

CALHOUN COUNTY ORDINANCE No. \_\_\_\_\_

CALHOUN COUNTY EMERGENCY MEDICAL SERVICES AMBULANCE ORDINANCE

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## **SECTION 1. PURPOSE**

The purposes of this ordinance are to:

- (A) Establish formal policies and regulations for issuing certificates and permits, and regulating the operation of ground ambulance services in Calhoun County;
- (B) Protect the public by assuring that ambulances operate safely and meet certain minimum levels and standards of equipment, staffing, and mechanical reliability;
- (C) Allow for adequate, appropriate, and efficient ambulance services in all areas of Calhoun County;
- (D) Allow for the orderly and lawful operation of a local emergency and non-emergency medical services system; and
- (E) Allow for all ambulance services to be a part of the Calhoun County EMS system with the necessary training, policies, procedures, and communication systems.

## **SECTION 2. AUTHORITY**

- (A) Upon adoption by the County Board of Supervisors, this ordinance shall apply within the county's unincorporated areas and to ambulance companies that transport intercounty but do not have a physical business location within the county.
- (B) Cities may choose to adopt this ordinance allowing the County to have enforcement powers of this ordinance within that city.

## **SECTION 3. ORDINANCE ADMINISTRATION**

- (A) The COUNTY shall be responsible for the administration of this ordinance, and shall make necessary and reasonable policies, procedures, and/or protocols for the effective administration. These policies, procedures, and/or protocols shall include, but not be limited to:
  - (1) Response time standards for the areas within the county
  - (2) Identification of required clinical or operational reports and dispatch records
  - (3) Personnel requirements
  - (4) Equipment requirements

- (5) Vehicle requirements
- (6) Other clinical, operational and dispatch standards
- (7) Clinical and operational data reports
- (8) Special event stand-by
- (9) Emergency and disaster operations

(B) All references herein to COUNTY policies and medical orders/direction by the EMS Medical Director shall be interpreted as referring to the current version and all subsequent additions/deletions to such policies and regulations.

#### **SECTION 4. DEFINITIONS**

(A) 9-1-1 AMBULANCE SERVICE

“9-1-1 Ambulance Service” means a private company, or a city or county owned service with a contract to provide 9-1-1 emergency ambulance service.

(B) 9-1-1 EMERGENCY CALL

“9-1-1 Emergency call” means a 9-1-1 request for an ambulance to transport or assist persons in apparent sudden need of medical attention; or an ambulance transport that is initially classified as a non-emergency call that becomes an emergency call due to a change in the patient’s medical condition; or a medical emergency, as determined by a physician.

(C) ADVANCED LIFE SUPPORT AMBULANCE SERVICE

“Advanced Life Support Ambulance Service” or “ALS” means the service performed in response to a 9-1-1 emergency call which, due to the patient’s medical condition, requires care at the paramedic level of service.

(D) AMBULANCE

“Ambulance” means a ground transportation vehicle that is specially constructed, modified or equipped and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons and staffed with no less than 1 EMT and 1 CPR certified Driver. “Ambulance” does not include the transportation of persons in a Gurney or Wheelchair Van as defined in this section.

(E) AMBULANCE PERMIT

“Ambulance Permit” means the document and/or decal issued by the COUNTY for each ambulance conforming to the requirements of these regulations, which is owned or controlled by a person holding a Certificate of Operation.

(F) AMBULANCE PROVIDER

“Ambulance Provider” means a person, firm, partnership, corporation or other organization, which furnishes or offers to furnish ambulance service.

(G) AMBULANCE SERVICE

“Ambulance Service” means the activity, business or service, for hire, profit or otherwise, of transporting one or more persons by an ambulance certified by the Iowa Department of Public Health (IDPH) on or in any of the streets, roads, highways, alleys, or any public way or place in the County.

(H) BASIC LIFE SUPPORT AMBULANCE SERVICE

“Basic Life Support Ambulance Service” or “BLS” means the service performed in response to an emergency or non-emergency call. Specifically, first aid and cardiopulmonary resuscitation (CPR) procedures that as a minimum, includes recognizing respiratory and cardiac arrest and starting the proper application of an automatic external defibrillator (AED) and CPR to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

(I) CERTIFICATE OF OPERATION

“Certificate of Operation” means the document issued by the COUNTY to a PERMITTEE that has met the requirements to operate an ambulance service in Calhoun County. Certificates of Operation will be issued for First Responder, BLS, ALS and CCT levels of service.

(J) COUNTY

“County” means the Calhoun County Emergency Medical Services District (EMS).

(K) COUNTY DISPATCH

“County Dispatch” means the Calhoun County Law Enforcement Center designated Public Safety Answering Point dispatch center.

(L) COUNTY POLICIES

“County Policies” means the policies and regulations as defined in the Calhoun County Administrative Manual, CQI Manual and Protocol Manuals.

(M) CRITICAL CARE TRANSPORT

“Critical Care Transport” or “CCT” means any emergency or non-emergency transport of a patient where the skill level required in the care of that patient during transport requires, or may require, care within the CCT-Paramedic or CCT-RN scope of practice.

