State Board of Emergency Medical Services
Rules for Approval ~ December 15, 2010

TO BE APPROVED BY BOARD AND FILED IN JANUARY 2011:

***Instructor Rules* (approved by Rules Committee July 2010)**

Corrections to the following rules need to be made. Rule 4765-18-09 was sent to in-house counsel at the Medical Board to ensure the rule did not contradict the laws and rules of the Medical Board and is approved for filing as written.

4765-18-09 Qualifications for a physician as instructor or an individual holding a certificate of training as a physician

Added language that allows for an individual holding certificate training as a MD or DO to be granted a certificate to teach Continuing education

4765-18-21 Upgrade process for certificate to teach as an assistant EMS instructor to EMS instructor

Added language to clarify an individual must pass the knowledge examination in the preceding three years in order to become an EMS instructor. Additionally, clarified if the individual passed the knowledge examination in order to become certified as an Assistant Instructor, the test is not required again.

***Five Year Rule Review* – 2-13-2011**

Changes are listed below each rule in summary. Those with no changes will be filed as "No Change" rules.

4765-1-01 Definitions *(need to re-do in xml because 8-15 was filed with HB 1 eff 1-1-11)*

Corrected ORC reference to hospital
Added "voluntarily surrendered" to reinstatement definition

4765-8-01 Qualifications for a certificate to practice.
4765-8-02 Application for certificate to practice.
4765-8-03 Notification to board of change of personal information.

Added language to include "valid email address"

4765-8-04 Renewal of certificate to practice.
4765-8-05 Examinations.
4765-8-15 Certification by reciprocity. *(need to re-do in xml because 8-15 was filed with HB 1 eff 1-1-11)*

Added language to include "U.S. territories"
Added $75 application fee

4765-8-16 Application fees for certification.

Added language to include the ability to charge fees for reciprocity

4765-8-17 Voluntary surrender or change in level of certificate to practice.

Removed language "during a certification cycle" for clarification purposes
Updated language about 3 year certification cycle to reflect issued in accordance with 4765-8-06

4765-8-18 Reinstatement of certificate to practice.

Added language to include acceptance of NREMT card and/or state card as applicable

4765-8-19 Reinstatement of revoked or suspended certificate to practice.
4765-9-01 Professional standards of conduct.

Added language to address inappropriate sexual contact with patient while treating the patient
Added language to clarify consumption of alcohol on duty or treat patient while intoxicated

4765-9-02 Professional standards of conduct for holders of certificate to teach.

Added language that certificate to teach issued to person a on a basis RN, PA, MD, or certificate of training—if license is disciplined, revoked or not renewed, shall notify the Division in writing.

4765-10-02 Investigations.

Added language to preclude board member who is involved with case locally from participating in investigation or adjudication of case

4765-10-03 Administrative actions.

(*Note file chapter 10 rules with review date of 12/26/2012 to match entire chapter)*

4765-1-01 **Definitions.**

For the purposes of Chapters 4765-1 to 4765-19 of the Administrative Code, except as otherwise provided, the following definitions shall apply:

(A) "Administrator" or "executive director" means the individual appointed by the director of public safety pursuant to section 4765.03 of the Revised Code to serve as the chief executive officer of the board of emergency medical services and as the executive director of the division of emergency medical services.

(B) "Affiliation agreement" means a written agreement between an EMS training program and any person, as defined in this rule, that sets forth the roles and responsibilities of the parties, is signed by the individuals with contracting authority, and that provides for any of the following:

(1) The use of specified equipment necessary in the training of EMS personnel;

(2) A site for the clinical experience or prehospital internship components of an EMS training program;

(3) The use of a facility not owned or leased by the accredited institution for classroom.

(C) "Annual report" means the written documentation submitted by an EMS accredited or EMS approved institution in a format approved by the board on a yearly basis to demonstrate continued compliance with certain requirements for a certificate of accreditation or certificate of approval.

(D) "Applicant" means any of the following:

(1) An individual that makes application for a certificate to practice issued under section 4765.30 of the Revised Code and Chapter 4765-8 of the Administrative Code;

(2) An individual that makes application for a certificate to teach issued under section 4765.23 of the Revised Code and Chapter 4765-18 of the Administrative Code;

(3) Any public agency, private school, educational institution, emergency medical service organization, vocational school, college, university, or hospital that makes application to hold a certificate of accreditation or certificate of approval issued under section 4765.17 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(E) "Authorizing official" means any person who owns or maintains responsibility on behalf of an individual, corporation, trust, partnership, or an association for the facilities, equipment, instructors, managers and other employees of an EMS accredited institution or EMS approved institution.

