

VALLE AMBULANCE DISTRICT ORDINANCE 2014-01

AN ORDINANCE OF THE VALLE AMBULANCE DISTRICT OF JEFFERSON COUNTY, MISSOURI, TO ENSURE THE PUBLIC HEALTH AND WELFARE OF THE RESIDENTS OF VALLE AMBULANCE DISTRICT BY ESTABLISHING THE REQUIREMENTS AND STANDARDS FOR AMBULANCE SERVICE WITHIN THE AREA SERVED BY VALLE AMBULANCE DISTRICT.

WHEREFORE, the District is a validly created ambulance district pursuant to RSMo §190.010;

WHEREFORE, RSMo §190.060 provides the District with the power "to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care";

WHEREFORE, RSMo §190.105.1 prohibits any person from engaging "in the business or service of the transportation of patients by ambulance ... unless such person holds a currently valid license" from the State of Missouri;

WHEREFORE, RSMo §190.109.3 creates a condition precedent to the State of Missouri's issuance of a new ambulance service license or the expansion of an existing ambulance service license, such that the ambulance service applicant is required to submit to the State of Missouri a letter of endorsement from each ambulance service district in whose territory the applicant proposes to operate;

WHEREFORE, RSMo §190.109.3 requires the ambulance service district to conduct a public hearing regarding the ambulance service applicant's letter of endorsement and, in appropriate circumstances, adopt a resolution approving the endorsement;

WEREFORE, RSMo §190.180 provides for criminal penalties for "violating, or failing to comply with, the provisions of sections 190.001 to 190.245" and any such person "is guilty of a class B misdemeanor";

WHEREFORE, the District wishes to provide an orderly and efficient hearing procedure which ambulance service applicants are required to follow when apply to the District for the statutorily required letter of endorsement;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF VALLE AMBULANCE DISTRICT, MISSOURI, AS FOLLOWS:

Section 1. Definitions

- (A) Chief - The Chief Executive Officer of Valle Ambulance District.

- (B) Advanced Life Support (ALS) - an advanced level of care as provided to the adult and pediatric patient as specified in rules adopted by the Missouri Department of Health pursuant to Chapter 190, RSMo and the Medical Director;
- (C) Ambulance - any vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or actually used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical personnel to monitor the individual's condition or medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;
- (D) Ambulance service - any person or entity that provides emergency or non-emergency medical transportation and services pursuant to Chapter 190, RSMo, and the rules promulgated by the Missouri Department of Health pursuant to Chapter 190, RSMo;
- (E) Board - The Board of Directors of the Valle Ambulance District, Jefferson County, Missouri;
- (F) County - Jefferson County, Missouri;
- (G) Department - the Department of Health, State of Missouri;
- (H) District - Valle Ambulance District;
- (I) Emergency - an event resulting from a sudden or unforeseen circumstance or occurrence which requires immediate action to save life or prevent suffering or disability and the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:
 - (a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;
 - (b) Serious impairment to a bodily function;
 - (c) Serious dysfunction of any bodily organ or part;
 - (d) Inadequately controlled pain
- (J) Emergency Medical Technician-Paramedic (EMT-P) - a person who has successfully completed a course of instruction in advanced life support care and is

licensed by the Department in accordance with standards prescribed by Chapter 190, RSMo and rules adopted by the Department pursuant to Chapter 190, RSMo;

- (K) Emergency services - any health care services provided to evaluate and treat medical conditions of recent onset or severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that urgent and unscheduled medical care is required;
- (L) Health care facility - a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;
- (M) Hospital - a medical facility which is subject to the provisions of Chapter 197, RSMo, or a hospital operated by the state;
- (N) Licensed Ambulance Service - Those individuals or entities who possess a valid and effective license to provide ambulance services issued by the Valle Ambulance District;
- (O) Medical control - supervision provided by or under the direction of a physician, licensed pursuant to Chapter 334 RSMo, to a provider by written or verbal communications;
- (P) Medical Director – a physician licensed pursuant to Chapter 334, RSMo, designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to Chapter 190 RSMo.
- (Q) Patient - an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;
- (R) Person - as used in these definitions and elsewhere in this ordinance, any individual, firm, partnership, co-partnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;
- (S) Physician Advisory Board (PAB) - a group of physicians licensed pursuant to Chapter 334, RSMo, including the Medical Director appointed by the District, and who meet criteria established by the Department. The Physician Advisory Board shall have the responsibility to monitor medical care and ensure standards of care and protocols are met within the District;

- (T) Protocol - a predetermined, written medical care guideline, which may include standing orders, approved by the District Medical Director the normal standard of prehospital care for a given clinical condition.
- (U) Service Area - The specific geographic area within Valle Ambulance District in which the Licensed Ambulance Service has been granted authority in which to operate by the Board of Directors of the Valle Ambulance District.