(N) EMERGENCY MEDICAL TECHNICIAN

“Emergency Medical Technician” or “EMT” means an individual trained to provide emergency and non-emergency medical care and who has been issued a certificate by the Iowa Department of Public Health pursuant to the requirements in Iowa Administrative Code 641.131.

(O) EXCLUSIVE SERVICE AREA

“Exclusive Service Area” means an EMS area or sub area as defined by the COUNTY, which restricts operations to one or more ambulance providers.

(P) FIRST RESPONDER SERVICE

“First Responder Service” means a unit staffed and equipped with a minimum of one IDPH certified Emergency Medical Responder (EMR) or a city, county or township Fire Department Service trained in CPR, AED and basic first aid, that has been granted a Certificate of Operation.

(Q) GURNEY/VAN TRANSPORT

“Gurney/Van Transport” means any vehicle specially constructed, modified or equipped and/or used for the purpose of transporting patients who cannot travel in an upright, sitting position and for whom the need for any medical care, treatment or procedure is not is not required, likely or foreseeable.

(R) NON-EMERGENCY CALL

“Non-emergency call” means a request for an ambulance to transport or assist persons that would not constitute a 9-1-1 emergency call.

(S) OWNER

“Owner” means the person, city, county, township responsible for the management and operation of an Ambulance Service.

(T) PARAMEDIC

“Paramedic” or “EMT-P” means an individual trained in advanced life support care and issued a certificate by the Iowa Department of Public Health pursuant to the requirements for Paramedic in Iowa Administrative Code 641.131

(U) PATIENT

“Patient” means a person requiring emergent or non-emergency medical evaluation, treatment or transport for a medical or traumatic condition.

(V) PERMITTEE

“Permittee” means a person, firm, partnership, corporation or other organization to which a Certificate of Operation and Ambulance permit(s) have been issued for purposes of operating an ambulance service.

(V) SPECIAL EVENT

“Special event” means a designated event, including, but not limited to street fairs, concerts, sporting events, contests, or other events that place a grouping or gathering of people in one general locale sufficient in number, or subject to activity that creates the need to have one or more ambulances pre-positioned at the event.

(W) WHEELCHAIR VAN TRANSPORT

“Wheelchair Van Transport” means any vehicle specially constructed, modified or equipped and/or used for the purpose of transporting patients in wheelchairs for whom the need for any medical care, treatment or procedure is not required, likely, or foreseeable.

**SECTION 5. CERTIFICATE OF OPERATION AND PERMITS**

A. Certificate of Operation and Permits Required

1. No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the highways, streets, alleys, public ways or places within Calhoun County, unless such person holds a currently valid ambulance Certificate of Operation issued by the COUNTY.

2. No person (either as owner, agent or otherwise) shall furnish and operate an ambulance unless that ambulance has a currently valid Ambulance Permit issued by the COUNTY.

B. Exceptions:

No licenses shall be required by this Ordinance when ambulances are:

1. Owned and operated by an agency of the United States Government; an agency of the state; or
2. Rendering requested assistance to licensed services in the case of a major catastrophe or emergency with which the licensed services of the county are insufficient or unable to cope; or
3. Licensed by another county or another city or ambulance district lying outside of Calhoun County and operated in accordance with the provisions of a Mutual Aid Agreement as authorized under Section 12 of this Ordinance; or
4. Operated from a location or headquarters outside Calhoun County and transporting patients who are picked up outside the limits of the county to locations within the county, or through the county to other destinations. Ambulances picking up patients within the limits of Calhoun County are not exempt from this Ordinance, regardless of the destination of the patient, or the locations of the headquarters of the ambulance service unless qualified for exemption under this subsection.
5. Gurney and Wheelchair Van Transport providers are not required to hold an ambulance Certificate of Operation or Ambulance Permit.

C. Expiration

Licenses shall be valid for a period of one year from date of issuance, unless earlier suspended, revoked or terminated.

## **SECTION 6. CERTIFICATE OF OPERATION AND PERMIT PROCESS**

(A) Application: Application forms for an ambulance service Certificate of Operation shall be supplied by the COUNTY.

1. Each prospective licensee and each present licensee wishing to provide a new type of emergency or non-emergency medical service; to establish a new base of operation; or to expand a designated service area, shall make a written application for a license to the Calhoun County Board of Health. Applicants shall complete the required forms, and submit them to the Calhoun County Board of Health, no less than sixty (60) days prior to the requested effective date of the license.

(B) The applicant should be a licensed through the Iowa Department of Public Health prior to submitting an application.

