergency medical service organizations, a description of 209



|                                                                  |     |
|------------------------------------------------------------------|-----|
| each vehicle to be used, including the make, model, year of      | 210 |
| manufacture, mileage, vehicle identification number, and the     | 211 |
| color scheme, insignia, name, monogram, or other distinguishing  | 212 |
| characteristics to be used to designate the applicant's vehicle; | 213 |
| (5) For air medical service organizations using fixed wing       | 214 |
| air ambulances, a description of each aircraft to be used,       | 215 |
| including the make, model, year of manufacture, and aircraft     | 216 |
| hours on airframe;                                               | 217 |
| (6) For air medical service organizations using rotorcraft       | 218 |
| air ambulances, a description of each aircraft to be used,       | 219 |
| including the make, model, year of manufacture, aircraft hours   | 220 |
| on airframe, aircraft identification number, and the color       | 221 |
| scheme, insignia, name, monogram, or other distinguishing        | 222 |
| characteristics to be used to designate the applicant's          | 223 |
| rotorcraft air ambulance;                                        | 224 |
| (7) The location and description of each place from which        | 225 |
| the organization will operate;                                   | 226 |
| (8) A description of the geographic area to be served by         | 227 |
| the applicant;                                                   | 228 |
| (9) Any other information the board, by rule, determines         | 229 |
| necessary.                                                       | 230 |
| (F) Within sixty days after receiving a completed                | 231 |
| application for licensure as a basic life-support, intermediate  | 232 |
| life-support, advanced life-support, or mobile intensive care    | 233 |
| unit organization; an ambulette service; or an air medical       | 234 |
| service organization, the board shall approve or deny the        | 235 |
| application. The board shall deny an application if it           | 236 |
| determines that the applicant does not meet the requirements of  | 237 |
| this chapter or any rules adopted under it. The board shall send | 238 |

notice of the denial of an application by certified mail to the 239  
applicant. The applicant may request a hearing within ten days 240  
after receipt of the notice. If the board receives a timely 241  
request, it shall hold a hearing in accordance with Chapter 119. 242  
of the Revised Code. 243

(G) If an applicant or licensee operates or plans to 244  
operate an organization in more than one location under the same 245  
or different identities, the applicant or licensee shall apply 246  
for and meet all requirements for licensure or renewal of a 247  
license, other than payment of a license fee or renewal fee, for 248  
operating the organization at each separate location. An 249  
applicant or licensee that operates or plans to operate under 250  
the same organization identity in separate locations shall pay 251  
only a single license fee. 252

(H) An emergency medical service organization that wishes 253  
to provide ambulance services to the public must apply for a 254  
separate license under division (C) of this section. 255

(I) Each license issued under this section and each permit 256  
issued under section 4766.07 of the Revised Code expires one 257  
year after the date of issuance and may be renewed in accordance 258  
with the standard renewal procedures of Chapter 4745. of the 259  
Revised Code. An application for renewal shall include the 260  
license or permit renewal fee established under section 4766.05 261  
of the Revised Code. An applicant for renewal of a permit also 262  
shall submit to the board proof of an annual inspection of the 263  
vehicle or aircraft for which permit renewal is sought. The 264  
board shall renew a license if the applicant meets the 265  
requirements for licensure and shall renew a permit if the 266  
applicant and vehicle or aircraft meet the requirements to 267  
maintain a permit for that vehicle or aircraft. 268

(J) Each licensee shall maintain accurate records of all 269  
service responses conducted. The records shall be maintained on 270  
forms prescribed by the board and shall contain information as 271  
specified by rule by the board. 272

**Sec. 4766.09.** This chapter does not apply to any of the 273  
following: 274

(A) A person rendering services with an ambulance in the 275  
event of a disaster situation when licensees' vehicles based in 276  
the locality of the disaster situation are incapacitated or 277  
insufficient in number to render the services needed; 278

(B) Any person operating an ambulance, ambulette, 279  
rotorcraft air ambulance, or fixed wing air ambulance outside 280  
this state unless receiving a person within this state for 281  
transport to a location within this state; 282

