CSI - Ohio
The Common Sense Initiative

Agency Name: Ohio Department of Public Safety (DPS) - Division of Emergency Medical Services (EMS), State Board of Emergency Medical, Fire, and Transportation Services

Regulation/Package Title: Accreditation of Training Programs

Rule Number(s): OAC Rules 4765-7-01, 4765-7-02, 4765-7-03, 4765-7-04, 4765-7-05, 4765-7-06, 4765-7-07, 4765-7-08, 4765-7-09, 4765-7-10, 4765-7-11, 4765-7-12, 4765-7-13

Date: December 1, 2017

Rule Type:

New	X 5-Year Review
X Amended	Rescinded
X No Change	

Business Impact Analysis

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. **Please briefly describe the draft regulation in plain language.**
   Please include the key provisions of the regulation as well as any proposed amendments.
   Chapter 4765-7 of the Administrative Code (OAC) sets forth the conditions under which the State Board of Emergency Medical, Fire, and Transportation Services (EMFTS Board or Board) may approve, renew, reinstate, or deny an application for a certificate of accreditation or a certificate of approval to operate EMS training programs. In addition, this chapter sets forth the levels of EMS training authorized by the EMFTS Board and the conditions under which accredited institutions and approved continuing education (CE) institutions may offer emergency medical services (EMS) training using online education and/or distance learning systems.

A summary of each of the thirteen rules included in OAC Chapter 4765-7 is:

4765-7-01	**No Change**	**Merging of certificates of accreditation and general provisions.**
Rule 4765-7-01 sets forth general provisions for institutions holding a certificate of accreditation issued by the EMFTS Board to operate emergency medical services training programs. The rule lists the training programs that may be authorized by the EMFTS Board and the qualifications for a valid certificate of accreditation. The rule provides information about the application submitted to obtain a certificate of accreditation and refers readers to the incorporated by reference rule.		
4765-7-02	**Amend**	**Accreditation of Ohio EMS training programs.**
Rule 4765-7-02 sets forth sets forth the provisions for issuing a certificate of accreditation and includes information about the application to be submitted. The rule sets forth requirements for Commission on Accreditation of Allied Health Education Programs (CAAHEP) accreditation for Ohio accredited institutions seeking to provide paramedic training programs. The rule refers readers to the incorporated by reference rule.		
4765-7-03	**Amend**	**Provisional certificates.**
Rule 4765-7-03 sets forth the criteria for issuance of a provisional certificate of accreditation or certificate of approval for previously certified institutions seeking renewal. Criteria include substantial compliance with Revised Code (RC) and OAC standards of record keeping and passage rates. The rule sets forth time frames for applying for, issuing, and the expiration of provisional certificates, which are not renewable but may be extended by the EMFTS Board.		
4765-7-04	**Amend**	**Application for accreditation.**
Rule 4765-7-04 sets forth the application standards for a certificate of accreditation. The rule refers readers to the incorporated by reference rule.		
4765-7-05	**No Change**	**Offsite locations.**
Rule 4765-7-05 sets forth the provisions required of an EMS accredited institution or EMS approved institution offering courses at locations other than those submitted in applications.		
4765-7-06	**No Change**	**Notification to the board.**
Rule 4765-7-06 requires an EMS accredited institution or EMS approved institution to provide to the Division of EMS within ten days written notification of a change of mailing address or physical location and name or contact information of the authorizing official, program director, or program medical director. In addition, the institutions must notify the EMFTS Board in writing of an increase in the number of hours included in an EMS training program.		
4765-7-07	**Amend**	**Renewal of a certificate of accreditation.**
Rule 4765-7-07 sets forth the provisions for renewing a certificate of accreditation. The Division of EMS is required to notify each holder of a certificate of accreditation no later than ninety days prior to its expiration of the expiration date, mechanism for renewal, and due date for receipt of application. The rule sets a schedule for the EMFTS Board to review the passing percentages set forth in the rule. The rule refers readers to the incorporated by reference rule.		
4765-7-08	**Amend**	**Reinstatement of a certificate of accreditation or approval, or provisional certificate of accreditation or approval.**
Rule 4765-7-08 sets forth the provisions for reinstatement of a certificate of accreditation or approval or		