(C) Required data: Each applicant who desires an ambulance service Certificate of Operation shall submit the following on, or as attachments, with their application:

1. The names and addresses of the applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s), hereafter called "applicant";
2. The name under which the applicant has engaged, does, or proposes to engage in ambulance service
3. The ambulance service level requested – BLS, ALS, CCT
4. A statement specifying whether the applicant has provided ambulance service in Calhoun County prior to the establishment of this ordinance, and if so, what type and for how long;
5. A statement specifying whether the applicant has previously operated an ambulance company outside of Calhoun County, and if so, under what name, what type, where and for how long;
6. A copy of a current Iowa Department of Public Health Service Program Authorization
7. An assets and liabilities statement or a letter prepared by a certified public accountant showing proof of financial solvency;
8. A statement of the legal history of the applicant, including criminal and civil convictions;
9. A statement specifying the education, training, and experience of the applicant in the care and transportation of patients;
10. A statement that the applicant owns or has under his control, in good mechanical condition, required equipment to consistently provide quality ambulance service in the area for which he/she is applying, and that the applicant owns or has access to suitable facilities for maintaining equipment in clean and sanitary condition;
11. A statement that the applicant understands and will comply with the COUNTY's System Standards regarding System Organization and Management, Staffing and Training, Communications, Response and Transportation, Facilities and Critical Care, Data Collection/System Evaluation, Public Information and Education, and Disaster Medical Response;
12. A list of the actual number of ambulances and for each: the make and model, year, the vehicle identification number (VIN), State vehicle license number and proof of current Department of Motor Vehicle registration;
13. A statement that the applicant understands and will comply with the ambulance inspection process, including the required fees;

14. A statement that the applicant has or will have sufficient personnel adequately trained and available to deliver ambulance service of good quality at all times, including copies of their certification/licenses;
  15. A statement that the applicant has and will provide proof that all personnel including dispatchers, billers, shareholders, owners, partners, directors, providers have been checked and are not on the Medicare Exclusion list;
  16. A statement of the applicant's training and orientation programs for providers and dispatchers;
  17. A description of the number and type, frequency and private line codes of the vehicle's radios, and if used, phone numbers of the vehicle's cellular phones;
  18. A description of the company's program for maintenance of the vehicles;
  19. A description and/or photo/image of the company's logo and color scheme to be used to designate the ambulances of the applicant;
  20. A description of the locations from which ambulance services will be offered, noting the hours of operation and phone numbers;
  21. Proof of Insurance Coverage as specified under Section 8.A. (1) of this ordinance shall be submitted with the application.
  22. A copy of a Certificate of Workman's Compensation to cover employees;
  23. A description of the applicants Quality Management program;
  24. A copy of the applicants Disaster Response Plan and capabilities;
  25. A copy of service charges and rates to be charged to all users of the service;
  26. The application fee for a Certificate of Operation as set forth by the Calhoun County Board of Supervisors;
  27. The Ambulance Inspection fee for each ambulance to be inspected as set forth by the Calhoun County Board of Supervisors. This fee may be returned if the PERMITTEE does not meet the basic requirements and the ambulances are not inspected;
  28. Any other information the COUNTY deems necessary for determination of compliance with this ordinance.
- (D) Within sixty (60) days of receipt of a complete application and the required fee, the COUNTY shall determine:
1. Whether the applicant is a licensed IDPH ambulance service, and
  2. Whether the applicant meets the requirements of this ordinance and of other applicable laws, ordinances, and regulations; and
  3. Whether the applicant is able to provide the requested service, and
  4. Whether the applicant has knowingly made a false statement of fact in such applications, and

5. Whether the applicant was previously a provider of ambulance service prior to the establishment of this ordinance, which has not been renewed by IDPH, and
6. Whether the applicant was previously a holder of a Certificate of Operation issued under this ordinance, which has been revoked or not renewed based on the provisions of this ordinance, and
7. Whether the applicant's vehicles, and equipment, including radios, are in good working order and the ambulances pass an inspection according to the provisions of this ordinance.

(E) Approval or denial:

1. Shall be issued only when it is determined that:
  - a. Public health and safety requires addition of the proposed ambulance service
  - b. Currently permitted services' emergency response capability will remain viable with the addition of the applicant's service.
2. If it is determined that the applicant does not meet all requirements within this ordinance, then the COUNTY shall deny the application and notify the applicant in writing by certified mail of the receipt of the application.
3. If it is determined that the applicant meets all requirements within this ordinance and meets item (D) 1. above, the COUNTY shall approve the application and issue a Certificate of Operation and, upon a positive inspection, appropriate Ambulance Permits.

(F) Appeal from denial of issuance: Whenever the COUNTY denies an application for a permit, the applicant may request a hearing on the denial at which the applicant will have the burden of proof. The appeal will be made to the Board of Supervisors.

(G) Decisions – finality: The decision of the COUNTY rendered pursuant to this ordinance shall be final, unless appealed to the Board of Supervisors within thirty (30) days after such decision is rendered in writing, and notice of the same is given to the applicant by certified mail

(H) Term:

1. Certificates of Operation shall be valid for two years from the date of issuance.
2. Certificates of Operation shall be continued upon conditions of this ordinance unless earlier suspended, revoked or terminated for cause.
3. Notice of intent to discontinue service: A PERMITTEE providing ambulance service may discontinue such services only after providing sixty (60) days' notice in writing of intent to discontinue services to the COUNTY or upon mutual written agreement.