(F) "Automated external defibrillation "or "AED" means the process of applying a specialized defibrillator to a patient of cardiac arrest, allowing the defibrillator to interpret the cardiac rhythm and, if appropriate, deliver an electrical shock to the heart that will allow the heart to resume an effective electrical activity. Automated external defibrillation can include either fully-automatic or semi-automatic external defibrillation.

(G) "Board" means the emergency medical services board within the division of emergency medical services of the department of public safety created in section 4765.02 of the Revised Code.

(H) "Certificate of accreditation" means the certificate to operate ~~an~~ one or more EMS training ~~program~~programs issued by the board pursuant to section 4765.17 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(I) "Certificate of approval" means the certificate to operate an EMS continuing education program issued by the board pursuant to section 4765.17 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(J) "Certificate of completion" means a document issued by the EMS accredited ~~Institution~~institution or the EMS approved institution in accordance with section 4765.24 of the Revised Code and Chapters 4765-7 and 4765-18 of the Administrative Code.

(K) "Certificate to practice" means the certificate to practice as a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic issued by the division pursuant to section 4765.30 of the Revised Code and Chapter 4765-8 of the Administrative Code as directed by the board.

(L) "Certificate to teach" means the certificate issued by the board pursuant to section 4765.23 of the Revised Code and Chapter 4765-18 of the Administrative Code allowing an individual to instruct through an EMS accredited institution or an EMS approved institution.

(M) "Clinical experience" means EMS training in a hospital or other clinical setting that allows an EMS student to develop and utilize EMS procedures and protocols in a

supervised setting and leads to an understanding of hospital emergency departments as well as their relationship to other departments such as anesthesia, coronary care, critical care and obstetrics.

(N) "Contact hour" means equal to fifty to sixty minutes of continuing education.

(O) "Continuing education coordinating board for emergency medical services" or "CECBEMS" means the national accrediting body for EMS continuing education courses and providers.

(P) "Continuing education instructor" or "CE instructor" means a person who holds a certificate to teach an EMS continuing education program, issued in accordance with section 4765.23 of the Revised Code and rule 4765-18-15 of the Administrative Code.

(Q) "Cooperating physician advisory board" means those physicians whom an emergency medical service organization has designated pursuant to section 4765.42 of the Revised Code, to perform the duties of medical director including establishing medical protocols that must be followed in the delivery of emergency medical services.

(R) "Distance learning" means an EMS training program or EMS continuing education program which is taught in real-time and is interactive between the student and the entity offering the course. Distance learning education takes place when an instructor and student(s) are separated by physical distance, and technology (i.e. voice, video, data, and print), often in concert with face-to-face communication, is used to bridge the instructional gap.

(S) "The division" means the division of emergency medical services within the department of public safety.

(T) "Drop back" is the process by which an EMT chooses to become certified to practice at a lower level than the one at which the ~~EMS~~EMT is currently certified.

(U) "Educational improvement plan" means the documentation submitted by the EMS accredited institution or EMS approved institution in a format approved by the board, which demonstrates progress toward becoming compliant with the area(s) of deficiency as specified by the board.

(V) "EMS" means emergency medical service as defined in section 4765.01 of the Revised Code.

(W) "EMS accredited institution" or "accredited institution" means any public agency, private school, educational institution, emergency medical service organization, vocational school, college, university, or hospital within Ohio that holds a certificate of accreditation issued under section 4765.17 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(X) "EMS approved institution" or "approved institution" means any public agency, private school, educational institution, emergency medical service organization, vocational school, college, university, or hospital within Ohio that holds a certificate of approval issued under section 4765.17 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(Y) "EMS assistant instructor" means a person who holds a certificate to teach an EMS training program or EMS continuing education program, issued in accordance with section 4765.23 of the Revised Code and rule 4765-18-18 of the Administrative Code. All course instruction and preparation must occur under the mentorship of a certified EMS instructor.

(Z) "EMS continuing education program" means courses related to EMS operation or patient care which, when successfully completed, result in certificates of completion from an approved institution or accredited institution and satisfy all of or a portion of the continuing education requirements in order to renew a certificate.

(AA) "EMS training program" means the collective group of initial EMS courses at each specified certification level which, when successfully completed, results in a certificate of completion from an accredited institution.

(BB) "EMS instructor" means a person who holds a certificate to teach an EMS training program or EMS continuing education program, issued in accordance with section 4765.23 of the Revised Code and rule 4765-18-05 of the Administrative Code.

