

ORDINANCE MC 31-6-19
GROUND AMBULANCE LICENSING ORDINANCE
MINNEHAHA COUNTY, SOUTH DAKOTA

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BE IT ORDAINED BY THE MINNEHAHA COUNTY BOARD OF COMMISSIONERS:

ARTICLE 1 – TITLE AND PURPOSE

A. TITLE: These regulations shall be referred to as the 2019 Revised Ground Ambulance Licensing Ordinance.

B. PURPOSE: It is the stated purpose of this Ordinance that all persons residing within Minnehaha County have access to ambulance services meeting the minimum standards set forth herein. In order to accomplish this stated purpose and in order to protect the health, safety and welfare of the citizens of the County, all ground ambulance services licenses issued by the County shall be for a specific geographical area within the County which shall be identified in the license. To the extent possible, these geographical areas shall not overlap, but instead shall be contiguous. It is an express condition of any ground ambulance license issued by the County that the licensee must respond to all ambulance service calls within its licensed area in accordance the standards and requirements set forth in this Ordinance. It is a further express condition of this Ordinance that a licensee may respond to ambulance calls in the County, but outside of its licensed area, only in the event of emergency, a request for mutual aid, or disaster. It is also an express condition of this Ordinance that a licensee shall execute a mutual aid agreement for mutual benefit to ensure public safety with other licensees within Minnehaha County on the form prescribed for that purpose by the County, and failure to execute such an agreement, any failure to honor the terms of the agreement, or any failure to have such an agreement in place during the term of the license may be grounds for immediate suspension or termination of its license by action of the County Commission.

ARTICLE 2: DEFINITIONS

Whenever any of the following terms are used in the body of this Ordinance, the following meanings shall apply:

1. Advanced Life Support (ALS): The treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, electrocardiographic monitoring (ECG), and cardiac defibrillation by a qualified person, pursuant to South Dakota Codified Laws.

2. Advanced Life Support Service: Any emergency medical transport or non-transport service which uses advanced life support techniques.

3. Air ambulance: Any fixed-wing or rotary-wing aircraft used for, or intended to be used for, air transportation of sick or injured persons requiring or likely to require medical attention during transport.

4. Air ambulance service: Any publicly or privately owned service which operates air ambulances to transport persons requiring or likely to require medical attention during transport.
5. Ambulance: Any privately or publicly owned land or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, land or water transportation of sick or injured persons requiring or likely to require medical attention during transport.
6. Basic Life Support: The treatment of medical emergencies by a qualified person through the use of techniques defined by the National Scope of Practice described in the Emergency Medical Technician Education Standards of the United States Department of Transportation. The term "basic life support" also includes other techniques which have been approved and are performed under conditions specified by rules of the State of South Dakota Department of Health or Minnehaha County. All licensees must be staffed as required by South Dakota state statute and administrative rule, and as required by this Ordinance.
7. Basic Life Support Service: Any emergency medical service which uses only basic life support techniques.
8. Closest Available Emergency Medical Services Response Vehicle: The vehicle which is closest to the scene at the time of the call as determined by a Public Safety Answering Point through GIS mapping and is a validly licensed operator.
9. Mutual Aid Agreement: An agreement between licensed ambulance providers neighboring jurisdictions to dispatch the closest available emergency medical services response vehicle to the scene of a medical emergency within Minnehaha County.
10. County Commission: The Minnehaha County Board of County Commissioners.
11. Credentialing: The process of authorization to any person to act as a paramedic, EMT, Dispatcher or First Responder within the County Emergency Medical Services System.
12. County Emergency Medical Services System: The system consisting of all volunteer, private and governmental Basic Life Support Services, Advanced Life Support Services, and 9-1-1 Public Safety Answering Points (PSAPs) and First Responder Agencies which utilize state certified emergency medical personnel under the supervision of the County Medical Director or the EMS Director.
13. Emergency Medical Condition: A medical condition manifesting itself by acute symptoms of sufficient severity, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:
 - a) Serious jeopardy to patient health.
 - b) Serious impairment to bodily functions.

c) Serious dysfunction of any bodily organ or part.

14. Emergency Medical Dispatch: The system of emergency medical call taking designed to dispatch the appropriate level of services based on established criteria and provide pre-arrival emergency medical instructions to the caller until EMS arrives.

15. Emergency Medical Services Division: The Minnehaha County Emergency Medical Services Division, a Division of the Department of Emergency Management.

16. Emergency Medical Services (EMS) Provider: Any basic life support service, or advanced life support service which possesses a License and engages in the business of providing emergency medical services.

17. Emergency Medical Technician (EMT): A person who has completed an Emergency Medical Technician course and is currently certified by the South Dakota Department of Health or successor state agency, and trained in emergency medical care in accordance with standards prescribed by rules and regulations promulgated pursuant to SDCL § 34-11-6.