(I) Existing ambulance companies:

1. Within sixty (60) days of the effective date of the ordinance codified, non 9-1-1 ambulance companies that have been continuously providing ambulance services shall apply for a Certificate of Operation and Ambulance Permits. The COUNTY shall

issue or deny a Certificate of Operation to each existing company, based on their ability to meet the requirements as set forth in this ordinance. The fees for the initial Certificate of Operation and Ambulance Permits for existing companies shall be the fee set for new applicants.

2. The COUNTY may issue a provisional sixty (60) day Certificate of Operation to an existing non 9-1-1 ambulance company to allow for required ambulance inspections. Upon a satisfactory completion of the inspections, the provisional status will be made permanent.

(J) Certificated of Operation shall not be transferrable

(K) Changes to Operations: The PERMITTEE shall notify the COUNTY about changes to business location and phone numbers; ambulance stations and phone numbers; hours of operations; service charges and rates; ambulance vehicles; insurance coverage; and changes to applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s) on file; within fifteen (15) days of such changes.

(L) Adding ambulances: If a PERMITTEE desires to include additional ambulance units under its Certificate of Operation, the PERMITTEE shall submit a vehicle description form for each additional unit and provide the designated fee per unit to the COUNTY, and schedule an ambulance inspection. The term of the Ambulance Permit for additional authorized units shall run concurrently with the last authorized permit period. The fee paid for each additional unit will be prorated according to the amount of time remaining during the last authorized permit period. Prorating will be based on the number of quarters left in the permit period.

(M) Renewal of Certificate of Operation:

1. Applicants for renewal of an ambulance service Certificate of Operation under this ordinance shall file with the COUNTY an application in writing, which shall include information required for initial application. A renewal fee shall accompany the application for renewal. Renewal applications may be submitted ninety (90) days prior to the expiration date but no later than forty-five (45) days prior to the expiration date.
2. Late renewal applications received less than forty-five (45) days prior to the expiration of the Certificate of Operation shall pay an additional twenty percent (20%) of all fees due.
3. All ambulances specified by the PERMITTEE shall be inspected and have their permits renewed in accordance with the provisions of the Ambulance Inspection and Permit Process of this ordinance. The issuance of a renewed Certificate of Operation shall be based on all ambulances having been inspected.

4. Renewal of a Certificate of Operation shall require conformance with all requirements of this ordinance as upon issuance of an initial certificate. Nothing in this ordinance shall be construed as requiring the granting of a certificate upon expiration of a previous certificate, and the burden of proof respecting compliance with all the requirements for a period and of entitlement of a certificate shall remain at all times with the applicant for renewal.
5. An ambulance provider shall submit, with their renewal application, a financial statement of its business activities or a letter showing proof of financial solvency, prepared by a certified public accountant. Renewal of a certificate is contingent upon proof of financial solvency within the proper time frames.

## **SECTION 7. FEES**

- A. An application for an initial ambulance Certificate of Operation shall be accompanied by payment of an application fee and Ambulance Inspection fees as defined in COUNTY policies. The Ambulance Inspection fee may be returned if the PERMITTEE does not meet the basic requirements of this ordinance and the ambulances are not inspected.
- B. An application for renewal of an ambulance Certificate of Operation shall be accompanied by payment of fees as defined in COUNTY policies.
- C. The Board of Supervisors shall set the fees by resolution. The fees shall not exceed the reasonable cost of administering and enforcing this ordinance as determined by the Board of Supervisors.

## **SECTION 8. OPERATIONAL REQUIREMENTS**

- A. Hold Harmless and Liability Insurance Agreement
  1. Each ambulance PERMITTEE, at its sole cost and expense, shall obtain, maintain, and comply with all County insurance coverage(s) and requirements. Types of insurance coverage include Commercial General Liability, Commercial or Business Automobile Liability, Workers Compensations and Employers Liability, and Professional Liability/Errors & Omissions.
  2. Lack of coverage as required at any time shall automatically suspend the Certificate of Operation. Failure of the PERMITTEE to notify the COUNTY of lack of coverage for any reason shall be deemed a violation of regulation subject to fine.
  3. As a condition of being issued a permit, PERMITTEE shall be required to indemnify and hold harmless the County of Calhoun from any and all claims or actions for property damage, personal injury, sickness, disease, caused by the PERMITTEE's acts or omissions and will pay any and all judgment decrees, costs, attorney's fees which

may be rendered against the County of Calhoun, its directors, officers, agents, employees and volunteers in any and all such actions or proceedings.

B. Financial Responsibility

Each PERMITTEE shall provide the COUNTY with information in reference to any pending action or unpaid judgments or liens against the PERMITTEE, including the Centers for Medicare and Medicaid Services and the Department of Justice, and the notice of the transactions or acts giving rise to the judgments or liens. The PERMITTEE shall notify the COUNTY in writing of the actions within one (1) week of the notification from the levying agency. The reported information will be reviewed by the COUNTY who will make a determination regarding the effect this information will have on the agency's ability to provide continuous service in accordance with this ordinance.