(CC) "EMS instructor training program" means a EMS training program as outlined in Chapter 4765-18 of the Administrative Code, offered by an accredited institution which, when successfully completed, results in a certificate of completion and prepares students to be instructors in first responder, EMT-basic, EMT-intermediate and EMT-paramedic, or any other type of EMS instruction.

(DD) "EMS instructor trainer" means a person appointed by the accredited institution who has met the requirements as outlined in Chapter 4765-18 of the Administrative Code, and who teaches an EMS instructor training program through an accredited institution.

(EE) "EMT" means emergency medical technician.

(FF) "Good reputation" or "good standing" means:

(1) If the person is an individual, the individual is not the subject of an investigation or disciplinary action by any agency of the federal, state, or local government, and has not been denied a license or certificate or had a license or certificate limited, suspended, or revoked by any public agency or licensing agency.

(2) If the person is not an individual, that it is in compliance with all federal, state, and local regulations that are applicable to its operations, is not currently under investigation by any agency of the federal, state, or local government, has not been denied any necessary licenses or certificates, or had such licenses or certificates limited, suspended, or revoked.

(GG) "Government unit" means the state and any county, municipal corporation, township, or other political subdivision of the state, any department, division, board, or other agency of the state or a political subdivision.

(HH) "Guest lecturer" means a person who does not hold a certificate to teach as an EMS instructor, assistant EMS instructor, continuing education instructor or special topic instructor and provides instruction or assistance in an EMS training program or EMS continuing education program under the auspices of a holder of a certificate to teach.

(II) "Hospital" has the same meaning as in section 3701.07 of the Revised Code.
(check with legal...should be 3727.01)

(JJ) "Independent study" means a self-paced learning EMS continuing education program developed for individual use which, has been approved and is provided by an EMS accredited or EMS approved institution.

(KK) "Knowledge examination" means the written portion of the initial examination, as set forth in rule 4765-8-05 of the Administrative Code.

(LL) "Medical direction" means the written or verbal authorization of a physician or cooperating physician advisory board, designated pursuant to section 4765.42 of the Revised Code, that may be required prior to the performance of certain prehospital emergency medical services by a first responder, EMT-basic, EMT-intermediate, or EMT-paramedic.

(MM) "Moral turpitude" means the act of baseness, vileness, or the depravity in private

and social duties which one owes to society, contrary to accepted and customary rule of right and duty between human beings.

(NN) "Offsite location" means any location within Ohio where an EMS training program or EMS continuing education program is offered in addition to the location that was designated and authorized in the application for a certificate of accreditation or certificate of approval in accordance with Chapter 4765-7 of the Administrative Code.

(OO) "One-half contact hour" means equal to twenty-five to thirty minutes of continuing education.

(PP) "Online education" means EMS training programs or EMS continuing education programs delivered by correspondence, telecommunications, internet and web-based media, or combinations of media, and may include short periods of on-campus attendance.

(QQ) "Person" includes any individual, corporation, business trust, estate, trust, partnership, association, government unit or other entity.

(RR) "Physician assistant" or "PA" means a person who possesses a current and valid certificate to practice under section 4730.08 of the Revised Code.

(SS) "Practical examination" means the practical portion of the initial examination, as set forth in rule 4765-8-05 of the Administrative Code.

(TT) "Preceptor" means a person who supervises EMS students in accordance with section 4765.49 of the Revised Code and evaluates EMS students during clinical or pre-hospital internship required by the EMS training program and who is licensed or certified at a level that meets or exceeds the level of EMS certification for which the person supervises or evaluates.

(UU) "Prehospital internship" means EMS training outside of a classroom or clinical facility that allows an EMS student to develop and utilize EMS procedures and protocols under supervision in a prehospital setting and affords the opportunity to gain an understanding of the nature of prehospital EMS practice and the relationship between it and hospital emergency departments.

(VV) "Program coordinator" or "program director" means the authorizing official or that person designated by the authorizing official of an EMS accredited institution or EMS approved institution to oversee the administration and operation of an EMS training program that applies for, or holds, a certificate of accreditation or

certificate of approval issued by the board under section 4765.17 of the Revised Code.

(WW) "Program medical director" means a physician who is involved in the practice or supervision of emergency medicine in a hospital or prehospital setting and who advises the accredited institution or approved institution regarding the courses taught within an EMS training program or EMS continuing education program as set forth in section 4765.16 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(XX) "Provisional certificate of accreditation" means a conditional certificate of accreditation that is issued by the board to an institution, applying for renewal, which is in substantial compliance with rules 4765-7-02 and 4765-7-07 of the Administrative Code. An institution is issued a provisional certificate of accreditation when infractions are correctable and need attention before a normal certificate of accreditation can be issued.

