



Ohio Legislative Service Commission

Bill Analysis

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H.B. 365

131st General Assembly
(As Introduced)

Reps. Kuhns and Romanchuk, Hambley, Howse, Lepore-Hagan, M. O'Brien, Reece, Antonio

BILL SUMMARY

- Replaces the ambulette licensure requirement that applies to a nonemergency medical service organization that transports persons who require use of a wheelchair with a licensure requirement that applies only if transporting persons who are medically fragile and may use a wheelchair or other mobility aid.
- Specifies that a person is medically fragile if (1) the person is chronically dependent on the care of a skilled health care provider or specially trained person, as well as the availability of skilled health care supervision, and (2) the person may suffer death or irreversible damage if services are interrupted and immediate health care intervention is not received.
- Makes other changes to the laws governing the licensure of certain organizations by the State Board of Emergency Medical, Fire, and Transportation Services.

CONTENT AND OPERATION

Licensure of ambulette services

The State Board of Emergency Medical, Fire, and Transportation Services currently licenses certain providers of ambulette services.¹ The ambulette service licensing requirement generally applies to a nonemergency medical service organization that (1) provides services to the public on a regular basis for the purpose of transporting individuals who require the use of a wheelchair or are confined to a wheelchair and (2) provides the services for a fee, regardless of the payment source (see

¹ R.C. 4766.01 and 4766.04.

"**Exemptions**," below). "Ambulette" is described as a vehicle used to transport persons who require use of a wheelchair.²

Licensure based on transport of persons who are medically fragile

The bill modifies the ambulette service licensing requirement by limiting it to nonemergency medical service organizations that provide services only for the purpose of transporting individuals who are medically fragile and may use a wheelchair or other mobility aid. Corresponding changes are made in the description of a vehicle that is used as an ambulette.³

The bill defines "medically fragile" as meaning that a person's medical condition is such that both of the following apply:

(1) At all times the person is chronically dependent upon the care of a skilled health care provider or a specially trained family or foster family member, as well as the ready availability of skilled health care supervision.

(2) If the technology, support, and services the person receives are interrupted or denied and the person does not receive immediate intervention by a trained health care provider, the person's medical condition may be irreversibly damaged or the person may die.⁴

Ambulette permits

As a result of the ambulette licensure limitations described above, the existing law requirement that a nonemergency medical service organization obtain a permit from the Board for each of its vehicles operated as an ambulette applies only if the vehicle is used to transport individuals who are medically fragile and may use a wheelchair or other mobility aid.⁵ Obtaining an ambulette permit from the Board involves paying a fee, undergoing inspections, and meeting requirements pertaining to equipment, communication systems, staffing, and accident insurance.⁶

² R.C. 4766.01.

³ R.C. 4766.01(E) and (Q).

⁴ R.C. 4766.01(O).

⁵ R.C. 4766.01(E) and 4766.04(C).

⁶ R.C. 4766.05, 4766.06, and 4766.07, not in the bill.

Board licensure generally

In addition to licensing nonemergency medical service organizations to provide ambulette services, the Board currently licenses (1) emergency medical service organizations that provide basic life-support, intermediate life-support, advanced life-support, or mobile intensive care and (2) air medical service organizations that provide air medical transportation. The existing prohibition on operating without a license from the Board applies to any person engaged in the business or service of transporting those who are seriously ill, injured, or otherwise incapacitated.⁷

Under current law, the prohibition on operating without a license from the Board extends to entities that transport persons who require the use of a wheelchair or are confined to a wheelchair. The bill, instead, extends the prohibition to entities that transport persons who are medically fragile, as described above.⁸

Patients served by licensees

Under current law, the term "patient" is defined and used as part of the definitions of "nonemergency medical service organization," "air medical transportation," and "mobile intensive care unit." Under the bill, the definition of "patient" no longer includes an individual whose physical condition requires the use of a wheelchair.⁹

Exemptions

Under law unchanged by the bill, certain entities are not required to be licensed by the Board to engage in the transportation activities that otherwise would require licensure. These entities include the following:

- (1) A health care facility that provides ambulette services only to patients of that facility;
- (2) A publicly owned or operated emergency medical service organization and the vehicles it owns or leases and operates;
- (3) A publicly owned and operated fire department vehicle;

⁷ R.C. 4766.04(A).

⁸ R.C. 4766.01(O) and 4766.04.

⁹ R.C. 4766.01(S).

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

(5) A motor vehicle titled in the name of a volunteer rescue organization;

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

(7) A private, nonprofit emergency medical service organization when 50% or more of its personnel are volunteers;

(8) Certain transit bus operators, unless the operator provides ambulette services that are reimbursed under the state Medicaid plan;

(9) Certain entities or vehicles, to the extent ambulette services are provided, if the entity or vehicle does not provide ambulette services that are reimbursed under the state Medicaid plan.¹⁰

Although not required to be licensed under existing law, a county, township, joint ambulance district, or joint emergency medical services district may choose to have the Board license its emergency medical service organizations and issue permits for its vehicles.¹¹

HISTORY

ACTION	DATE
Introduced	10-13-15

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¹⁰ R.C. 4766.01(O)(2) and 4766.09, not in the bill.

¹¹ R.C. 4766.12, not in the bill.