C. HIPAA

Each PERMITTEE shall be responsible for security related provisions that comply with all HIPAA rules and requirements including, the Security Rules and HITECH. Each PERMITTEE shall be responsible for all employees training regarding HIPAA guidelines and maintaining records as required. Policies, procedures and training records shall be made available at the request of a County Official at any time by the PERMITTEE.

D. General Performance Standards

1. PERMITTEE shall maintain sufficient ambulances, operational procedures and personnel, with valid certifications and licenses to meet performance standards and permit specifications.
2. PERMITTEE shall be included in Calhoun County EMS Advisory Group and follow policies, Continuous Quality Improvement guidelines and participate in all aspects of the County's System Development and System Standards.
3. PERMITTEE's Medical Director shall participate with COUNTY's Medical Director in regards to any pre-hospital protocols being utilized.
4. PERMITTEE shall maintain supervisory or management personnel, available on a twenty-four (24) hour basis on site or on-call, authorized to make operational decisions, direct personnel and commit resources for use.
5. PERMITTEE shall maintain a Quality Management program and perform quality assurance activities in accordance with this ordinance.
6. PERMITTEE shall maintain a Disaster Response Plan that includes a personnel call-back plan for disasters and mass casualty incidents in accordance with this ordinance.

7. PERMITTEE shall ensure that all management, supervisory, dispatch and field personnel maintain knowledge and familiarity with multi-casualty and mass casualty incident medical operations, staging, and incident command structure.

E. Ambulance Compliance

1. Each ambulance shall carry a photocopy or original current vehicle registration, current insurance identification, and current COUNTY issued ambulance permit.
2. Each ambulance shall follow Iowa Administrative code regarding any ambulance specifications and equipment requirements.
3. Each ambulance shall carry standard patient carrying fixtures and restraints necessary for the comfort and safety of patients.
4. PERMITTEE shall maintain its vehicles, equipment, and supplies in a clean, sanitary, and safe mechanical condition at all times.

F. Ambulance Inspection and Permit Process

1. No person, firm, partnership, corporation or other organization, except as identified in this ordinance, shall operate or cause an ambulance to be operated in Calhoun County unless an ambulance permit has been issued for that ambulance in accordance with these regulations.
2. The COUNTY shall inspect each ambulance for which it receives an application to ensure compliance with this ordinance and the COUNTY's policies, protocols, and regulations as they pertain to the ambulance service applied for.
3. The bi-annual inspection for permit renewal shall be based on the list of ambulance submitted by the PERMITTEE.
4. The PERMITTEE shall be notified in a timely manner of the results of the inspection and any corrective action required if an ambulance fails the inspection.
5. Upon passage of the ambulance inspection, the COUNTY shall issue an ambulance permit or renewal of the permit, to the PERMITTEE.

G. Ambulance Communication Capability

Each ambulance shall have a radio for establishing and maintaining radio contact with the Calhoun County Law Enforcement Center PSAP and area hospitals as prescribed by the COUNTY and in compliance with F.C.C. regulations.

H. Ambulance Color Scheme and Design

1. At the time of initial application, PERMITTEE shall request a specific color scheme and design and, upon approval by the COUNTY, shall apply such color scheme and design to each ambulance receiving an ambulance permit.
2. The color scheme and design shall not imitate or conflict with any other color scheme authorized by this ordinance in a manner that is misleading or would tend to deceive the public.

3. No sign, letter, color, appliance or thing of decorative or distinguishing nature shall be attached or applied to any ambulance unless it has first been approved in the color scheme authorized for each ambulance service or company.

I. Ambulance Personnel Qualifications

1. All personnel while on duty must carry all applicable PERMITTEE identification, certification level identification and comply with all applicable COUNTY policies and procedures.
2. ALL EMS personnel must have a current Class D Chauffer's license.
3. All EMS personnel must meet the minimum qualifications:
  - a. Current, valid certification in the State of Iowa
  - b. Current cardiopulmonary resuscitation (CPR) card. Either American Heart Association Healthcare Provider or American Red Cross for the Professional Rescuer.
  - c. Current HazMat Operations level training
  - d. Mandatory Reporter training
  - e. Paramedics and RN's functioning at the Paramedic level must maintain current ACLS, PALS and PHTLS (TNCC for nurses is acceptable).
  - f. Incident Command System training ICS 100, ICS 200 and ICS 700 at a minimum.
  - g. START and JumpSTART triage training
  - h. Paramedics providing CCT service must have valid CCT endorsement to their certification
4. Registered Nurse (RN) assigned to provide ambulance service must have current RN Exemption paperwork on file with the State of Iowa and a copy will be provided to the COUNTY with the application.
5. Non-certified Drivers must have a valid Class D Chauffer's license and current CPR training as identified above in item (b).
6. All EMS providers must be trained in the COUNTY's driving policy and have annual driver's training to include an Emergency Vehicle Operation Course (EVOC) driving training or its equivalent, related to responding to calls for emergency medical service, and behind the wheel training.
7. The PERMITTEE shall retain on file at all times, copies of all current and valid licenses, certifications, trainings, and/or accreditations of all emergency medical personnel performing services under this ordinance to be provided to the COUNTY when requested.