(YY) "Provisional certificate of approval" means a conditional certificate of approval that is issued by the board to an institution, applying for renewal, which is in substantial compliance with rule 4765-7-09 of the Administrative Code. An institution is issued a provisional certificate of approval when infractions are correctable and need attention before a normal certificate of approval can be issued.

~~(XX)~~(ZZ) "Regional physician advisory board" means the physician advisory board appointed by the board pursuant to section 4765.05 of the Revised Code to oversee the delivery of prehospital emergency medical services in each region of the state.

~~(YY)~~(AAA) "Reinstatement" is the process by which a holder of a certificate to practice, certificate of accreditation, certificate of approval or certificate to teach in Ohio may regain certification of a certificate that has expired or has been revoked.

, was voluntarily surrendered,

~~(ZZ)~~(BBB) "Special topics instructor" means a person who applies for, or holds, a certificate to teach special topics issued by the board in accordance with section 4765.23 of the Revised Code and rule 4765-18-10 of the Administrative Code.

~~(AAA)~~(CCC) "State medical director" means the physician appointed by the board to serve as its medical director pursuant to section 4765.03 of the Revised Code.

~~(BBB)~~(DDD) "Techniques examination" or "instructional methods examination" means the examination developed by the division and approved by the board, which covers teaching systems.

Effective:	01/01/2011
R.C. 119.032 review dates:	01/22/2014

CERTIFIED ELECTRONICALLY

Certification

07/20/2010

Date

Promulgated Under:	119.03
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Prior Effective Dates:	10/1/95, 2/22/99, 6/29/01, 1/13/02, 10/2/03, 11/29/07, 2/1/09

*** DRAFT – NOT FOR FILING ***

4765-8-03 **Notification to board of change of personal information.**

(A) The holder of a certificate to practice, issued pursuant to section 4765.30 of the Revised Code and this chapter, shall provide written notice to the division no later than thirty days following any changes in the certificate holder's:

(1) Full legal name;

(2) Home mailing address;

(3) Home telephone number~~.~~;

(4) Valid email address.

(B) A certificate holder notifying the division of a name change must submit legal documentation verifying such name change.

*** DRAFT – NOT FOR FILING ***

4765-8-15 **Certification by reciprocity.**

(A) For purposes of granting reciprocity, the board may review EMS license or certification requirements in other states, the district of Columbia, or the U.S. military to identify those that are substantially similar to the curriculum and certification standards set forth in Chapter 4765. of the Revised Code and Chapters 4765-1 to 4765-19 of the Administrative Code.

(B) An applicant for a certificate to practice issued under section 4765.30 of the Revised Code and this chapter who holds an EMS certificate or license from another state, the district of Columbia, or any branch of the U.S. military may be issued a certificate to practice by reciprocity provided that the applicant meets the following qualifications:

(1) Submits a completed application;

(2) Meets the criteria for a certificate to practice as listed in rule 4765-8-01 of the Administrative Code;

(3) Submits documentation, as required by the division, demonstrating that the applicant completed a course of instruction that is substantially similar to the Ohio curriculum at the level of certification sought;

(a) Areas of instruction that are not substantially similar to the Ohio curriculum must be completed through an institution accredited under section 4765.17 of the Revised Code and Chapter 4765-7 of the Administrative Code.

(4) Holds a valid and current EMS certificate or license from another state or branch of the U.S. military that is in good standing;

(a) An applicant who is or was a member of the U.S. military, and received EMS training through the U.S. military, is not required to hold a state certificate or license but must submit proof of military membership and completion of training during such membership.

(b) An applicant who completed training in another state and met all requirements for a certificate or license in that state, except for an affiliation with an EMS agency in that state, is not required to hold a certificate or license issued by that state if the applicant submits proof of the following:

(i) The applicant would have received a certificate or license from the state in which training was completed if the applicant had been affiliated with an EMS agency in that state;

(ii) The applicant would be within the initial certification cycle of said certificate or license.

(5) Holds a valid and current certificate from the national registry of emergency medical technicians (NREMT) at the level of certification sought or above~~.~~;

(6) Submits an application fee of seventy-five dollars.

(C) An applicant must meet all requirements listed in paragraph (B) of this rule at the time of application. An application that is missing documentation or information required by this rule will be deemed incomplete and will not be processed. Such application will be returned to the applicant with the notation that the application is incomplete.

(D) A certificate to practice by reciprocity shall be ~~valid for three years~~ issued in accordance with the certification cycles set forth in rule 4765-8-06 of the Administrative Code.