Section 2. Jurisdiction

(A) No person, directly or indirectly, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business of providing ambulance services upon the streets, alleys, or any public way or place of Valle Ambulance District unless such person holds a currently valid license for an ambulance from the Missouri Department of Health and a license issued pursuant to the provisions of this ordinance.

(B) No person with a license from the Missouri Department of Health which contains a limitation of license shall provide any ambulance services that is prohibited by the limitation of license.

(C) No ground ambulance shall be operated for ambulance purposes and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys or any public way or place of Valle Ambulance District unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid license as an EMT-P from the Missouri Department of Health and a license issued pursuant to the provisions of this ordinance. All calls for ambulance services shall be dispatched through a central dispatching agency.

(D) Exceptions - District licensure provisions and dispatching procedures contained herein shall not apply to:

- (1) air ambulance services;
- (2) ground ambulance services operated by an agency of the United States government, or their personnel;
- (3) ground ambulance services or their personnel which are rendering assistance at the request of the District in the case of an emergency or major catastrophe, or in response to the provisions of a written mutual aid agreement;
- (4) ground ambulance services or their personnel which are engaged in the process of transporting a patient from outside Valle Ambulance District to a location within the District;
- (5) the ground ambulance service operated by the Valle Ambulance District within that District's boundaries, or their personnel;

- (6) ground ambulance services or their personnel which are operating subject to the provisions of a contract for services between the ambulance service and the District, which has been signed by both parties and ratified by the Board; or
- (7) personnel associated with the District's sanctioned First Response Teams; or
- (8) specialized pediatric ambulance services for the treatment and transfer of premature and/or critically ill infants or children.

Section 3. License Requirements

(A) Ambulance Service:

(1) No ambulance service shall be authorized to operate within the boundaries of Valle Ambulance District without a District issued license, except as outlined in Section 2(D) of this ordinance.

(2) Application for License:

(a) Submission: Application for an ambulance service license shall be made upon such forms as may be prepared or prescribed by the District and shall contain:

(i) the name and address of the applicant and of the owner of the ambulance service; in the event the owner is a corporation, the names, titles and addresses of the corporate officers must be provided;

(ii) the trade or other fictitious name, if any, under which the applicant does business and proposes to do business;

(iii) the ambulance service's agency number issued by the Department;

(iv) the training and experience of the applicant in the transportation and care of patients;

(v) a description of each ambulance, including the make, model, year of manufacture, vehicle identification number, the length of time the ambulance has been in use, and the license plate number, color scheme, insignia, name monogram or other distinguishing characteristics to be used to designate and identify the applicant's ambulance(s);

(vi) a photograph of each ambulance;

(vii) proof of general liability, automotive and malpractice insurance as outlined in Section 6 of this ordinance;

(viii) the location and description of the place or places from which each ambulance is intended to be operated;

(ix) such other information as the Board shall deem reasonably necessary to make a fair determination of compliance with this ordinance.

(b) Any such application for ambulance service licensure shall be presented at any regular meeting of the District Board of Directors.

(c) A non-refundable license application fee established by the Board shall accompany each ambulance service application.

(3) Issuance:

(a) The Chief shall, within a reasonable time after receipt of an application as provided for herein, cause an investigation to be made of the applicant for an ambulance service license, and of the applicant's proposed operations.

(b) Prior to the issuance of any ambulance service license, the Chief shall cause to be inspected the vehicles, equipment and premises designated in the application, to determine compliance with the standards prescribed in this ordinance, and with the regulations pertaining to each section; provided, however, that under the terms of this ordinance the Chief shall have no responsibility, and shall exercise no authority, in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

(c) The Chief shall issue an ambulance service license, valid for a period of one year unless earlier suspended, revoked or terminated, when such issuance is certified by the Board after the Board finds:

(i) that the proposed ambulance service will benefit the public health and welfare;

(ii) that each ambulance, its required equipment and the premises designated in the application conform to regulations promulgated by the Board as provided in this ordinance;

(iii) that the applicant is a responsible person who bears a good reputation for honesty, integrity, fair dealing, and is competent to operate an ambulance service;

(iv) that the applicant's ambulances will be operated only by duly licensed EMT-P's; and

(v) that all the requirements of this ordinance and all other applicable laws and ordinances have been met.

