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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 28\*  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 28's Fiscal Note](#)

**Version:** As Reported by House Health

**Primary Sponsor:** Rep. Wiggam

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### SUMMARY

- Requires a stretcher van organization to obtain a license from the State Board of Emergency Medical, Fire, and Transportation Services before providing nonemergency transportation services to individuals on a stretcher.
- Establishes requirements on the provision of stretcher van services, including by requiring a stretcher van organization to offer to assist the individual onto and off a stretcher and with entering or exiting the stretcher van, individual's place of residence, or location to which the individual is being transported and, if accepted, to provide such assistance.
- Requires a stretcher van organization licensed to provide nonemergency transportation services to possess a permit for each stretcher van owned or leased by the organization.
- Requires the Board to include data regarding stretcher van organization services and stretcher vans in its annual report submitted to the Governor and General Assembly.
- Modifies certain licensing procedures used by the Board for other medical transportation services, including provisions that require separate licenses and fees for organizations that operate in multiple locations.

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\* This analysis was prepared before the report of the House Health Committee appeared in the House Journal. Note that the legislative history may be incomplete.

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May 31, 2022

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## DETAILED ANALYSIS

### License to provide stretcher van services

#### License requirement

The bill establishes a licensing mechanism for the regulation of nonemergency transportation services that are provided by stretcher van organizations to individuals on a stretcher. This mechanism is to be administered by the State Board of Emergency Medical, Fire, and Transportation Services in the same manner that it regulates other medical transportation services and vehicles, such as ambulances and ambulettes.<sup>1</sup>

#### Stretcher vans and stretcher van organizations

The bill defines “stretcher van” as a motor vehicle specifically designed and equipped to provide nonemergency transportation to individuals on a stretcher.<sup>2</sup>

It also defines “stretcher van organization” as a person that does both of the following:

- Provides services to the public on a regular basis for the purpose of transporting individuals who require the use of a stretcher to receive health care services in nonemergency situations;
- Provides the services for a fee, regardless of whether the fee is paid by the person being transported, a third-party payer, or another person or government entity.<sup>3</sup>

#### Stretcher van activities not subject to licensure

Under the bill, a health care facility and hospice care program that provides transportation services with stretcher vans only to their patients are excluded from the bill’s stretcher van organization definition and, accordingly, are exempt from its licensing requirements, so long as the facility or program, before transporting a patient using a stretcher van, notifies and obtains the consent of the patient or patient’s guardian or attorney in fact under a durable power of attorney.

In addition to the exemptions available to certain health care facilities and hospice care programs, the bill specifies that its licensing requirements do not apply to the following:

- Any person operating a stretcher van outside of Ohio;
- A stretcher van owned or leased and operated by the federal government.<sup>4</sup>

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<sup>1</sup> R.C. Chapter 4766.

<sup>2</sup> R.C. 4766.01(Y).

<sup>3</sup> R.C. 4766.01(Z).

<sup>4</sup> R.C. 4766.09(B) and (D).

### **Individuals served by stretcher van organizations**

Under the bill, a stretcher van organization may use a stretcher van to provide transportation to the following:

- An individual who needs transportation to or from a nonemergency medical appointment or service, including transportation that originates or concludes at the individual's place of residence;
- An individual who is convalescent or otherwise nonambulatory;
- An individual who is medically stable and does not require ongoing medical monitoring, medical aid, medical care, or medical treatment during transport or as a condition of being transported.<sup>5</sup>

### **Provision of stretcher van services – requirements and limitations**

The bill requires a stretcher van organization to do all of the following when providing transportation to any of the foregoing individuals:

- Allow at least one other individual, which may include a family member or caregiver, to remain in the stretcher van during the period of transport in order to provide support, assistance, and comfort to the individual in need of transport;
- Offer to assist the individual onto and off a stretcher and with entering or exiting the stretcher van, individual's place of residence, or location to which the individual is being transported and, if the offer is accepted, provide such assistance;
- As soon as practicable, request assistance from an emergency medical service organization or transport the individual to the nearest hospital in the event the individual's medical condition changes during transport and requires medical care.<sup>6</sup>

The bill prohibits the stretcher van organization from administering oxygen when transporting an individual. It specifies, however, that the individual or individual's family member or caregiver may administer oxygen that is supplied by the individual.

