

OHIO AMBULANCE LICENSING BOARD

Rule Making Process

And

Public Participation



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INTRODUCTION

This guide is published to assist licensed ambulance services and the general public in understanding how rules are adopted by the Ohio Ambulance Licensing Board (Board). It provides highlights only and is not intended to be an in-depth review of the rule making process. Rules, if adopted in accordance with Ohio's Administrative Procedures Act (Chapter 119. of the Revised Code), have the force and effect of law. Therefore, rules of the Board are important to every licensed service. While the process of rule adoption may seem complex at times, it is designed to offer adequate opportunity for the public to provide input to the Board regarding the content of any rule being considered. How to take full advantage of the opportunities for public participation is the focus of this publication. If you have questions after reading this material, contact the Board at 614/466-9451.

MISSION STATEMENT

The mission of the Ohio Ambulance Licensing Board is to ensure through inspection and licensure that all private ambulances are roadworthy, properly equipped, and properly staffed in order to provide safe medical transportation for the citizens of Ohio.

The Board is an agency created by statute and charged with the responsibility of administering and enforcing Chapter 4766. of the Revised Code which is the law regulating the licensing of private ambulance services. The primary purpose of the law is to serve as a

safeguard for the health, welfare and safety of the public and to protect the public against unqualified private services. The six members of the Board are appointed by the governor with the consent of the senate to serve a term of two years. The Board employs a full-time executive director and a support staff to assist in implementing the various functions of the Board that are mandated by law.

RULE MAKING AUTHORITY

By law, the Board is authorized to promulgate (adopt, amend, and rescind) all rules necessary to carry out the provisions of Chapter 4766. of the Revised Code.

All rules of the Board can be found in Chapter 4766. of the Administrative Code.

RULE REVIEW PROCESS

In accordance with Ohio law, the Board is required to review at least once every five years each of its rules. As a result of the review the Board determines whether a particular rule should be unchanged, revised, or rescinded in light of the purpose, scope, and intent of the statute under which the rule was adopted. Factors the Board considers when reviewing the rules include whether the rule should be amended or rescinded to allow more flexibility; to eliminate unnecessary paperwork; or to avoid duplication, overlap, or conflict with other rules. In making the review the Board considers the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the

rule. In addition to the regular five year review required by law, the Board may consider its other rules to determine what if any modifications may be needed as a result of the enactment of new laws by the General Assembly or changes in private ambulance industry.

Licensees may respond to the issues surrounding particular rules either orally or in writing or may take advantage of the Board's e-mail and send comments to the Board at oaib@dps.state.oh.us

Once the Board has gathered information about the subject matter of the rules under consideration, members decide what course of action they wish to take. A rule may be filed as unchanged or may be submitted for revision or rescission. New rules may also be proposed to address concerns expressed by licensees and consumers. Once rules are filed as required by law, the public has another opportunity to provide input during the Board's public hearing scheduled 31 to 40 days after the rules are filed.

ADOPTING, REVISING, RESCINDING A RULE: THE PROCESS

The law requires the Board to file its proposed rules with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), the Secretary of State, and the Department of Development. Additionally, the Board must make a reasonable effort to inform those affected by the rules of the filing (which generally takes the form of a published and mailed

public notice sent to all licensees and subscribers, and soon will include electronic notification through the Ohio Register). Finally, the Board conducts a public hearing within the time frame required by law.

This public hearing generally held in Columbus offers an opportunity for members of the Board to hear from licensees and others affected by proposed new rules or rule changes. The law requires that all public input be heard by the Board.

The hearing is a formal process presided over by the chair of the Board. A quorum, consisting of three Board members must be present. A court reporter is on hand to record the proceedings. The Board's attorney, an Assistant Attorney General, conducts the hearing, first eliciting testimony from the Board's executive director to determine Board compliance with all of the filing and public notice requirements contained in the law. Once the executive director's testimony is completed, witnesses are called to testify.

Anyone who wishes to present comments or concerns orally to the Board may do so. Six written copies of the oral testimony should be provided if possible to facilitate the Board members' deliberations after the hearing. Board members may ask questions of a witness, may ask a witness to provide additional information, or may place a time limit on a witness's oral remarks to assure that all who wish to testify are heard. Those who intend to testify are asked to complete a witness slip, and witnesses are called to testify in the

order in which the slips are received by the Board. Because the hearing is intended to provide an opportunity for the Board to hear from the public, only the Board members may question a witness.

For those who do not want to provide oral testimony, written remarks may be submitted to the Board by mail, fax or e-mail any time prior to the day of the hearing and up until the hearing record is officially closed, which is usually at the end of the oral testimony. Once all witnesses have been heard, the hearing is adjourned.

The Board then thoroughly considers the testimony it has received, both written and oral, and decides whether to make changes to the rules as proposed. If changes are warranted, the rules must be refiled with JCARR, LSC, and the Secretary of State. The Board is not required to conduct another public hearing when rules are refiled.

Once the Board's public hearing is completed and rules refiled if applicable, JCARR holds its meeting to review the rules under consideration. JCARR is made up of five senators and five members of the house of representatives. The committee's primary function is to review the rules to make certain they (1) do not exceed the scope of the Board's rule making authority, (2) do not conflict with any other law or rule, (3) do not conflict with the intent of the legislature in enacting any relevant statute(s), and (4) that a complete rule summary and fiscal analysis has been completed. The JCARR meeting is the final

opportunity for the public to provide comments about the rules; however, the comments before JCARR should address only those four issues that are within JCARR's jurisdiction. If JCARR believes the rules violate one of these areas, the committee may adopt a motion to invalidate all or a portion of the rules under consideration. A resolution is prepared for a vote of the full House and Senate. If the resolution is passed, the Board would not be able to make any more rules on the subject matter at issue until the next session of the General Assembly.

Assuming the proposed rules are not invalidated, once JCARR jurisdiction expires the Board may take final action on the rules. This action occurs at the first Board meeting after JCARR has completed its review. Rules become effective no sooner than 10 days after being filed in final form.

CONCLUSION

Licensees and the general public are strongly encouraged to provide feedback and comments to the Board throughout the year. Not only do Board members review all correspondence received, but also schedule an Open Forum session during each Board meeting (3rd Tuesday of January, March, May, July, September, and November) which provides an opportunity for the public to express concerns about any topic relevant to the Board's mission.

Approved by the Ohio Ambulance Licensing Board on March 21, 2000.