(4) Vehicle Permits:

(a) No ambulance shall be authorized to operate within the District without a District issued vehicle permit, except as outlined in Section 2(D) of this ordinance.

(b) Only upon the issuance of an ambulance service license may the Chief issue a vehicle permit for each ambulance specified in the application, and then only after the Chief has determined that each vehicle meets all the requirement set forth in this ordinance and other applicable regulations promulgated by the Board. Such permit shall be valid for a period of time to coincide with the expiration date of the provider's ambulance service license.

(c) Only ambulances meeting at least minimum state requirements and capable of rendering full ALS services may receive a vehicle permit.

(d) The vehicle permit shall be prominently displayed in each vehicle at all times while operating under the provisions of this ordinance.

(B) Personnel:

(1) No individual shall drive or attend any ambulance upon the streets, alleys or any public way or place of the District unless such individual holds a currently valid personnel license issued by the District. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an EMT license.

(2) Application for License:

(a) Submission: Application for a personnel license shall be made upon such forms as may be prepared or prescribed by the District and shall contain:

(i) the applicant's full name, current residence, places of prior residence, and length of time at the current address;

(ii) the applicant's age, height, weight, color of eyes and hair;

(iii) the applicant's current driver's license number;

(iv) whether the applicant's driver's license has ever been suspended or revoked, and if so, when and where and for what cause;

(v) whether the applicant has ever been convicted of, plead guilty or nolo contendere to, a felony or misdemeanor, and if so, when and where and for what cause;

(vi) whether the applicant has ever been convicted of, plead guilty or nolo contendere to, any moving motor vehicle violation, and if so, when and where and for what cause;

(vii) the applicant's training and experience in the transportation and care of patients and whether the applicant has previously been licensed as an ambulance attendant or attendant/driver, and if so, when and where, and whether the applicant's license has ever been revoked, suspended or reprimanded in any jurisdiction and for what cause;

(viii) affidavits of good character from two reputable citizens of the United States who have personally known the applicant for two or more years;

(ix) a copy of the applicant's current Ambulance Personnel License issued by the Department;

(x) two recent photographs of the applicant, of a size designated by the Chief, one of which shall be attached to the personnel license; and

(xi) such other information as the Board shall by regulation adopt, deemed reasonably necessary to make a fair determination of compliance with this ordinance.

(b) Any such application for personnel licensure shall be presented at any regular meeting of the District Board of Directors.

(c) A non-refundable license application fee established by the Board shall accompany each application for a personnel license.

(3) Issuance:

(a) The Chief shall, within a reasonable time after receipt of an application as provided for herein, cause an investigation to be made of the applicant for a personnel license, to determine the accuracy of the statements made in the application.

(b) The Chief shall issue a personnel license, valid for a period of time to coincide with the expiration date of the applicant's Ambulance Personnel License issued by the Department, unless earlier suspended, revoked or terminated, when the Chief finds that the applicant:

(i) is licensed as an EMT-P attendant/driver by the Department;

(ii) has successfully passed an examination testing the applicant's knowledge of local medical protocol, special disaster procedures and the District's system in general;

(iii) has successfully passed a drug screening examination;

(iv) is able to speak, read and write the English language;

(v) is competent to use, apply and direct the use and application of all medical equipment required to be carried upon all ambulances operating pursuant to this ordinance;

(vi) has not been convicted of a felony or a misdemeanor involving an act of moral turpitude, and applicant has no outstanding warrants;

(vii) has successfully completed the District essential functions examination as outlined in regulations enacted by the Board; and

(viii) has an acceptable driving record.

(C) Term / Transferability:

(1) Licenses and permits issued pursuant to this ordinance shall not be assignable or transferable. No official entry made upon any license or permit may be defaced, removed, or obliterated.

(2) It shall be the responsibility of the license holder to apply for a new license no later than thirty (30) days prior to expiration of the current license.