### **Training in the use of stretchers**

The bill requires each stretcher van organization to train its personnel in the use of stretchers.<sup>7</sup>

### **Penalty for unlicensed activity**

Under the bill, generally, a person or government entity is prohibited from engaging in or professing to engage in the business or service of providing nonemergency medical

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<sup>5</sup> R.C. 4766.18.

<sup>6</sup> R.C. 4766.18.

<sup>7</sup> R.C. 4766.18.

transportation services to an individual who requires the use of a stretcher and is not experiencing a medical emergency without a license.<sup>8</sup> Violators are guilty of a minor misdemeanor on a first offense, while subsequent offenses result in a fourth degree misdemeanor.<sup>9</sup>

### **Eligibility for a license**

In order to qualify for a license to provide stretcher van services, a stretcher van organization must do all of the following:

- Apply for a permit for each stretcher van owned or leased by the stretcher van organization (see “**Van permit requirement**”);
- Maintain the appropriate amount and type of insurance (see “**Insurance**”);
- Meet all requirements established in rules adopted by the Board, including requirements that pertain to equipment, communication systems, staffing, and types of permitted services (see “**Rulemaking**”).<sup>10</sup>

### **Applying for a license**

A stretcher van organization seeking to provide services with a stretcher van must submit an application to the Board. The application process is the same used under current law for the licensure of other medical transportation service providers. As a result, the application must include the following information:<sup>11</sup>

- The name and business address of the stretcher van organization for which licensure is sought;
- The name under which the applicant will operate the stretcher van organization;
- A list of the names and addresses of all officers and directors of the stretcher van organization;
- A description of each vehicle to be used to provide stretcher van transport services, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant’s vehicle;
- The location and description of each place from which the stretcher van organization will operate;
- A description of the geographic area to be served by the applicant; and

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<sup>8</sup> R.C. 4766.04(A)(3).

<sup>9</sup> R.C. 4766.04(A)(3); R.C. 4766.99, not in the bill.

<sup>10</sup> R.C. 4766.04(E).

<sup>11</sup> R.C. 4766.04(F).

- Any other information the Board determines by rule is necessary.

### **Van permit requirement**

The bill requires every stretcher van organization licensed to provide stretcher van transport services to possess a permit from the Board for each of the stretcher vans the organization owns or leases.<sup>12</sup>

### **Applying for a permit**

To receive a permit for a stretcher van, a stretcher van organization must submit an application to the Board. As with the application process used for licensure, the application process used for stretcher van permits is the same as the process used for other medical transportation vehicle permits. Accordingly, the application must include the following:<sup>13</sup>

- Documentation that the stretcher van has been inspected (see “**Inspection of vehicles and aircraft**”);
- Documentation that the permit applicant maintains insurance for the stretcher van (see “**Insurance**”);
- Documentation that the stretcher van meets appropriate standards set by the Board and any other requirements established by Board rules (see “**Rulemaking**”).

### **Fees**

The bill requires fees to be paid for issuance and renewal of licenses and permits for stretcher van organizations and stretcher vans. The Board must adopt rules establishing the amount of the fees, taking into account the Board’s actual costs. The bill limits the amount of the fees in a manner that corresponds to the limits that apply under current law to the Board’s regulation of other medical transportation services and vehicles. As such, the maximum fees are as follows:<sup>14</sup>

- For each license and renewal, not more than \$100.
- For each permit and renewal, not more than \$100.

Although the fee amounts are limited, the bill also permits the Board, with approval of the Controlling Board, to establish fees that exceed the specified maximum amounts. In doing so, the fees cannot exceed the maximum amounts by more than 50%.<sup>15</sup>

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<sup>12</sup> R.C. 4766.07.

<sup>13</sup> R.C. 4766.07(A).

<sup>14</sup> R.C. 4766.05(A).

<sup>15</sup> R.C. 4766.05(C).