provisional certificate of accreditation or approval. Applicants whose certificate expires within the time period for reinstatement are not eligible for a new certificate. The rule refers readers to the incorporated by reference rule.		
4765-7-09	**Amend**	**Approval of Ohio EMS continuing education programs.**
Rule 4765-7-09 sets forth sets forth the requirements for EMFTS Board approval of an EMS CE program offered by an EMS approved institution. Certificates of approval are valid for up to five years. EMS approved institutions are required to maintain documentation as set forth in the rule. The rule refers readers to the incorporated by reference rule.		
4765-7-10	**Amend**	**Reinstatement of revoked certificate of accreditation or approval, or provisional certificate of accreditation or approval.**
Rule 4765-7-10 sets forth the restrictions for EMFTS Board approval of revoked certificate of accreditation or approval, or provisional certificate of accreditation or approval.		
4765-7-11	**No Change**	**Continuing education course requirements for Ohio EMS accredited and approved institutions.**
Rule 4765-7-11 sets forth the requirements for CE courses offered by EMS accredited and approved institutions, including record keeping requirements.		
4765-7-12	**Amend**	**Online education and distance learning delivery systems for EMS training programs offered through an accredited institution.**
Rule 4765-7-12 sets forth the provisions for EMFTS Board approval of online and distance learning offered by EMS accredited and approved institutions.		
4765-7-13	**No Change**	**National accreditation of paramedic programs.**
Rule 4765-7-13 sets forth the qualifications, to become effective on January 1, 2018, for institutions offering an EMS training program at the paramedic level.		

OAC rules 4765-7-01, 4765-7-05, 4765-7-06, 4765-7-11, and 4765-7-13 are proposed as No Change rules.

Pursuant to a scheduled RC 106.03 five- year rule review, the following amendments are proposed for eight of the rules in OAC Chapter 4765-7:

- OAC rules 4765-7-02, 4765-7-04, 4765-7-09, 4765-7-10, and 4765-7-12 are amended to correct punctuation, spelling, and grammar errors.
- OAC rules 4765-7-08, 4765-09, and 4765-10 are amended to update the titles of referenced materials.
- OAC 4765-7-02 is amended to set forth the process and requirements for an initial applicant for accreditation as a paramedic training program to apply for provisional status and to meet Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) requirements prior to receiving approval to promote or initiate a course.
- OAC rule 475-7-03 is amended to include a provisional status for new applicants seeking initial accreditation for a paramedic training program during the CoAEMSP application period.
- OAC rule 4765-7-07 is amended to clarify the student pass rate requirements of the initial certification testing for first attempts and within three attempts. The rule is also amended to place the pass rate requirements into a chronological order.

2. **Please list the Ohio statute authorizing the Agency to adopt this regulation.**
   RC sections 4765.11, 4765.16, and 4765.17

3. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**
   If yes, please briefly explain the source and substance of the federal requirement.
   The regulations do not implement federal requirements, nor are they being adopted to participate in a federal program.

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**
   Not applicable.

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**
   Pursuant to RC section 4765.11, the Board is directed to adopt rules that establish the standards and procedures under which the Board may issue, renew, suspend, or revoke certificates of accreditation and certificates of approval to operate EMS training and continuing education training programs and set forth the conditions under which accredited and approved institutions may operate these programs. Consistent, statewide, EMS training will help ensure well-trained EMS providers efficiently and effectively deliver pre-hospital patient care, improved response in emergencies, and increased safety while delivering emergency medical services. In addition, the proposed regulations also protect Ohio paramedic students by ensuring the students' education and eligibility for certification, through national standard testing, are not jeopardized.

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**
   Success will be measured by an increase in the number of institutions in compliance with the standards set forth in OAC Chapter 4765-7. In addition, the Division of EMS will track first attempt and cumulative attempt passing percentages on the certification examinations, student complaints, and complaints regarding EMS providers that lead to investigations. Success will also be measured by the successful completion of recertification continuing education requirements by the certified providers.

Development of the Regulation

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**
   If applicable, please include the date and medium by which the stakeholders were initially contacted.
   These rules were reviewed by the Education Committee and the Medical Oversight Committee of the EMFTS Board as an agenda item during their bi-monthly meetings, as well as the education coordinators and other staff members of the Ohio Division of EMS (DEMS) and legal staff of the Ohio Department of Public Safety (ODPS). Committee members represent various roles of the emergency medical profession including the state medical director, emergency medicine physicians, trauma

surgeons, registered nurses, EMS providers, EMS instructors, and program coordinators representing EMS training organizations and fire service organizations.

Members of the State Board of EMFTS received copies of OAC 4765-7 recommended amendments and proposed filing schedules as part of the board packets in advance of the August 16 and October 18, 2017 board meetings. The EMFTS Board received an Education Committee report at its June 21, and October 18, 2017 Board meetings and MOC reports at its August 16 and October 18, 2017 board meetings.

