



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

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### Sub. H.B. 195

132nd General Assembly  
(As Passed by the General Assembly)

- 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
- Sens.** Brown, LaRose, Tavares, Bacon, Balderson, Coley, Dolan, Eklund, Gardner, Hackett, Hoagland, Huffman, Kunze, Lehner, McColley, Obhof, O'Brien, Peterson, Schiavoni, Sykes, Terhar, Thomas, Uecker, Wilson, Yuko

**Effective date:** August 1, 2018

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## ACT SUMMARY

- Clarifies when an entity is required to be licensed by the State Board of Emergency, Medical, Fire, and Transportation Services for either:
  - The provision of emergency medical transportation to an individual; or
  - The provision of nonemergency medical transportation to an individual who requires the use of a wheelchair or other mobility aid.
- With regard to nonemergency medical transportation, requires an entity to be Board-licensed only when transporting an individual who requires the use of a wheelchair or other mobility aid between certain medical locations.

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\* This version updates the effective date.

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## CONTENT AND OPERATION

### Background

The State Board of Emergency Medical, Fire, and Transportation Services licenses the following entities:

(1) Nonemergency medical service organizations ("NMSO") that provide ambulette services (an ambulette is a vehicle used to transport individuals who require the use of a wheelchair or, as added by the act, a mobility aid);

(2) Emergency medical service organizations ("EMSO") that provide basic life-support, intermediate life-support, advanced life-support, or mobile intensive care; and

(3) Air medical service organizations ("AMSO") that provide air-medical transportation.

Unless an entity is Board-licensed, the entity is prohibited from engaging in or claiming to engage in the business or service of transporting individuals who are seriously ill, injured, or otherwise incapacitated, or who require the use of a wheelchair or mobility aide.<sup>1</sup>

In operation, each of the three types of entities provides a different service and obtains a different license – neither the services nor the licenses are interchangeable. That is, one entity may not provide the same service as either of the other entities without obtaining a separate license.

However, former law did not clearly express these distinctions. As a result, it was unclear whether an NMSO could use an ambulette to transport an individual who was seriously ill or injured. Likewise, it was unclear whether an EMSO could use an ambulance to transport an individual who required the use of a wheelchair in nonemergency circumstances.<sup>2</sup>

### Emergency vs. nonemergency medical transportation

The act clarifies the distinction between these entities by specifying that:

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<sup>1</sup> R.C. 4766.01(E) and 4766.04(A).

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



(1) **Only** Board-licensed EMSOs and Board-licensed AMSOs may engage in the business of providing **emergency** medical transportation to an individual who is experiencing a medical emergency;<sup>3</sup> and

(2) **Only** Board-licensed NMSOs may engage in the business of providing **nonemergency** medical transportation to an individual who:

--Is not experiencing a medical emergency;

--Requires the use of a wheelchair or other mobility aid; and

--Is being transported between certain medical locations (discussed below).<sup>4</sup>

### **Medical locations for which licensure is required**

As indicated above, only Board-licensed NMSOs may engage in the business of providing nonemergency medical transportation to an individual – who requires the use of a wheelchair or other mobility aid – between certain medical locations. Under the act, those medical locations are:

(1) A hospital;

(2) An emergency department;

(3) A dialysis center;

(4) A long-term care facility, including a nursing home;

(5) A surgical facility;

(6) An inpatient rehabilitation facility;

(7) A memory care center;

(8) A health-care practitioner's office; and

(9) Any other licensed inpatient facility.<sup>5</sup>

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<sup>3</sup> 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).

<sup>4</sup> R.C. 4766.04(A)(2). The concept of "mobility aid" is an expansion of the former law, which had applied only to individuals who required the use of, or who were confined to, a wheelchair. See R.C. 4766.01(E), (R)(1)(a), and (T) and 4766.04(A)(2).

<sup>5</sup> R.C. 4766.04(A)(2).



Thus, for example, if an entity engages in the business of providing nonemergency medical transportation to an individual – who requires the use of a wheelchair or other mobility aid – between a hospital and a long-term care facility, the entity must be Board licensed. However, a Board license is **not** required if, for instance, the entity provides nonemergency medical transportation to that individual between that individual's personal residence and a hospital.

The act also includes nonsubstantive provisions that clarify that certain entities, such as taxis and Uber-type vehicles, only need to be Board licensed when they provide either:

(1) Emergency medical transportation to an individual; or

(2) Nonemergency medical transportation to an individual – who requires a wheelchair or other mobility aid – between the locations listed above.<sup>6</sup>

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## 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	02-28-18
Passed Senate (33-0)	04-11-18
House concurred in Senate amendments (94-0)	04-11-18

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<sup>6</sup> R.C. 4766.09(P) and (Q).