(3) Any change of ownership of a licensed ambulance service shall terminate the ambulance service license, each vehicle permit and the personnel license of each of the provider's employees and shall require a new application and a new license and conformance with all the requirements of this ordinance as upon original licensing.

(4) Application for transfer of any ambulance vehicle permit to another or substitute vehicle shall require conformance with all the requirements of this ordinance as upon original licensing. No District issued ambulance vehicle permit may be sold, assigned or otherwise transferred without the approval of the Board and a finding of conformance with all the requirements of this ordinance as upon original licensing.

(D) Renewal:

Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all of the requirements of this ordinance as upon original licensing.

(E) Revocation:

(1) The Chief may, and is authorized to, suspend, revoke or terminate a license or permit issued hereunder for failure of a licensee to comply and to maintain compliance with, or for licensee's violation of, any applicable provisions, standards or requirements of this ordinance, or of regulations promulgated hereunder or of any other applicable laws or ordinances or regulations promulgated hereunder, but only after warning and such reasonable time for compliance as may be set by the Chief.

(2) Within thirty days after a suspension, revocation or termination, the licensee may request, and shall be afforded, a hearing before the Board, after reasonable notice. The Board shall, within fifteen days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of the license. The written decision shall be promptly transmitted to the licensee to whom it refers.

(3) Upon suspension, revocation or termination of an ambulance service license hereunder, the ambulance service shall cease operation within the District and no person shall permit the ambulance service, any of its vehicles or personnel to continue operations within the District.

(4) Upon suspension, revocation or termination of an ambulance personnel license hereunder, the licensee shall cease to drive or attend an ambulance within the District and no person shall employ or permit such individual to drive or attend an ambulance within the District.

(F) Appeal:

Any person aggrieved by any action of the Chief pursuant to Section 3 of this ordinance, may appeal such action within seven (7) days of such decision by filing a written appeal to the Board. The Board shall hear the appeal and thereafter render its decision affirming, modifying or reversing the action of the Chief, and to such end shall possess all the powers on

appeal granted in this ordinance. The decision shall be subject to the procedures and review provided by the Administrative Review Act of the state.

Section 4. Vehicle Requirements

(A) Each ambulance shall, at all times when in use as such:

- (1) conform with the standards, requirements and regulations provided for in this ordinance and all other applicable laws and local ordinances relating to health, sanitation and safety;
- (2) be equipped with such lights, sirens and special markings to designate it as such as may be prescribed in reasonable regulations promulgated by the Board:
and
- (3) meet the accepted requirements for equipment, medications and supplies, as determined by the Chief and the Medical Director, and approved by the Board.

(B) Subsequent to the issuance of an ambulance vehicle permit, the Chief shall cause an inspection to be made of each vehicle and its equipment whenever such inspection is deemed necessary, but in any event, no less frequently than once each year. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances, or other inspections required to be made under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.

(C) Each ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the Chief or designee during usual hours of operation.

(D) The initial, annual or other ambulance, equipment and premises inspection reports of the Chief provided for in this ordinance shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided in this ordinance, and of the regulations promulgated pursuant to this ordinance.

Section 5. Patient Care Standards

(A) An ambulance service licensed under the provisions of this ordinance shall operate under the authority of the District Medical Director when providing ambulance services pursuant to this ordinance.

(B) The Chief, with the assistance of the Medical Director, shall promulgate standards related directly or indirectly to clinical performance and the delivery of ALS by ambulance personnel, which may include, but not be limited to:

- (1) communication protocols;
- (2) communication equipment requirements;
- (3) quality assurance requirements; and
- (4) continuing education and training standards.

(C) For all emergency calls, patients shall be transported to the most appropriate hospital pursuant to District protocol.

(D) The Chief, manager or other authorized representative of each licensed ambulance service shall be required to meet with the District Medical Director, at their request, to review the ambulance service's compliance with the patient care standards and other provisions provided for in this ordinance.

Section 6. Insurance Requirements

(A) No ambulance service license shall be issued under this ordinance, nor shall the license be valid after issuance, nor shall any ambulance vehicle be operated in the District unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of Missouri, for each and every vehicle operated by or for the applicant or licensee, providing for the payment of damages, in such amounts and for such coverage as required by Department rules and regulations and the Missouri Motor Vehicle Safety Responsibility Law, Chapter 303, RSMo 1959, as amended, and as amended hereafter.