J. Personnel Standards

Ambulance services/companies shall maintain personnel standards that include orientation to the COUNTY policies and procedures, uniforms and appearances, safety apparel, identification, driver training, work-hour scheduling limitations, with due

consideration for collective bargaining agreements and/or State and Federal regulations where they apply.

K. Personal Protective Equipment

1. PERMITTEE shall supply and maintain standardized personal protective equipment and supplies to ensure safety and readiness, according to IDPH and OSHA guidelines.
2. PERMITTEE shall ensure that all personnel receive training in all equipment, including fit testing, according to OSAH guidelines.

L. Ambulance Station Standards

Ambulance stations shall meet the housing requirements as stated in Iowa Administrative Code and provide for storage and protection of ambulances and equipment. Stations shall comply with all applicable zoning, building, and occupational health and safety regulations.

M. Response Standards

1. PERMITTEE shall provide prompt transportation of the patient to the most appropriate medical facility, licensed, equipped, and staffed to meet the needs of the patient in accordance with applicable laws, rules, regulations, and policies.
2. PERMITTEE shall follow the response standards as listed in Calhoun County's system standards and CQI policies for 9-1-1 emergency calls.
3. PERMITTEE shall dispatch an ambulance to a non-emergency call within fifteen (15) minutes unless the caller is immediately advised of a delay in responding to the call or the unavailability on an ambulance. The exception to this is for calls that have been prescheduled.
4. The PERMITTEE or their employees shall report any response to a non-emergency request for ambulance service that is responded to by a unit not staffed and equipped at the appropriate service level to the COUNTY on an Unusual Occurrence from within ten (10) days of the incident.

N. Prohibitions

Ambulance services/companies are hereby prohibited from engaging in the following activities:

1. Permitting the operation of an ambulance in any manner contrary to the provisions of this ordinance or contrary to any applicable statute, rule, or regulation.
2. Responding to a call when not requested to respond to that call by an individual requesting that service or the appropriate dispatch center.
3. Causing or allowing its ambulances to respond to a 9-1-1 emergency call location without first receiving a specific request from the Calhoun County PSAP.
4. Providing any ambulance service without being authorized by the COUNTY to provide such service.

O. Advertising

1. No person or organization shall announce, advertise, offer, or in any way claim that it provides non-emergency or emergency service unless it has been approved as an ambulance provider by the COUNTY.
  2. Any use of a telephone number on an ambulance for non-emergency ambulance service shall include the phrase "FOR EMERGENCIES, CALL 9-1-1" in capital letters that are at least as big as the letters used for the non-emergency telephone number.
- P. Service Charges and Rates
- The PERMITTEE shall submit their service charges and rates to the COUNTY with their application for a Certificate of Operation and with each renewal. All service charges and rates must be defined in sufficient detail so as to be understandable to the public. The COUNTY reserves the option, with Board of Supervisor approval, to set base rates for ambulance calls.
- Q. System Status Updates
1. The PERMITTEE shall annually submit a system update to the COUNTY. The update shall identify:
    - a. Ambulance station locations
    - b. Ambulance posting locations if any.
    - c. The number of ambulances normally available for response by time of day and day of week.
    - d. The number of non-emergency transports, emergency transports and response times for the year.
  2. The PERMITTEE shall, at the start of each calendar year, submit to the COUNTY, in an electronic form, a list of all drivers, EMTs, Paramedics and RNs employed along with their certification or license numbers. In addition, the PERMITTEE shall notify the COUNTY within thirty (30) days of any driver, EMT, Paramedic or RN who have been newly hired, terminated, retired or have quit their employment.

## **SECTION 9. ENFORCEMENT**

- A. Investigations and Inspections
1. The COUNTY shall have the right to inspect the records, facilities, equipment, supplies, personnel, and methods of operation of the PERMITTEE whenever the COUNTY deems such inspection necessary.
  2. The PERMITTEE shall cooperate with the COUNTY, in any investigations of possible violations of this section and shall make all dispatch logs and similar dispatch records, including tape recordings, available for inspection and copying at reasonable times at the PERMITTEE's regular place of business. All tape recordings shall remain available for a minimum of sixty (60) days from the date the recording was made.