The Ohio State Board of Emergency Medical, Fire, and Transportation Services is a twenty-one member board. The director of the Department of Public Safety designates a member of the Department of Public Safety as a member of the Board. Twenty members who each have "background or experience in emergency medical services or trauma care" are appointed by the Governor with the advice and consent of the Ohio Senate. The Governor attempts "to include members representing urban and rural areas, various geographical regions of the state, and various schools of training" in making appointments to the Ohio State Board of EMFTS. The appointees to the board represent Ohio's fire and emergency medical services, private medical transportation services, mobile intensive care providers, air medical providers, trauma programs, hospitals, emergency physicians, EMS training programs and ODPS.

In September 2017, the OAC 4765-7 rule numbers and tag lines were posted at the EMS Small Business Regulatory Impact Web site (http://www.publicsafety.ohio.gov/ems_rules.stm) under the heading "Rules Scheduled for Review."

When the rules are filed with CSI, govdelivery.com will be used to notify approximately 545 EMS instructors, 705 EMS agencies, and 163 "EMS for Children" subscribers about the OAC Chapter 4765-7 filing and stakeholder comment period. Notification about the filing and comment period for OAC Chapter 4765-7 will also be placed on the EMS.Ohio.gov website.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Staff of the Ohio Division of EMS proposed changes related to punctuation, spelling, grammar, and referenced materials in OAC Chapter 4765-7. The staff also proposed amendments to OAC rules 4765-7-02 and 4765-7-03 to set forth the requirements and process for an EMS accredited institution to meet CoAEMSP requirements prior to receiving approval to become a paramedic education institute. OAC rule 4765-7-07 is proposed to be amended to clarify the student pass rate requirements of the initial certification testing for first attempts and also within three attempts. The rule is also amended to place the pass rate requirements into a chronological order.

Members of the Education Committee of the State Board of Emergency Medical, Fire, and Transportation Services (EMFTS) reviewed proposed amendments to the rules at the committee's August 15, 2017 meeting. Members of the Education Committee and MOC of the EMFTS Board reviewed the proposed amendments to the rules at the committees' October 17, 2017 meetings. At the October 17 meeting, members of the Education Committee agreed to recommend the draft rules to the EMFTS Board for submission to the Common Sense Initiative office.

Members of the State Board of Emergency Medical, Fire, and Transportation Services reviewed the rules and proposed amendments prior to their August 16, 2017 meeting; they reviewed the rules and proposed amendments and the draft Business Impact Analysis (BIA) prior to the Board's October 18, 2017 meeting. At its October 18, 2017 meeting, the EMFTS Board approved filing the OAC 4765-7 rules and BIA with the Common Sense Initiative (CSI) office and approved filing the OAC Chapter 4765-7 rules with the Joint Committee on Agency Rule Review (JCARR).

9. **What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**
   The rules were developed using research recommendations from the *EMS Education Agenda for the Future,* a national initiative approved by the United States National Highway Traffic Safety Administration (NHTSA), which oversees EMS at the federal level. The agenda is available at: https://one.nhtsa.gov/people/injury/ems/EdAgenda/final/index.html. The research recommendations propose a set of national education standards, national accreditation, and national standard testing to ensure consistent performance outcomes for EMS providers to include well-trained EMS providers, efficient and effective delivery of prehospital patient care, improved response in emergencies, and increased safety while delivering services.

   The measurable outcomes are recorded and identified by the staff of the Division of EMS monitoring pass/fail certification testing from each EMS accredited training institute. The Division of EMS staff also monitor the number of successful renewals, new and ended EMS accredited training institutes, as well as those which add or delete certification levels to their existing accreditation.

10. **What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**
    It was determined that alternative regulations may not meet the purpose of the rules to assure safe, effective, and efficient EMS response. This regulation aligns with NHTSA's systems approach for national EMS education standards, scope of practice model, accreditation, and standard testing. In addition, the regulation meets the needs of Ohio paramedics employed by EMS organizations who transport patients from neighboring states or those who serve as medics in the military service.

11. **Did the Agency specifically consider a performance-based regulation? Please explain.** ***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***
    The requirements set forth in OAC Chapter 4765-7 are performance-based regulations established to ensure that all EMS accredited training institutions meet the same standards and requirements to obtain, maintain, and renew certificates of accreditation as EMS training institutions. The outcomes will be measured by the abilities of the EMS accredited training institutes to obtain, maintain, and renew certificates of accreditation as reviewed by the Division of EMS.