(E) An applicant issued a certificate to practice by reciprocity must complete continuing education as provided under section 4765.24 of the Revised Code and Chapters 4765-12, 4765-15, 4765-16, and 4765-17 of the Administrative Code at the level of certification issued.

(F) An individual issued a certificate to practice by reciprocity who fails to renew said certificate may seek reinstatement as set forth in rule 4765-8-18 of the Administrative Code. An individual who is eligible for reinstatement may not apply for certification by reciprocity at or below the level of the expired certificate.

(G) An individual whose certificate to practice has been revoked or permanently revoked is not eligible for reciprocity.

*** DRAFT – NOT FOR FILING ***

4765-8-16 **Application fees for certification.**

(A) Except as otherwise provided in this chapter, the board shall not charge a fee for an application for a certificate to practice or certificate to teach, or for renewal of a certificate to practice or certificate to teach.

(B) The board may charge a fee for an application for the reinstatement of a certificate to practice and a certificate to teach.

(C) The board may charge a fee for an application for reciprocity of a certificate to practice.

*** DRAFT – NOT FOR FILING ***

4765-8-17 **Voluntary surrender or change in level of certificate to practice.**

(A) A holder of a certificate to practice may voluntarily surrender the holder's certificate by submitting it to the division.

(1) Such surrender shall be in writing and accompanied by the holder's certificate to practice;

(2) Such surrender is subject to board approval;

(3) The board may not accept a surrender of a certificate to practice if the certificate holder is under investigation by the division;

(4) A surrender approved by the board becomes effective upon the date of such board approval.

(B) An individual who surrendered his/her certificate pursuant to paragraph (A) of this rule and subsequently wishes to be reinstated must comply with the reinstatement provisions set forth in rule 4765-8-18 of the Administrative Code.

(C) No person shall hold a certificate to practice at more than one level.

(D) An applicant may drop back to a lower level of certification during a certification cycle or at the time of renewal.

(1) If an applicant drops back ~~during a certification cycle,~~ the original certificate shall become invalid upon the issuance date of the new certificate to practice. The new certificate to practice shall have the same expiration date as that of the original certificate.

(2) A request to drop back during a certification cycle must be in writing, notarized, and submitted to the division .

(3) If an applicant drops back at the time of renewal, the new certificate to practice shall become effective upon the expiration date of the original certificate. The new certificate to practice shall ~~have an expiration date of three years~~ be issued in accordance with the certification cycles set forth in rule 4765-8-06 of the Administrative Code.

(E) If an applicant who dropped back wishes to reinstate at a higher level previously held during a certification cycle, the applicant must meet the requirements set forth in rule 4765-8-18 of the Administrative Code.

(1) The applicant's certificate to practice at a lower level shall become invalid upon the issuance date of the certificate to practice at a higher level. The new certificate to practice shall have an expiration date of three years.

*** DRAFT – NOT FOR FILING ***

4765-8-18 **Reinstatement of a certificate to practice.**

(A) A certificate to practice will expire on its expiration date if the applicant fails to either renew such certificate or request an extension, as provided in rule 4765-19-03 of the Administrative Code.

(B) In order to reinstate, and in addition to the requirements for the timelines set forth in this rule, a person shall comply with all of the following:

(1) Submit a completed application;

(2) Submit an application fee of seventy-five dollars;

(3) Meet all qualifications for a certificate to practice as outlined in rule 4765-8-01 of the Administrative Code;

(4) Has previously held a certificate to practice issued under section 4765.30 of the Revised Code for the level of certification sought, and such certificate was in good standing at the time the certificate expired, was dropped back, or surrendered.

(5) The course of training completed by the applicant is significantly similar to the current curriculum requirements for the level of certification sought. If such training is not significantly similar to the current curriculum, the applicant must complete additional course work in the areas of deficiency through an institution accredited by the board at the appropriate level.

(C) In addition to meeting the requirements set forth in paragraph (B) of this rule, the division, as directed by the board, may reinstate a certificate to practice that has expired, or become invalid due to a voluntary drop back or voluntary surrender, for no more than ninety days, if the applicant meets one of the following:

(1) If the certificate holder has completed, prior to the expiration date of the certificate to practice, all continuing education requirements as set forth in Chapters 4765-12, 4765-15, 4765-16 or 4765-17 of the Administrative Code, as applicable, the applicant provides documentation of successful completion of all continuing education requirements for the last certification cycle; or

(2) Provides documentation that the applicant holds a valid and current certificate from the national registry of emergency medical technicians (NREMT) at the level of certification sought or above and has completed the continuing education on trauma triage and transportation protocols as approved by the board; or

(3) Completes the reinstatement examination, as set forth in rule 4765-8-05 of the Administrative Code, and obtains a passing score within three attempts. If an applicant is unable to pass the reinstatement examination within three attempts, the applicant must complete a new course of instruction and meet all criteria for a certificate to practice.