3. The PERMITTEE shall allow the COUNTY to inspect on a pre-announced or unannounced basis, all ambulances used to provide ambulance service. The inspections should be held, whenever possible, during normal business hours at the ambulance operations center. The purpose of such inspections is to determine if the ambulance and its equipment and supplies are in good working order, properly maintained and equipped for the provision of ambulance service for which it is permitted.
4. At the request of the COUNTY, the ambulance provider shall submit self-inspections of all ambulances on the COUNTY's Ambulance Self-Inspection form.
5. The PERMITTEE shall inform the COUNTY of any suspension and/or revocation of their Iowa Department of Public Health Ambulance Service Program Authorization for any of their support vehicle(s)

B. Consumer Complaints

1. Any user of a permitted ambulance service contending that he/she received unsatisfactory service(s) may file a written complaint with the COUNTY. Such written complaint(s) shall set forth the allegations. The COUNTY shall notify the PERMITTEE of the complaint and provide the PERMITTEE with information about the complaint.
2. The COUNTY shall conduct an investigation of the allegation(s) in the written complaint to determine the validity of said allegation(s). If the allegation(s) are found to be valid, the COUNTY shall take actions to secure compliance with the provisions of this ordinance and any established ambulance regulations.
3. If the COUNTY is unable to secure compliance, it will initiate action to penalize, suspend or revoke the Certificate of Operation.

C. Penalties

1. The COUNTY may suspend or revoke an ambulance service/company's Certificate of Operation for:
  - a. Violating any provision, regulation, law, state or federal standards or ordinances;  
or
  - b. Failure to make and retain records showing its operations in any area covered by this ordinance, including but not limited to dispatching, response, personnel, vehicles, medical treatment or billing, or failure to make such records available for inspection by the COUNTY; or
  - c. Accepting an emergency or non-emergency call when it is either unable or unwilling to provide the requested service, or fails to inform the person requesting such service of any delay, and fails to obtain consent of such person before causing an ambulance to respond from a location more distant than the one to which the request was directed; or

- d. Failure to pay any fine issued pursuant to this section within thirty (30) business days.
  - 2. Suspension is not a condition precedent to revocation.
  - 3. Fines:
    - a. Fines may be issued by the COUNTY for:
      - (1) Failure to provide required clinical or operational reports, including dispatch records when requested or as stipulated in this ordinance;
      - (2) Failure to comply with requirements for personnel, equipment, and vehicles;
      - (3) Failure to comply with any other section of this ordinance or any regulation adopted pursuant to this ordinance.
    - b. Exceptions shall be granted for records destroyed by fire, explosion, or theft beyond the reasonable control of the PERMITTEE; a declarations of local, state, or federal emergency impacting the PERMITTEE's resources; and/or acts of God.
    - c. Failure to remit amount of fine levied within thirty (30) days of resolution of appeal to the Board of Supervisors may result in revocation of the Certificate of Operation.
  - 4. Violations:
    - a. Except as otherwise provided, any PERMITTEE who violates any provision of this ordinance shall be guilty of a misdemeanor.
    - b. A PERMITTEE who violates provisions of this ordinance shall be subject to a fine:
      - (1) Not exceeding two hundred dollars (\$200.00) for a first violation.
      - (2) Not exceeding four hundred dollars (\$400.00) for a second violation of the same section.
      - (3) Not exceeding six hundred dollars (\$600.00) for each additional violation within one (1) year of the same section.
    - c. A violation period is defined as each day or portion thereof that a PERMITTEE is in violation of this ordinance.
    - d. The COUNTY or designee is hereby authorized to institute and pursue, in the name of the county, civil actions for the recovery of fines for violations of this ordinance.
    - e. Payment of any fine herein shall not relieve the PERMITTEE from the responsibility of correcting the violation.
    - f. The fines paid under the administration of this ordinance shall be deposited into the Calhoun County Board of Health budget for oversight.
- D. Notice Issuances

Before any suspension or revocation, the COUNTY shall give written notice to the PERMITTEE specifying why such action is contemplated and giving the PERMITTEE a reasonable period of time (not less than five (5) nor more than fifteen (15) business days) to comply with the provisions in question or to show cause against suspension or revocation and setting a date for hearing thereon.

E. Hearings

1. If an applicant for a Certificate of Operation or an Ambulance Permit or a PERMITTEE is dissatisfied with any of the actions taken by the COUNTY, he/she may request an administrative hearing.
2. The request for an administrative hearing must be filed within ninety (90) days of the date of the notice.
3. The hearing will be held at a COUNTY office. The COUNTY shall mail to the claimant a written notice of the time and place of the hearing no less than five (5) days prior to the hearing.
4. Hearings conducted pursuant to this ordinance shall be conducted before a Hearing Officer designated by the COUNTY. All hearings shall be electronically recorded. Hearings need not be conducted according to any Code of Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Irrelevant and unduly repetitious evidence shall be excluded. The parties shall equally bear the expense of the Hearing Officer and the cost of the hearing. Each party shall bear its own expense.
5. At the hearing, the COUNTY has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the PERMITTEE.

F. Appeals

The PERMITTEE may file a written appeal with the Board of Supervisors within ten (10) days of receipt of the issuance to the COUNTY's written decision by certified mail. A copy of the written appeal must also be served to the COUNTY either in person or by certified return receipt mail within ten (10) days of receipt of the issuance of the COUNTY's written decision by certified mail. Appeals will be heard at a regularly scheduled Board of Supervisors meeting. The Board of Supervisor's decision shall be final.