12. **What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Division of Emergency Medical Services is the only authority for EMS training, instruction, and certification; therefore, a review of Chapter 4765. of the ORC and agency 4765 of the OAC was completed.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Using the Division's Web site EMS.ohio.gov and the gov.delivery.com user groups, the division will provide stakeholders with final rules, rule summaries, and changes to Chapter 4765-7 of the OAC. The approved Ohio EMS curriculum and CE requirements will be published to the EMS web site at the following link: http://ems.ohio.gov. DEMS Staff will notify the EMS accredited and approved sites' program directors about the approved Ohio EMS curriculum and rule revision via email and through program director directives published on the EMS.ohio.gov/program director portal.

Division of EMS staff are available via telephone and/or face-to-face meetings to assist institutions in the application process. Questions may be submitted via email to "Ask EMS" (ASKEMS@dps.ohio.gov) or directly to the Division's education staff (EMSEducation@dps.ohio.gov).

The Division of EMS posts information about the rule review process, including those rules scheduled for review, drafts open for public comment, proposed rules and public hearing notices, and recently adopted rules, at its *Small Business Regulatory Impact* Web site (http://www.publicsafety.ohio.gov/ems_rules.stm). The laws and rules associated with emergency medical services are provided as links at the "*Laws and Rules Overview*" site (http://www.ems.ohio.gov/laws.aspx), and the amended rules, when they become effective, will be available through that link. The Division of EMS will use the EMS gov.delivery.com system, which includes EMS instructors, EMS agencies, and "EMS for Children" lists, to distribute the final rules to stakeholders when they become effective. Division of EMS staff will receive email notification of the rule changes and attend section briefings regarding the implementation policy and procedures. During its meetings, the EMFTS Board receives regular updates about EMS rules. In addition, notification of the rule changes to Division staff will be delivered internally through staff meetings, and cross-training of staff on co-workers' job responsibilities that will increase the overall knowledge and efficiency of the Division.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The scope of the impacted business community fluctuates but includes approximately:

- 1,330 EMS organizations;
- 41,500 EMS providers;
- 89 EMS accredited institutions, which include 38 paramedic training programs; and
- 551 approved EMS continuing education institutions.

SOURCE: Division of Emergency Medical Services

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

OAC Chapter 4765-7, in and of itself, does not require specific expenditures. However, some provisions in these regulations require EMS training to be conducted in accordance with the standards adopted by the Board under ORC section 4765.11 and the curricula areas set forth in ORC section 4765.16 and in agency 4765 of the OAC. Adverse impacts could include the cost of instructional materials, instructor time, and equipment as the program deems necessary. OAC Chapter 4765-7 does not require any EMS accredited Institution to provide a specific certification level training; each level of training is provided at the discretion of the accredited institution.

The costs incurred by the EMS accredited institutions will vary depending on the affiliations of the EMS accredited institution and the levels of training being offered. Those institutions not changing any certification levels will see minimal if any additional costs, except for natural increases in administrative costs. Those institutions adding additional certification levels will see cost increases, as they may need to add additional instructional, administrative, and equipment resources. Significant costs could be associated with institutions requesting to become a paramedic training center due to the costs associated with the national accreditation application process.

***c.* Quantify the expected adverse impact from the regulation.**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

Adverse impact may result from seeking and maintaining certificates of accreditation, national accreditation, and approval to operate EMS initial and continuing education training programs. These regulations require the EMS training institutions to retain written or electronic documentation that demonstrates compliance with curriculum standards and evaluation of student performance and achievement.

These regulations do not require an institution to provide specific levels of EMS training programs. Each institution applies to provide levels of training at its own discretion. Costs vary depending on the levels of training provided, typical class size, instructor salaries, supplies, equipment, and affiliations, as the institution deems appropriate. The institutions have the sole ability to dictate the tuition costs of their programs based on budgetary needs.

OAC Chapter 4765-7 does require institutions to gain Commission on Accreditation of Allied Health Educational Programs (CAAHEP) national accreditation for the paramedic level of training. Costs include the Committee on Accreditation of Educational Programs in the Emergency Medical Services Professions, or CoAEMSP-related fees and the staff time and resources required to apply for the accreditation, prepare reports, acquire technology, and participate in required site visits.

The State of Ohio received a five-year extension to complete national accreditation, making the deadline for accreditation 1/1/2018. The Division made grant funding available through the FY 2017 funding cycle to assist institutions with the costs of obtaining the CAAHEP accreditation. The estimated cost of CoAEMSP-related fees was reduced substantially when using the $5,000 grant award available as set forth in RC section 4765.07. The estimated annual cost to an accredited institution for continued compliance is an annual fee of $1,700 and approximately $3,450 in additional costs every five years to complete the CAAHEP reaccreditation process. These costs are charged and collected by CoAEMSP.