(D) In addition to meeting the requirements set forth in paragraph (B) of this rule, the division, as directed by the board, may reinstate a certificate to practice that has expired, or become invalid due to a voluntary drop back or voluntary surrender, for more than ninety days, but not more than three years if the applicants meets either of the following:

(1) Completes the reinstatement examination, as set forth in rule 4765-8-05 of the Administrative Code, and obtains a passing score within three attempts. If an applicant is unable to pass the reinstatement examination within three attempts, the applicant must complete a new course of instruction and meet all criteria for a certificate to practice, or

(2) Provides documentation that the applicant holds a valid and current certificate from the national registry of emergency medical technicians (NREMT) at the level of certification sought or above.

(E) In addition to meeting the requirements set forth in paragraph (B) of this rule, the division, as directed by the board, may reinstate a certificate to practice that has expired, or become invalid due to a voluntary drop back or voluntary surrender, for more than three years but less than six years if the applicant meets one of the following options:

(1) Provides documentation that the applicant holds a valid and current certificate from the national registry of emergency medical technicians (NREMT) at the level of certification sought or above and holds a current and valid certificate or license to practice in another state; or

(2) Completes one of the following refresher training courses, at the applicable level as set forth in rules 4765-12-02, 4765-15-01, 4765-16-01 or 4765-17-01 of the Administrative Code, at an accredited or approved site and completes the reinstatement examination, as set forth in rule 4765-8-05 of the Administrative Code, and obtains a passing score within three attempts. If an applicant is unable to pass the reinstatement examination within three attempts, the applicant must complete a new course of instruction and meet all criteria for a certificate to practice; or

(3) Completes one of the following refresher training courses, at the applicable level as set forth in rules 4765-12-02, 4765-15-01, 4765-16-01 or 4765-17-01 of the Administrative Code, at an accredited or approved site and holds a valid and

current certificate from the national registry of emergency medical technicians (NREMT) at the level of certification sought or above.

(F) If a certificate to practice has expired, or become invalid due to a voluntary drop back or voluntary surrender, for six years or more, the applicant must complete a new course of instruction and apply for a new certificate under rule 4765-8-01 of the Administrative Code or meet the requirements for reciprocity as set forth in rule 4765-8-15 of the Administrative Code.

(G) An applicant must meet all requirements for eligibility prior to taking any examination.

(H) An applicant who qualifies for reinstatement is eligible to be reinstated at any level at or below the level previously held by such applicant.

*** DRAFT – NOT FOR FILING ***

4765-9-01 **Professional standards of conduct.**

(A) A person issued a certificate to practice shall provide professional services that conform to minimal standards of care for the person's certification level under similar circumstances.

(B) When providing professional services, a person issued a certificate to practice shall exhibit respect for the medical needs and personal values of EMS patients and other certificate to practice holders, medical, or health care practitioners.

(C) A person issued a certificate to practice shall not discriminate in the provision of EMS on the basis of race, color, religion, sex, or national origin.

(D) A person issued a certificate to practice shall provide medically appropriate evaluation, treatment, and disposition of each EMS patient in accordance with Chapter 4765. of the Revised Code, Chapters 4765-1 to 4765-19 of the Administrative Code, and the medical protocols of the EMS organization by which the person is employed or with which the person is affiliated.

(E) A person issued a certificate to practice shall not perform any services that exceed the scope of the person's certificate to practice as set forth in Chapter 4765. of the Revised Code and Chapters 4765-1 to 4765-19 of the Administrative Code.

(F) A person issued a certificate to practice shall not misrepresent the person's professional qualifications or credentials.

(G) A person issued a certificate to practice shall report to the division any knowledge of a violation of Chapter 4765. of the Revised Code or Chapters 4765-1 to 4765-19 of the Administrative Code.

(H) A person issued a certificate to practice shall consistently demonstrate a standard of knowledge and competency that meets or exceeds the minimal level required under the person's certificate to practice.

(I) A person issued a certificate to practice shall accurately document, and at the request of the division report, all approved continuing education programs the certificate holder completes in accordance with Chapter 4765-19 of the Administrative Code and within the time parameters set forth by the division.

(J) Except as otherwise required by law, a person issued a certificate to practice shall maintain the confidentiality of patient information consistent with state and federal law.