18. First Response: The provision of non-transport emergency medical services designed to provide initial stabilization of patients suffering from medical conditions.

19. Ground Ambulance: A motor vehicle operated over public roadways under the jurisdiction of this state and which is in compliance with South Dakota law and South Dakota Administrative Rule.

20. Ground Ambulance License: A license issued by the County authorizing a licensee to provide ground ambulance services within a specific geographical location within the County. Any licensee under this Ordinance must also be licensed in accordance with the laws of the State of South Dakota.

21. Licensee: The entity licensed by the County to provide Ground Ambulance Services within a specific geographical area within the County.

22. Medical Director: A licensed physician or a corporation dedicated to the provision of emergency medical services as defined by South Dakota Codified Laws, Chapter 36-4B, employed or provided under a written contract by the County to supervise and accept responsibility for the medical performance of any licensed healthcare provider operating within the County's emergency medical services system. The Medical Director shall perform such duties and responsibilities as may be assigned by the written contract of employment or position

description. The Medical Director provides medical control through written protocols, on-line supervision, continuing education, and quality assurance.

23. Paramedic: A person licensed by the South Dakota Board of Medical and Osteopathic Examiners who is authorized to perform basic and advanced life support, pursuant to the provisions of South Dakota Codified Laws, Chapter 36-4B.

24. Patient: A person who is in need of emergency medical treatment or emergency transportation.

25. Person: Any living being, or any corporation, partnership or other business entity.

26. Pre-Hospital: The out of hospital provision of ALS or BLS treatment and/or transport services to a patient who has a medical condition.

27. Principal of Record: The Chief Executive official of an EMS Provider.

28. Public Safety Agency: A functional division of a public agency which provides firefighting, law enforcement, emergency medical, or other emergency services.

29. Public Safety Answering Point: A communications center designated to receive 9-1-1 calls.

30. Response Time: The time as measured in minutes and seconds from the point the call is dispatched to the licensee by the 911 communications center.

31. Treatment Protocols: The protocols approved by the County or Licensee's Medical Director directing the assessment, treatment, and transport of patients as defined herein.

32. Transporting: Transporting a patient originating within the county to a destination within the county.

ARTICLE 3: LICENSE REQUIRED

1. Except as provided herein, no person shall operate a ground ambulance service transporting patients as defined in this ordinance from within the County, nor advertise or offer such service to the public, unless the operator of such service shall have first obtained a ground ambulance service license from the County.

2. The license requirement herein shall not apply to the following:

- a) An ambulance service that is licensed by a municipality within the County to provide ground ambulance services solely within that municipality, as long as it is only operating within that municipality;
- b) A service that is transporting patients from within the County only pursuant to written mutual aid agreements with licensed providers or intercepts which agreements have been approved by the County; or

- c) An entity that is providing air ambulance services.
- d) Any emergency vehicle owned or directly operated by the federal or state government or any of their military services.
- e) An EMS Provider licensed and qualified under South Dakota law, Minnehaha County ordinance, or municipal ordinance responding and rendering services under a current, executed written mutual aid agreement, at the request of a signatory to the mutual aid agreement during a major catastrophe when vehicles based in the locality of the catastrophe are incapacitated or insufficient in number to render the services needed.
- f) Any provider otherwise licensed and transporting individuals originating from within Minnehaha County and ending at a destination outside of Minnehaha County.

3. The County may terminate a license at any time for any reason.

ARTICLE 4. PRIMARY SERVICE AREAS OF LICENSEES

A license shall be issued for a specific geographical location within the County and to a specific person or entity. Such territorial boundaries shall not prohibit operation of a licensed ground ambulance service outside of that specific geographical location pursuant to an approved mutual aid agreement between licensees, or in the event of an emergency, a request for mutual aid, or a disaster. The geographical areas for current county licenses are as attached in Appendix A, and made a part of this Ordinance by this reference. The map which serves as Appendix A shall have the response zones designated primarily by number.

ARTICLE 5. SECONDARY SERVICE AREA/FIRST LEVEL MUTUAL AID

Any dispatch of a licensee by a Public Safety Answering Point to provide first level mutual aid to another licensee shall be determined by location technology as determined by the Public Safety Answering Point with preference to the closest available licensee.

ARTICLE 6: NOTICE TO LICENSEE OF SPECIAL EVENT

In the event a Licensee desires to participate in a special event within the territory of another Licensee hereunder, the Licensee proposing to participate outside of its Primary Service Area shall provide notice to the Licensee assigned to the service area in question where the special event is to be held.