(C) A publicly owned or operated emergency medical service 283  
organization and the vehicles it owns or leases and operates, 284  
except as provided in section 307.051, division (G) of section 285  
307.055, division (F) of section 505.37, division (B) of section 286  
505.375, and division (B) (3) of section 505.72 of the Revised 287  
Code; 288

(D) An ambulance, ambulette, rotorcraft air ambulance, 289  
fixed wing air ambulance, or nontransport vehicle owned or 290  
leased and operated by the federal government; 291

(E) A publicly owned and operated fire department vehicle; 292

(F) Emergency vehicles owned by a corporation and 293  
operating only on the corporation's premises, for the sole use 294  
by that corporation; 295

(G) An ambulance, nontransport vehicle, or other emergency 296

|                                                                  |     |
|------------------------------------------------------------------|-----|
| medical service organization vehicle owned and operated by a     | 297 |
| municipal corporation;                                           | 298 |
| (H) A motor vehicle titled in the name of a volunteer            | 299 |
| rescue service organization, as defined in section 4503.172 of   | 300 |
| the Revised Code;                                                | 301 |
| (I) A public emergency medical service organization;             | 302 |
| (J) A fire department, rescue squad, or life squad               | 303 |
| comprised of volunteers who provide services without expectation | 304 |
| of remuneration and do not receive payment for services other    | 305 |
| than reimbursement for expenses;                                 | 306 |
| (K) A private, nonprofit emergency medical service               | 307 |
| organization when fifty per cent or more of its personnel are    | 308 |
| volunteers, as defined in section 4765.01 of the Revised Code;   | 309 |
| (L) Emergency medical service personnel who are regulated        | 310 |
| by the state board of emergency medical, fire, and               | 311 |
| transportation services under Chapter 4765. of the Revised Code; | 312 |
| (M) Any of the following that operates a transit bus, as         | 313 |
| that term is defined in division (Q) of section 5735.01 of the   | 314 |
| Revised Code, unless the entity provides ambulette services that | 315 |
| are reimbursed under the state medicaid plan:                    | 316 |
| (1) A public nonemergency medical service organization;          | 317 |
| (2) An urban or rural public transit system;                     | 318 |
| (3) A private nonprofit organization that receives grants        | 319 |
| under section 5501.07 of the Revised Code.                       | 320 |
| (N) (1) An entity, to the extent it provides ambulette           | 321 |
| services, if the entity meets all of the following conditions:   | 322 |
| (a) The entity is certified by the department of aging or        | 323 |

the department's designee in accordance with section 173.391 of 324  
the Revised Code or operates under a contract or grant agreement 325  
with the department or the department's designee in accordance 326  
with section 173.392 of the Revised Code. 327

(b) The entity meets the requirements of section 4766.14 328  
of the Revised Code. 329

(c) The entity does not provide ambulette services that 330  
are reimbursed under the state medicaid plan. 331

(2) A vehicle, to the extent it is used to provide 332  
ambulette services, if the vehicle meets both of the following 333  
conditions: 334

(a) The vehicle is owned by an entity that meets the 335  
conditions specified in division (N)(1) of this section. 336

(b) The vehicle does not provide ambulette services that 337  
are reimbursed under the state medicaid plan. 338

(O) A vehicle that meets both of the following criteria, 339  
unless the vehicle provides services that are reimbursed under 340  
the state medicaid plan: 341

(1) The vehicle was purchased with funds from a grant made 342  
by the United States secretary of transportation under 49 U.S.C. 343  
5310; 344

(2) The department of transportation holds a lien on the 345  
vehicle. 346

(P) A taxicab or a vehicle providing transportation 347  
network company services that is operated by a transportation 348  
network company driver, unless transporting a person under the 349  
conditions requiring licensure specified in division (A) of 350  
section 4766.04 of the Revised Code. 351

(Q) A vehicle providing transportation services for a 352  
private adult day habilitation services company, unless 353  
transporting a person under the conditions requiring licensure 354  
specified in division (A) of section 4766.04 of the Revised 355  
Code. As used in division (Q) of this section, "adult day 356  
habilitation services" has the same meaning as in section 357  
5126.01 of the Revised Code. 358

**Section 2.** That existing sections 4766.01, 4766.04, and 359  
4766.09 of the Revised Code are hereby repealed. 360