Description of Fee	**CoAEMSP Letter of Review (LoR)** (no status - entering the accreditation system)	**CAAHEP Initial Accreditation** (currently holds CoAEMSP LoR)	**CAAHEP Continuing Accreditation** (currently holds CAAHEP accreditation)
Annual	**up to $1700** paid with submission of the Letter of Review Self Study Report (LSSR)	**$1700**	
Satellite	**$500** per satellite location per year		
Self-Study Report Evaluation	**$750** paid with submission of the LSSR	**$750** paid with the submission of the Initial Accreditation Self-Study Report (ISSR) and Continuing Accreditation Self Study Report (CSSR)	
Technology	**$250** one-time fee	**$0** not applicable	
Site Visit	**$0** not applicable	**$2700**	

Costs obtained from CoAEMSP at http://www.coaemsp.org/Fees.htm

Source: The CoAEMSP Website was reviewed on October 11, 2017 to determine the initial and renewal costs of compliance.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Pursuant to RC 4765.11, the Board is statutorily required to adopt rules that establish the standards and procedure under which the Board may issue, renew, suspend, or revoke certificates of accreditation to operate training programs and certificates of approval to operated EMS continuing education training programs. Ensuring professional standards from the training programs and in EMS providers' professional conduct, delivery of emergency medical services, and patient care justifies the minimal adverse impact to the business community.

The rules are developed using research recommendations from the *EMS Education Agenda for the Future,* which includes a set of national education standards, national accreditation, and national standard testing to ensure consistent performance outcomes for EMS providers. National Registry certification is required for all levels of initial EMS certification in Ohio; CAAHEP accreditation is required for the paramedic level training. CAAHEP is the national accreditation that has been approved by forty-seven states including those bordering Ohio.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

The regulations do not mandate an EMS organization to operate a training program or purchase any equipment. In addition, an EMS organization issued a certificate of accreditation or approval is not required to operate all levels of EMS training. Organizations holding certificates of accreditation and approval may borrow equipment or any educational resources necessary to meet the curriculum standards. Organizations holding certificates of accreditation may form a consortium to operate paramedic training programs under a single national certificate.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

OAC Chapter 4765-7, in and of itself, does not impose a penalty or sanction. However, provisions in RC section 4765.18 establish that the Board may impose administrative sanctions up to and including revocation of a certificate of accreditation and certificate of approval for violations of Chapter 4765. of the ORC or any rule adopted under it.

If disciplinary action is considered, each case is submitted first to the Board's Assistant Attorney General to ensure compliance with Chapter 119. of the Revised Code. The Board reviews each situation on a case-by-case and may consider all information relevant to the requirements of agency 4765 of the OAC and RC Chapter 4765.

18. What resources are available to assist small businesses with compliance of the regulation?

As set forth in OAC rule 4765-7-07, the Division of EMS notifies each accredited institution no later than ninety days prior to its certificate expiration of its scheduled expiration date and the mechanism for renewal.

The Board administers grant awards set forth in RC section 4765.07, and as defined in section 4513.263 of the RC. First priority includes awards to EMS organizations for the training of personnel, the purchase of equipment, and to improve accessibility and quality of emergency medical services in this state. Available through the FY 2017 funding cycle, sixth priority grant awards of up to $5,000 per EMS institution were available for expenses incurred in seeking national accreditation of its paramedic program. Eligible expenses included the site visit facilitation costs, the first annual CAAHEP fee, the one-time technology fee, and the application/self-study evaluation fee. The Division of EMS website includes a grants web page that summarizes distribution details and provides grant applications. The EMS web page can be found using the following link: www.ems.ohio.gov.

The EMS Web page includes links to the laws and rules associated with emergency medical services, along with an overview section about accredited and approved continuing education programs, certifications, medical, direction, scope of practice, and training and education. The *Agency Directory* at the EMS Web site (http://www.ems. ohio.gov/about-directory.aspx) includes the email addresses, telephone numbers, including a toll free number (1-800-233-0875), and the names of EMS staff. The Division of EMS staff members also attend and present information at various conferences, seminars, and symposiums throughout the State of Ohio such as the annual International Trauma Life Support (ITLS) Emergency Care Conference, the Ohio Association of Emergency Medical Services (OAEMS) Summer Conference, Ohio Fire and EMS Expo, Ohio EMS Grant Hospital/Ohio Health Conference, Ohio Ambulance Association Conference, Ohio State Fire Instructors Society, and the Ohio State Fair.

Division of EMS staff are available via telephone and/or face-to-face meetings to assist institutions in the application process. Questions may be submitted via email to "Ask EMS" (ASKEMS@dps.ohio.gov) or directly to the Division's education staff (EMSEducation@dps.ohio.gov).