(K) A person issued a certificate to practice shall not release or provide a medical report or any supporting documentation, or otherwise disclose the contents of a medical report to anyone other than those authorized by law to receive them.

(L) A person issued a certificate to practice shall not knowingly turn over the care of a patient or delegate EMS functions to a person who lacks the certification and training to provide the appropriate level of care.

(M) A person issued a certificate to practice shall, within fourteen days of the final sentencing of any criminal offense, provide written notification to the division of such offense. A person issued a certificate to practice shall, within sixty days of the final sentencing of any criminal offense, provide the division a certified copy of the judgment entry from the court in which the conviction occurred, a certified copy of the police or law enforcement agency report, if applicable, and a bureau of criminal identification and investigation (BCI&I) civilian background check.

(N) A person issued a certificate to practice who is a witness to any violation of Chapter 4765. of the Revised Code or Chapters 4765-1 to 4765-19 of the Administrative Code shall cooperate fully with any investigation conducted by the division.

(O) A person issued a certificate to practice shall not engage in the illegal use or illegal acquisition of controlled substances, ~~alcohol,~~ or other habit-forming drugs or chemical substances while on duty as a first responder or EMT.

(P) A person issued a certificate to practice shall not commit fraud or material deception in applying for or obtaining a certificate issued under Chapter 4765. of the Revised Code.

(Q) A person issued a certificate to practice shall not have inappropriate sexual contact or conduct, as defined in section 2907.01 of the Revised Code, with a patient while under the certificate holder's care.

(R) A person issued a certificate to practice shall not consume alcohol or be under the influence of alcohol while on duty as a first responder or EMT.

*** DRAFT – NOT FOR FILING ***

4765-9-02 **Professional standards of conduct for holders of certificate to teach.**

(A) An individual issued a certificate to teach shall provide services that conform to standards of other persons issued a certificate to teach under similar circumstances.

(B) An individual issued a certificate to teach shall not discriminate in the provision of EMS training on the basis of race, color, religion, sex, or national origin.

(C) An individual issued a certificate to teach shall provide instruction in accordance with the curriculum and other standards set forth in Chapter 4765. of the Revised Code and Chapters 4765-1 to 4765-19 of the Administrative Code.

(D) An individual issued a certificate to teach shall provide instruction in accordance with the accredited or approved institution by which the person is employed or with which the person is affiliated.

(E) An individual issued a certificate to teach shall not perform any services that exceed the scope of the individual's certificate to teach as defined in Chapter 4765. of the Revised Code and rules set forth in Chapters 4765-1 to 4765-19 of the Administrative Code.

(F) An individual issued a certificate to teach shall not misrepresent the individual's professional qualifications or credentials.

(G) An individual issued a certificate to teach shall report to the division any suspicion or knowledge of a violation of this chapter or the failure of any EMS training program to conform to Chapter 4765. of the Revised Code and rules set forth in Chapters 4765-1 to 4765-19 of the Administrative Code.

(H) An individual issued a certificate to teach shall not commit fraud in conducting an EMS training program, continuing education program, or EMS instructor training program.

(I) An individual issued a certificate to teach shall not commit fraud in order to obtain a certificate to practice or teach.

(J) An individual issued a certificate to teach shall consistently demonstrate a standard of knowledge and competency that meets the minimal level required under the individual's certificate to teach.

(K) An individual issued a certificate to teach shall accurately document, upon request of the division and within the time parameters set forth by the division, all requirements for renewal of the certificate to teach in accordance with Chapter 4765-18 of the Administrative Code.

(L) In addition to meeting the professional standards of conduct listed in this rule, an individual issued a certificate to teach shall also remain in compliance with the standards of conduct for a certificate to practice set forth in rule 4765-9-01 of the Administrative Code.

(M) An individual issued a certificate to teach shall obtain prior approval from an accredited or approved institution prior to teaching any courses.

(N) An individual issued a certificate to teach shall surrender all documentation of course files to the sponsoring accredited or approved institution following the completion of each course.

(O) An individual issued a certificate to teach based on a license as a physician, registered nurse, physician assistant or certificate of training as a physician, shall notify the division in writing if the license is disciplined, revoked, or not renewed by the issuing entity.

*** DRAFT – NOT FOR FILING ***

4765-10-02 **Investigations.**

(A) The division shall investigate all complaints on behalf of the board and in accordance with section 4765.101 of the Revised Code.

(B) After an investigation is completed and based on the findings of such investigation, the board may initiate disciplinary proceedings in accordance with Chapter 119. of the Revised Code and this chapter.