(B) The insurance policies, naming the District as an additional insured, shall be submitted to the Chief with the license application for approval prior to the issuance of each ambulance service license. Satisfactory evidence that insurance is at all times in force and effect shall be furnished to the Chief, in such form as the Chief may specify, by all licensees required to provide such insurance under the provisions of this ordinance.

(C) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured.

(D) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give written notice to the District and to the assured before any cancellation or termination thereof earlier than its expiration date and the cancellation or other termination of any policy shall automatically revoke and terminate the licenses issued for the ambulance service, its vehicles and personnel covered by the policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of the cancellation or termination.

Section 7. Records and Reporting Requirements

(A) Each licensee of an ambulance service shall maintain accurate records upon forms as prescribed by, and containing information as may be required by, the Chief concerning the transportation of each patient within Valle Ambulance District or from one place within Valle Ambulance District to another place beyond its limits. The records shall be available for inspection by the Chief or designee at any reasonable time, and copies thereof shall be filed by the licensee within twenty-four hours on request by the Chief.

(B) A copy of each initial, annual or other ambulance, equipment and premises inspection report by the Chief under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

(C) Each licensed ambulance service that provides ambulance services within Valle Ambulance District shall complete a Valle Ambulance District Reporting Form on each run and/or patient and provide a copy to the District so the District can monitor the quality of care and compliance with medical treatment protocols, triage/transport protocols and all other provisions provided for in this ordinance.

Section 8. Violations and Penalties

(A) It shall be unlawful, within the jurisdiction of the District:

(1) for any individual to perform duties as an EMT-P without a current personnel license issued by the District except as noted in Section 3(B);

(2) for any ambulance service to permit a person to work as an EMT-P without a current personnel license issued by the District, except as noted in Section 3(B);

(3) for any ambulance service to use or cause to be used any ambulance without a current vehicle permit issued by the District, unless exempted by the provisions of Section 2(D);

(4) for any ambulance service to provide ambulance services, either emergency or non-emergency, unless authorized by this ordinance or exempted by the provisions of Section 2(D);

(5) for any individual or ambulance service to knowingly give false information to induce or prevent the dispatch of an ambulance.

(B) Penalties:

(1) Any person convicted of violating the provisions of this ordinance shall be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisonment for a period not exceeding thirty (90) days, or by both such fine and imprisonment, for each offense.

(2) Pursuant to Chapter 190, Section 190.180, RSMo, the Attorney General of Missouri shall have concurrent jurisdiction with the Prosecuting Attorney of Jefferson County to prosecute persons in violation of Chapter 190, RSMo or this ordinance, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating an ambulance service in violation of Chapter 190, RSMo or this ordinance. The prosecuting attorney may appoint the attorney for the Valle Ambulance District as a Special Prosecuting Attorney for the prosecution of violations of this ordinance.

(3) Violations of this ordinance shall be heard and determined only before divisions of the circuit court of Jefferson County. "Heard and determined", for purposes of this ordinance, shall mean any process under which the court in question retains the final authority to make factual determinations pertaining to allegations of an ordinance violation

(4) This does not serve to limit any other remedies available to the District in law or equity.

Section 9. Severability Clause

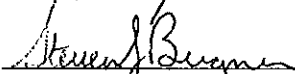
If any portion of this Ordinance shall be deemed invalid by a court of law with competent jurisdiction, the remaining portions of this Ordinance not so declared as invalid shall remain in full force and effect.

Section 10. Effective Date

This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Directors.

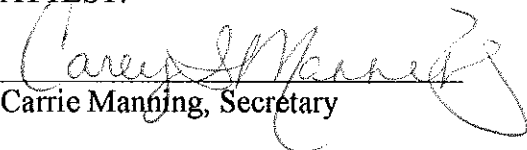
READ BY TITLE TWO TIMES, COPIES OF THE PROPOSED ORDINANCE HAVING BEEN MADE AVAILABLE FOR PUBLIC INSPECTION AT THE PLACE OF THE MEETING PRIOR TO THE TIME THE BILL WAS UNDER CONSIDERATION BY THE BOARD OF DIRECTORS AND PASSED BY THE BOARD OF DIRECTORS OF VALLE AMBULANCE DISTRICT, THIS 22nd DAY OF May, 2014.

ADOPTED THIS 22nd DAY OF May, 2014.



Steven Bergner, Chairman of the Board

ATTEST:



Carrie Manning, Secretary