

As Reported by the House Transportation and Public Safety Committee

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Am. 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

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 16
a patient by rotorcraft air ambulance or fixed wing air 17
ambulance with appropriately licensed and certified medical 18
personnel. 19

(D) "Ambulance" means any motor vehicle that is 20
specifically designed, constructed, or modified and equipped and 21
is intended to be used to provide basic life support, 22
intermediate life support, advanced life support, or mobile 23
intensive care unit services and transportation upon the streets 24
or highways of this state of persons who are seriously ill, 25
injured, wounded, or otherwise incapacitated or helpless. 26
"Ambulance" does not include air medical transportation or a 27
vehicle designed and used solely for the transportation of 28
nonstretcher-bound persons, whether hospitalized or handicapped 29
or whether ambulatory or confined to a wheelchair. 30

(E) "Ambulette" means a motor vehicle that is specifically 31
designed, constructed, or modified and equipped and is intended 32
to be used for transportation upon the streets or highways of 33
this state of persons who require use of a wheelchair or other 34
mobility aid. 35

(F) "Basic life support" means treatment described in 36
section 4765.37 of the Revised Code that an EMT is certified to 37
perform. 38

(G) "Disaster situation" means any condition or situation 39
described by rule of the state board of emergency medical, fire, 40
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) "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. 101

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

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

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

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

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

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

(4) Meet all other requirements established under rules

adopted by the board for the particular license. 131

(C) To qualify for a license to provide ambulette service, 132
a nonemergency medical service organization shall do all of the 133
following: 134

(1) Apply for a permit for each ambulette owned or leased 135
as provided in section 4766.07 of the Revised Code; 136

(2) Meet all requirements established in rules adopted by 137
the state board of emergency medical, fire, and transportation 138
services regarding ambulettes, including requirements pertaining 139
to equipment, communication systems, staffing, and level of care 140
the organization is permitted to render; 141

(3) Maintain the appropriate type and amount of insurance 142
as specified in section 4766.06 of the Revised Code; 143

(4) Meet all other requirements established under rules 144
adopted by the board for the license. 145

(D) To qualify for a license to provide air medical 146
transportation, an air medical service organization shall do all 147
of the following: 148

(1) Apply for a permit for each rotorcraft air ambulance 149
and fixed wing air ambulance owned or leased as provided in 150
section 4766.07 of the Revised Code; 151

(2) Meet all requirements established in rules adopted by 152
the state board of emergency medical, fire, and transportation 153
services regarding rotorcraft air ambulances and fixed wing air 154
ambulances, including requirements pertaining to equipment, 155
communication systems, staffing, and level of care the 156
organization is permitted to render; 157

(3) Maintain the appropriate type and amount of insurance 158

as specified in section 4766.06 of the Revised Code; 159

(4) Meet all other requirements established under rules 160
adopted by the board for the license. 161

(E) An emergency medical service organization that applies 162
for a license as a basic life-support, intermediate life- 163
support, advanced life-support, or mobile intensive care unit 164
organization; a nonemergency medical service organization that 165
applies for a license to provide ambulette service; or an air 166
medical service organization that applies for a license to 167
provide air medical transportation shall submit a completed 168
application to the board, on a form provided by the board for 169
each particular license, together with the appropriate fees 170
established under section 4766.05 of the Revised Code. The 171
application form shall include all of the following: 172

(1) The name and business address of the operator of the 173
organization for which licensure is sought; 174

(2) The name under which the applicant will operate the 175
organization; 176

(3) A list of the names and addresses of all officers and 177
directors of the organization; 178

(4) For emergency medical service organizations and 179
nonemergency medical service organizations, a description of 180
each vehicle to be used, including the make, model, year of 181
manufacture, mileage, vehicle identification number, and the 182
color scheme, insignia, name, monogram, or other distinguishing 183
characteristics to be used to designate the applicant's vehicle; 184

(5) For air medical service organizations using fixed wing 185
air ambulances, a description of each aircraft to be used, 186
including the make, model, year of manufacture, and aircraft 187

hours on airframe; 188

(6) For air medical service organizations using rotorcraft 189
air ambulances, a description of each aircraft to be used, 190
including the make, model, year of manufacture, aircraft hours 191
on airframe, aircraft identification number, and the color 192
scheme, insignia, name, monogram, or other distinguishing 193
characteristics to be used to designate the applicant's 194
rotorcraft air ambulance; 195

(7) The location and description of each place from which 196
the organization will operate; 197

(8) A description of the geographic area to be served by 198
the applicant; 199

(9) Any other information the board, by rule, determines 200
necessary. 201

(F) Within sixty days after receiving a completed 202
application for licensure as a basic life-support, intermediate 203
life-support, advanced life-support, or mobile intensive care 204
unit organization; an ambulette service; or an air medical 205
service organization, the board shall approve or deny the 206
application. The board shall deny an application if it 207
determines that the applicant does not meet the requirements of 208
this chapter or any rules adopted under it. The board shall send 209
notice of the denial of an application by certified mail to the 210
applicant. The applicant may request a hearing within ten days 211
after receipt of the notice. If the board receives a timely 212
request, it shall hold a hearing in accordance with Chapter 119. 213
of the Revised Code. 214