(C) If, based on the findings of an investigation, the board determines that no further action on a complaint is warranted, then the case shall be closed accordingly.

(D) The division shall conduct all investigations and any related proceedings, in such a manner as to protect patient confidentiality and in accordance with section 4765.102 of the Revised Code.

(E) Notwithstanding paragraph (D) of this rule, a patient may consent to have the board release the patient's name or other identifying information that was collected as part of the division's investigation. Such consent shall be in writing and signed by the patient in order to be considered proper.

If a patient is less than eighteen years of age, such consent shall be in writing and signed by the patient's parent, guardian, or legal custodian in order to be considered proper.

(F) No member of the board who participates in an investigation shall participate in any further adjudication of the case.

(G) No member of the board who participates in an investigation at the local level or is involved in a case locally, shall participate in any investigation or adjudication of the same case by the board.

*** DRAFT – NOT FOR FILING ***

4765-18-09 **Qualifications for a physician to be certified as an EMS instructor or a an individual holding a certificate of training to be certified as a continuing education instructor.**

(A) A physician may be certified by the board as an EMS instructor if the physician meets the following criteria:

(1) Is an active medical director with an EMS agency, who meets the requirements set forth in rule 4765-3-05 of the Administrative Code, or is recommended by the local RPAB, or is recommended by the program director or program medical director of an accredited or approved training institution;

(2) Submits a completed application approved by the board;

(3) Holds a current and valid Ohio license to practice medicine and surgery or osteopathic medicine and surgery that is in good standing;

(4) Is in compliance with the requirements set forth in paragraphs (A)(6) to (A)(12) of rule 4765-8-01 of the Administrative Code.

(B) An individual who holds a certificate of training as a physician, issued in accordance with section 4731.291 of the Revised Code, may be certified by the board as a continuing education instructor if the individual meets the following:

(1) Is recommended by the local RPAB, or is recommended by the program director or program medical director of an accredited or approved training institution;

(2) Submits a completed application approved by the board;

(3) Holds a current and valid training certificate as a physician that is in good standing;

(4) Is in compliance with the requirements set forth in paragraphs (A)(6) to (A)(12) of rule 4765-8-01 of the Administrative Code.

~~(B)~~(C) ~~A physician~~ An individual certified under this section may renew their certificate to teach ~~as an EMS instructor~~ if the ~~physician~~individual submits an application approved by the board which demonstrates continued compliance with the requirements listed in paragraph (A) or (B) of this rule, as applicable. The ~~physician~~ individual is not required to complete the renewal requirements set forth in paragraphs (A)(5) to (A)(6) of rule 4765-18-06 or paragraphs (A)(4) to (A(5) of rule 4765-18-16 of the Administrative Code, as applicable.

~~(C)~~(D) A physician who chooses to enroll in an EMS instructor training program is exempt from meeting the requirements set forth in rule 4765-18-03 of the Administrative Code.

(E) A continuing education instructor certified under this rule, can only provide instruction as a continuing education instructor in accordance with the internship, residency, or fellowship program as set forth in rule 4731-6-30 of the Administrative Code.

(F) A certificate to teach as a continuing education instructor issued pursuant to this rule, shall run concurrently with the certificate of training as a physician.

*** DRAFT – NOT FOR FILING ***

4765-18-21 **Upgrade process for certificate to teach as assistant EMS instructor to EMS instructor.**

(A) An individual holding a current and valid certificate to teach as an assistant EMS instructor who wants to upgrade to an EMS instructor must meet all of the following:

(1) Submits a completed application as approved by the board;

(2) Must complete the fifty hours in instruction of adult students and basic teaching techniques or must complete the mentorship program, as required in rule 4765-18-04 of the Administrative Code;

(3) Satisfies the requirements for a certificate to practice a set forth in paragraphs (A)(6) to (A)(12) of rule 4765-8-01 of the Administrative Code;

(4) Possesses a current and valid certificate to practice as a first responder or EMT or holds a current and valid Ohio license to practice as a registered nurse or a physician assistant;

(5) Has passed the knowledge examination at the level of the individual's certificate to practice as an EMT, within the preceding three years. However, if the individual passed the knowledge examination in order to become certified as an assistant EMS instructor, regardless of time lapsed since passing the test, the individual is not required to pass another knowledge examination.

~~(5)~~(6) Has passed the instructional methods examination. Failure to pass this examination within three attempts within one year from completion of the instructor training program will require a completion of new EMS instructor training program.

(B) All requirements for the upgrade must be completed within the ~~proceeding~~ preceding three years.