G. Emergency Action

The COUNTY may reduce the period of time for compliance under a suspension or revocation notice to no less than twenty-four (24) hours and set the matter for hearing immediately upon expiration of the period when the COUNTY makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a permit is suspended or revoked, the PERMITTEE may request an additional hearing at which the PERMITTEE will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearings will be commenced within five (5) days of the PERMITTEE's request. The request for, or the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.

H. Decision

At the conclusion of the hearings, the Hearing Officer or the Board shall promptly prepare a written determination of the issues presented and the proposed findings. A copy of the decision shall be served on the parties by certified return receipt mail. Service of the decision shall be deemed complete at the time deposited in the mail.

## **SECTION 10. QUALITY MANAGEMENT PROGRAM**

To ensure that ambulances are operating in the best interest of the public health and safety, and that ambulance services/companies are utilizing properly trained staff, each PERMITTEE will be required to have a quality management program that:

- A. Utilizes a physician, RN, or paramedic with experience in quality management to direct and coordinate quality improvement activities (exceptions to this may be made on an individual basis by the COUNTY).
- B. Reviews patient care provided by their employees with their employees on at least a quarterly basis.
- C. Identifies problems or issues regarding patient care and proposes solutions for corrective action.
- D. Participates in the COUNTY's collection of data regarding quality of patient care.
- E. Includes disciplinary procedures to be used when appropriate.
- F. Maintains a radio recording of all calls for ambulance services requested, all dispatch instructions given, and all communications between the dispatch center and the ambulance unit until the ambulance run is completed. Recordings must be stored for a period of at least sixty (60) days.
- G. Ensures that all providers have completed annual review of the driving policy and completed annual driving training on an ambulance utilized.
- H. Requires staff to attend, at no expense to the COUNTY, EMS Orientation, and other education and training programs as may be reasonably requested by the COUNTY.

- I. Is consistent with and participates in the COUNTY's Quality Assurance/Quality Improvement Plan
- J. PERMITTEE's, or a designated employee(s), shall actively participate on any committees, at the request of the COUNTY, to provide for continued system performance and development.
- K. Documentation outlining the quality management program is to be submitted to the COUNTY as part of the ambulance service permit application process.

## **SECTION 11. MISCELLANEOUS PROVISIONS**

- A. Exemptions
  - 1. When county officials have determined that adequate emergency ambulance service will not be available from existing ambulance providers, this ordinance may be waived at the request of the Calhoun County Law Enforcement Center Dispatch or at the request of any law enforcement or fire protection agency during any "state of emergency" or "local emergency".
  - 2. This ordinance shall not prevent any law enforcement, peace officer or public safety personnel from arranging for the transportation of an individual in need of emergency medical care when no ambulance with an appropriate ambulance service permit is available and such transportation is required immediately for the preservation of life or to avoid substantial impairment of the person to be transported.
- B. Emergency and Disaster Operations
  - 1. In the event of a disaster or mass casualty incident, the ability of the emergency ambulance providers to provide the necessary prehospital emergency care and transportation may be disrupted or be inadequate for the number of casualties. It is necessary; therefore, that all ambulances permitted in Calhoun County be available to assist in disaster or mass casualty medical needs when there is a disaster or mass casualty incident. In the event of a disaster or mass casualty incident, the COUNTY will determine the amount of assistance needed, determine accessible acceptable ambulance staffing and configuration, and may authorize the dispatch of any ambulance as permitted by law. Each service shall make available, and place into service, all permitted units at the request of the COUNTY. The COUNTY shall coordinate all medical mutual aid requests through the Calhoun County Law Enforcement Center PSAP, the medical mutual aid system, and the County EMA when applicable.
  - 2. The PERMITTEE shall have on file with the COUNTY, its Disaster Response Plan which includes a personnel call-back plan.
  - 3. All management and field personnel of the PERMITTEE shall follow the COUNTY's Multi Casualty Incident (MCI) Plan Policy during an MCI.
  - 4. The COUNTY may assist the PERMITTEE in seeking reimbursement for its costs from any disaster relief monies. The COUNTY shall have not financial responsibility for these costs or charges.

5. When requested by the COUNTY, the PERMITTEE shall participate in a COUNTY organized disaster exercise by sending one fully staffed ambulance with a minimum of ninety (90) day notice from the COUNTY. All costs associated with their participation in the disaster exercise shall be the sole responsibility of the PERMITTEE.

C. County Liability

Unless expressly agreed in writing, the COUNTY and the County of Calhoun and its officers and employees shall not be liable for any PERMITTEE costs or charges associated with compliance under this ordinance or the rules or regulation promulgated hereunder.

D. Separability

If any section, or subsection, sentence, clause, phrase, or portion of this ordinance are for any reason held invalid or unconstitutional by any court of competent judgment, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof.

**SECTION 12. EFFECTIVE DATE**

- A. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage.
- B. Before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the official Calhoun County newspapers.

Adopted by the Board of Supervisors of the County of Calhoun, State of Iowa, on \_\_\_\_\_, 2017 by the following called vote:

AYES:

NOES: