



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 195*

132nd General Assembly

(As Reported by S. Transportation, Commerce and Workforce)

Reps. Ingram and Seitz, 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, R. Smith, Sprague, Sweeney, Sykes, Thompson, Young

BILL SUMMARY

- Clarifies current law regarding both of the following:
 - When a person is required to be licensed by the State Board of Emergency Medical, Fire, and Transportation Services to provide emergency medical transportation to an individual experiencing a medical emergency; and
 - When a person is required to be licensed by the Board to provide nonemergency medical transportation to an individual who requires a wheelchair or other mobility aid, but who is not experiencing a medical emergency.
- Specifies that licensure is required to engage in the business or service of providing nonemergency medical transportation to an individual who requires the use of a wheelchair or other mobility aid only with regard to transportation between certain specified locations.

* This analysis was prepared before the report of the Senate Transportation, Commerce and Workforce Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Licensure of emergency and nonemergency medical transport vehicles

Background

Under current law, the State Board of Emergency Medical, Fire, and Transportation Services currently licenses (1) nonemergency medical service organizations that provide ambulette¹ services, (2) emergency medical service organizations that provide basic life-support, intermediate life-support, advanced life-support, or mobile intensive care, and (3) air medical service organizations that provide air medical transportation. A person is prohibited from furnishing, operating, conducting, maintaining, advertising, engaging in or claiming to engage in the business or service of transporting persons who are seriously ill, injured, or otherwise incapacitated or those who require the use of a wheelchair or are confined to a wheelchair unless the person is licensed by the Board.²

In operation, the services provided and the licenses obtained by each of the three types of organizations are distinct and do not allow one organization to provide the same services as either of the other organizations without obtaining a separate license. However, the law as written does not clearly express these distinctions. Thus, it is unclear that a nonemergency medical service organization may not use an ambulette to transport a person who is seriously ill or injured. Likewise, it is unclear that an emergency medical service organization may not use an ambulance to transport a person who requires the use of a wheelchair in nonemergency circumstances.³

Emergency vs. nonemergency medical transportation

The bill clarifies the distinction between the organizations by specifying that:

(1) Unless a person is an emergency medical service organization or an air medical service organization licensed by the Board, the person cannot engage in or claim to engage in the business or service of providing *emergency* medical transportation to an individual who is experiencing a medical emergency;⁴ and

¹ "Ambulette" is described as a vehicle used to transport persons who require use of a wheelchair (or mobility aid as amended by the bill). R.C. 4766.01(E).

² R.C. 4766.04(A).

³ R.C. 4766.04(A) and (H).

⁴ R.C. 4766.04(A)(1). "Medical emergency" is defined as "an unforeseen event affecting an individual in such a manner that a need for immediate care is created." R.C. 4766.01(P).



(2) Unless a person is a nonemergency medical service organization licensed by the Board, the person cannot engage in or claim to engage in the business or service of providing *nonemergency* medical transportation to an individual who:

- Requires the use of a wheelchair or other mobility aid;
- Is not experiencing a medical emergency; and
- Is being transported between specified locations (see "**Locations requiring licensure**" below).⁵

Both current law and the bill provide certain exemptions to the general licensure requirements (see "**Exemptions**" below).

Locations requiring licensure

As indicated above, the bill requires a person to be licensed as a nonemergency medical service organization in order to engage in the business of providing nonemergency medical transportation to an individual who requires the use of a wheelchair or other mobility aid between specified locations. Such locations include all of the following:

- (a) A hospital;
- (b) An emergency department;
- (c) A dialysis center;
- (d) A long-term care facility, including a nursing home;
- (e) A surgical facility;
- (f) An inpatient rehabilitation facility;
- (g) A memory care center;
- (h) A health care practitioner's office; and
- (i) Any other licensed inpatient facility.⁶

⁵ R.C. 4766.04(A)(2). The concept of "mobility aid" is an expansion of current law that presently applies its provisions to individuals who require the use of a wheelchair or who are confined to a wheelchair. See R.C. 4766.01(E), (R)(1)(a), and (T) and 4766.04(A)(2).

⁶ R.C. 4766.04(A)(2).



Thus, for example, a license is required if the transportation of the individual is between a hospital and a long-term care facility. On the other hand, a license is not required if the transportation is between the individual's personal residence and any of the locations listed above. Additionally, licensure is not required if an individual is being transported by a family member or friend, even between two of the above locations, provided that the family member or friend is not engaged in or does not claim to be engaged in the business or service of providing nonemergency medical transportation.

Exemptions

The bill specifies that taxicabs, vehicles providing transportation network company services operated by a transportation network company driver (for example, Uber), and vehicles providing transportation services for a private adult day habilitation services company are not required to obtain a license from the Board. However, the bill also specifies that entities operating such vehicles still must obtain a license if the vehicles are transporting a person experiencing a medical emergency or if they are transporting a person who requires a wheelchair or other mobility aid between the locations specified above.⁷ Thus, although this provision of the bill appears to operate as an exemption, it does not appear to have any substantive effect.

Existing 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;
- (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;

⁷ R.C. 4766.09(P) and (Q).



(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.⁸

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.⁹

HISTORY

ACTION	DATE
Introduced	05-01-17
Reported, H. Transportation & Public Safety	05-25-17
Passed House (94-0)	06-21-17
Reported, S. Transportation, Commerce & Workforce	---

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⁸ R.C. 4766.01(R)(2) and 4766.09.

⁹ R.C. 4766.12, not in the bill.