## Insurance

As a condition of receiving a license to provide stretcher van services and a permit for a stretcher van, a stretcher van organization must provide the Board with adequate evidence of (1) liability insurance and (2) bodily injury and property damage insurance. The coverage requirements are the same as those that apply under current law to organizations that are licensed to use ambulances and ambulettes.

Specifically, a stretcher van organization's liability insurance must cover at least \$500,000 per occurrence and at least \$500,000 in the aggregate. It must cover any cause for which the stretcher van organization may be liable.<sup>16</sup> A stretcher van organization's bodily injury and property damage insurance must cover each stretcher van used by the organization and must cover at least the following amounts: \$100,000 for bodily injury or death to one person; \$300,000 for bodily injury or death to more than one person; and \$50,000 for damage to property arising from any one accident.<sup>17</sup>

## Rulemaking

The bill requires the Board to adopt rules governing stretcher van organizations licensed to provide stretcher van services and rules governing stretcher vans. The rules, which are to be adopted in accordance with the Administrative Procedure Act, must include the following:<sup>18</sup>

- Requirements for a stretcher van organization to receive a license;
- Requirements for a stretcher van organization to receive a permit for a stretcher van;
- Fee amounts for the inspection of stretcher vans;
- Requirements for the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff a stretcher van;
- The types of services that may be provided by a stretcher van organization;
- Any other rules the Board determines necessary.

## Annual reporting

As part of the annual report that current law requires to be submitted to the Governor and the General Assembly regarding the Board's regulation of medical transportation services, the bill requires the Board to include information on stretcher van organizations. The information reported must include the number of stretcher van organization licenses and

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<sup>16</sup> R.C. 4766.06(A)(1).

<sup>17</sup> R.C. 4766.06(B).

<sup>18</sup> R.C. 4766.03(A).

stretcher van permits issued during a fiscal year, the fees that are collected, the number of inspections conducted, and the disciplinary and other enforcement actions taken.<sup>19</sup>

### **Extension of other licensure and enforcement provisions**

In addition to the procedures described above, the bill extends to stretcher van organizations and stretcher vans all of the following provisions that apply under existing law to the Board's regulation of other medical transportation services and vehicles:

- An annual renewal period, application process, and fee for each stretcher van organization license and stretcher van permit;<sup>20</sup>
- A requirement that the license holder maintain accurate records of all service responses conducted;<sup>21</sup>
- A decal issued for display in the rear window of each stretcher van that receives a permit;<sup>22</sup>
- The Board's authority to investigate alleged violations and complaints of alleged violations, including the authority to issue subpoenas and apply for injunctions;<sup>23</sup>
- The Board's authority to suspend or revoke a license or permit for violating statutory or administrative requirements or for other specified causes;<sup>24</sup>
- The Board's authority to suspend a license without a prior hearing when the license holder presents a danger of immediate and serious harm to the public, and the Board's duty to immediately suspend a license if the license holder is convicted or otherwise found guilty of human trafficking;<sup>25</sup>
- The Board's authority to impose an additional penalty of up to \$1,500 for any violation that may be a cause for suspension or revocation of a license or permit.<sup>26</sup>

### **Extension of driver eligibility requirements**

The bill extends to each stretcher van driver the current law eligibility requirements for employment as an ambulette driver, including criminal records checks, motor vehicle law

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<sup>19</sup> R.C. 4766.22.

<sup>20</sup> R.C. 4766.04(J).

<sup>21</sup> R.C. 4766.04(K).

<sup>22</sup> R.C. 4766.07(B)(2).

<sup>23</sup> R.C. 4766.11(A), not in the bill.

<sup>24</sup> R.C. 4766.08(A), (B), and (C).

<sup>25</sup> R.C. 4766.11(B) and 4766.23, neither in the bill.