(G) If an applicant or licensee operates or plans to 215
operate an organization in more than one location under the same 216

or different identities, the applicant or licensee shall apply 217
for and meet all requirements for licensure or renewal of a 218
license, other than payment of a license fee or renewal fee, for 219
operating the organization at each separate location. An 220
applicant or licensee that operates or plans to operate under 221
the same organization identity in separate locations shall pay 222
only a single license fee. 223

(H) An emergency medical service organization that wishes 224
to provide ambulette services to the public must apply for a 225
separate license under division (C) of this section. 226

(I) Each license issued under this section and each permit 227
issued under section 4766.07 of the Revised Code expires one 228
year after the date of issuance and may be renewed in accordance 229
with the standard renewal procedures of Chapter 4745. of the 230
Revised Code. An application for renewal shall include the 231
license or permit renewal fee established under section 4766.05 232
of the Revised Code. An applicant for renewal of a permit also 233
shall submit to the board proof of an annual inspection of the 234
vehicle or aircraft for which permit renewal is sought. The 235
board shall renew a license if the applicant meets the 236
requirements for licensure and shall renew a permit if the 237
applicant and vehicle or aircraft meet the requirements to 238
maintain a permit for that vehicle or aircraft. 239

(J) Each licensee shall maintain accurate records of all 240
service responses conducted. The records shall be maintained on 241
forms prescribed by the board and shall contain information as 242
specified by rule by the board. 243

Sec. 4766.09. This chapter does not apply to any of the 244
following: 245

(A) A person rendering services with an ambulance in the 246
event of a disaster situation when licensees' vehicles based in 247
the locality of the disaster situation are incapacitated or 248
insufficient in number to render the services needed; 249

(B) Any person operating an ambulance, ambulette, 250
rotorcraft air ambulance, or fixed wing air ambulance outside 251
this state unless receiving a person within this state for 252
transport to a location within this state; 253

(C) A publicly owned or operated emergency medical service 254
organization and the vehicles it owns or leases and operates, 255
except as provided in section 307.051, division (G) of section 256
307.055, division (F) of section 505.37, division (B) of section 257
505.375, and division (B) (3) of section 505.72 of the Revised 258
Code; 259

(D) An ambulance, ambulette, rotorcraft air ambulance, 260
fixed wing air ambulance, or nontransport vehicle owned or 261
leased and operated by the federal government; 262

(E) A publicly owned and operated fire department vehicle; 263

(F) Emergency vehicles owned by a corporation and 264
operating only on the corporation's premises, for the sole use 265
by that corporation; 266

(G) An ambulance, nontransport vehicle, or other emergency 267
medical service organization vehicle owned and operated by a 268
municipal corporation; 269

(H) A motor vehicle titled in the name of a volunteer 270
rescue service organization, as defined in section 4503.172 of 271
the Revised Code; 272

(I) A public emergency medical service organization; 273

(J) A fire department, rescue squad, or life squad 274
comprised of volunteers who provide services without expectation 275
of remuneration and do not receive payment for services other 276
than reimbursement for expenses; 277

(K) A private, nonprofit emergency medical service 278
organization when fifty per cent or more of its personnel are 279
volunteers, as defined in section 4765.01 of the Revised Code; 280

(L) Emergency medical service personnel who are regulated 281
by the state board of emergency medical, fire, and 282
transportation services under Chapter 4765. of the Revised Code; 283

(M) Any of the following that operates a transit bus, as 284
that term is defined in division (Q) of section 5735.01 of the 285
Revised Code, unless the entity provides ambulette services that 286
are reimbursed under the state medicaid plan: 287

(1) A public nonemergency medical service organization; 288

(2) An urban or rural public transit system; 289

(3) A private nonprofit organization that receives grants 290
under section 5501.07 of the Revised Code. 291

(N) (1) An entity, to the extent it provides ambulette 292
services, if the entity meets all of the following conditions: 293

(a) The entity is certified by the department of aging or 294
the department's designee in accordance with section 173.391 of 295
the Revised Code or operates under a contract or grant agreement 296
with the department or the department's designee in accordance 297
with section 173.392 of the Revised Code. 298

(b) The entity meets the requirements of section 4766.14 299
of the Revised Code. 300

(c) The entity does not provide ambulette services that 301
are reimbursed under the state medicaid plan. 302

(2) A vehicle, to the extent it is used to provide 303
ambulette services, if the vehicle meets both of the following 304
conditions: 305

(a) The vehicle is owned by an entity that meets the 306
conditions specified in division (N)(1) of this section. 307

(b) The vehicle does not provide ambulette services that 308
are reimbursed under the state medicaid plan. 309

(O) A vehicle that meets both of the following criteria, 310
unless the vehicle provides services that are reimbursed under 311
the state medicaid plan: 312

(1) The vehicle was purchased with funds from a grant made 313
by the United States secretary of transportation under 49 U.S.C. 314
5310; 315

(2) The department of transportation holds a lien on the 316
vehicle. 317

(P) Any of the following that is transporting a patient as 318
defined in division (R)(2) of section 4766.01 of the Revised 319
Code: 320

(1) A taxicab or other similar vehicle for hire; 321

(2) A vehicle owned or operated by a transportation 322
network company or transportation network company driver, as 323
defined in section 3942.01 of the Revised Code. 324

Section 2. That existing sections 4766.01, 4766.04, and 325
4766.09 of the Revised Code are hereby repealed. 326