<sup>26</sup> R.C. 4766.08(D).

violation checks, training in first aid and cardiopulmonary resuscitation, and alcohol and drug testing.<sup>27</sup>

### **Licensure by endorsement**

The bill extends to the Board authority to issue a license or stretcher van permit to a stretcher van organization regulated by another state, just as the Board is authorized to do under current law for an emergency medical service organization or nonemergency medical service organization regulated by another state. To qualify for a license or permit by endorsement, an organization must submit evidence satisfactory to the Board that it has met the standards in another state that are equal to or more stringent than the standards under Ohio law.<sup>28</sup>

### **Regulation of medical transportation vehicles and aircraft**

As discussed in part above, the Board currently regulates medical transportation services and vehicles. A number of exemptions apply, including exemptions for services rendered by various public entities, although certain local governments may choose to have their services licensed by the Board.<sup>29</sup> Of the entities that are licensed, the Board regulates the following:<sup>30</sup>

- Emergency medical service organizations and their ambulances and nontransport vehicles, which are used in conjunction with ambulances;
- Air medical service organizations and their rotorcraft air ambulances or fixed wing air ambulances;
- Nonemergency medical service organizations and their ambulettes, which are used to transport persons using wheelchairs and other mobility aids.

### **Processing of applications**

The bill eliminates the 60-day deadline that the Board must meet under current law for approving or denying an application for a license to provide medical transportation services or a permit for a vehicle or aircraft. Instead, the bill requires the Board to review all applications received and to issue licenses and permits to qualified applicants, but no deadline is specified.<sup>31</sup>

If an application is denied, the bill requires the Board to act in accordance with the Administrative Procedure Act, which generally grants an opportunity for a hearing when an

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<sup>27</sup> R.C. 4766.03 and 4766.15.

<sup>28</sup> R.C. 4766.13.

<sup>29</sup> R.C. 4766.09 and 4766.12, not in the bill.

<sup>30</sup> R.C. 4766.01 and 4766.04.

<sup>31</sup> R.C. 4766.04(G) and 4766.07(B)(1).

agency refuses to issue a license.<sup>32</sup> This general requirement replaces specific procedures described in current law under which the Board must send a notice of the denial by certified mail and hold hearing if it is requested within ten days.<sup>33</sup>

### **Operating in multiple locations**

The bill eliminates a provision under which a single license fee is charged by the Board for all licenses when an applicant or license holder is or will be operating as a medical transportation services provider under the same identity in separate locations. As under current law, the bill requires a separate license for each location.

The bill extends the separate licensing requirement to circumstances when an organization is or will be operating in more than one satellite location. The bill does not further describe the meaning of a satellite location.

Regarding an organization that operates in multiple locations under different identities, the bill specifies that the separate licensing requirement applies only when the organization operates under different identities with the same tax identification number. When operating in this manner, the applicant or license holder must identify all identities that are connected to a permitted vehicle or aircraft.<sup>34</sup>

### **Inspection of vehicles and aircraft**

Before an application for a permit for a medical transportation vehicle may be approved, the applicant must submit the vehicle or aircraft to the Board for inspection. The bill makes the following changes regarding the Board's inspection procedures and, as appropriate, applies the provisions to stretcher vans:<sup>35</sup>

- Specifies that the Board's physical inspection of an ambulance's medical equipment, communication system, and interior, as well as its inspection of a stretcher van, is to determine the vehicle's operational condition and safety;
- Specifies that the Board's inspection of an ambulance, as well as a stretcher van, may be conducted to determine compliance with a national standard for construction approved by the American National Standards Institute, in effect at the time the vehicle was constructed;
- Eliminates a provision specifying that the inspection of an ambulance is to determine whether it is in compliance with state requirements for ambulance construction, but maintains the Board's duty to determine ambulance requirements by rule;

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<sup>32</sup> R.C. 119.06, not in the bill.

<sup>33</sup> R.C. 4766.04(G) and 4766.07(B)(1).

<sup>34</sup> R.C. 4766.04(H)(2).

<sup>35</sup> R.C. 4766.07(B)(3) and (C).

- Eliminates a provision specifying the exact location where an aircraft must display the Board's decal after it issues a permit for the aircraft.

### Technical correction

The bill removes an obsolete reference to the Ohio Medical Transportation Board and replaces it with a reference to the State Board of Emergency Medical, Fire, and Transportation Services.<sup>36</sup>

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## HISTORY

Action	Date
Introduced	02-03-21
Reported, H. Health	---

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ANHB0028RH-134/ec

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<sup>36</sup> R.C. 4766.23.