ARTICLE 7: RESPONSE REQUIREMENTS

In accordance with SDCL § 34-11-5 and South Dakota Administrative Rule 44:05:02:17, a licensee must respond to ninety (90) percent of all emergency calls received within Fifteen (15) minutes after receiving the call. The licensee must respond to any emergency call within a maximum of Twenty (20) minutes after receiving the call. "Respond to" shall be defined as the ground ambulance being enroute to the location where emergency medical services have been

requested. Emergency Medical Condition calls for service may be reviewed by the County Medical Director or County Emergency Medical Services Division for quality assurance.

ARTICLE 8: LICENSE TERM

Ground ambulance licenses are issued for a two (2) year period. Any licensee may be renewed by the EMS Division for an additional two (2) year period. The requirements and procedures set forth in this Ordinance apply both to initial licensure and renewal licensure. The County may renew the license for an existing licensee so long as the licensee is in compliance with federal, state and local law and all existing application requirements.

ARTICLE 9: NOTIFICATION OF CHANGE IN LEGAL STATUS

A licensee shall notify the County not less than Sixty (60) days prior to any change in legal status, ownership, control or shareholders of the organization. In addition, a licensee shall notify the County within ten (10) days if any information contained in the application shall change or for any reason become inaccurate. Failure to comply with this provision may result in suspension or revocation of any license as authorized herein.

ARTICLE 10: DISPLAY OF LICENSE

A licensee shall display a copy of the license on the premises of the business at all times.

ARTICLE 11: QUALITY ASSURANCE REQUIRED

All licensees shall provide data and information for quality assurance purposes to the County Medical Director and EMS division in accordance with the business associates agreement executed by the licensee.

ARTICLE 12: MEDICAL DIRECTOR

1. The County Medical Director may establish clinical protocols, provide clinical supervision and provide quality improvement activities for daily operations and training pursuant to this Ordinance and pursuant to South Dakota law. The Medical Director shall supervise the clinical performance of all licensees, the EMD's, EMTs, and Paramedics operating as part of the County Emergency Medical Services system.

2. All Licensees may be required to abide by all medical protocols and quality improvement processes authorized by the Medical Director. Licensees shall submit data to the Medical Director for purposes of quality control.

3. With the written consent of the County, a licensee may opt out of the provisions of this section so long as such licensee enters into an agreement with a local physician to serve as Medical Director for such licensee with equivalent services and establishes an acceptable system to submit data to the County Medical Director for purposes of quality control.

4. All Advanced EMS providers providing emergency medical care within Minnehaha County must be affiliated with a licensed ground ambulance service.

ARTICLE 13: CREDENTIALLING

1. All licensees, their employees and agents shall meet the licensure requirements of SDCL § 36-4B-17 and SDCL Ch. 34-11 and any other applicable provision of statute.

2. All licensees, their employees and agents shall submit to a background check approved by the County.

ARTICLE 14: REQUIREMENTS FOR COUNTY LICENSURE OF GROUND AMBULANCE SERVICES

All ground ambulance services licensed within the County shall:

1. Operate in compliance with South Dakota law.
2. Be available for services Twenty-four (24) hours a day, seven (7) days per week and have the ability to maintain this requirement with sufficient call answering, staffing and vehicle availability to meet this requirement. All licensees must be accounted for on the status board of the Public Safety Answering Point.

3. On every response, a licensee shall comply with the minimum personnel requirements as set forth in SDCL Ch. 34-11 and South Dakota Administrative Rule 44:05:03:04.01.

4. Comply with state statute and rule requirements for equipment and supplies.

5. For every response, carry such additional equipment and supplies as specified by the Medical Director or Quality Assurance Director for the ambulance service.

6. Insurance Requirements: The licensee must maintain adequate liability coverage. A current certificate or policy of insurance must be provided with the Application at the time of licensure, and thereafter a current certificate or policy shall be on file with the County at all times for the period during which the service holds a surface ambulance service license.

ARTICLE 15: COMPLIANCE WITH REGULATIONS

An application for a ground ambulance license is considered to be an agreement with and acceptance of all record-keeping requirements as required by the South Dakota Bureau of Administration – Record Managements Program, or its equivalent, and other provisions of this Ordinance both now and as it may from time to time be amended in the future. Failure to comply with the provisions of this Ordinance or unsatisfactory quality assurance reviews may subject the licensee to suspension or revocation of the license.

ARTICLE 16: MINNEHAHA COUNTY EMERGENCY MEDICAL SERVICES DIVISION

1. The Minnehaha County Emergency Medical Services Division (Division) is hereby created within the County Department of Emergency Management. The primary function of the Division is to provide oversight to the operations of County Emergency Medical Services System according to policies and procedures promulgated by the County Commission. The Division shall act on behalf of the County as assigned by the County Commission or their designee. Further, the Division shall seek compliance by all parties with this Ordinance and applicable law.

2. The Division shall require compliance of all providers within the county emergency medical services system, their employees and contractors, with the provisions of all pertinent statutes, South Dakota Health Department rules, interlocal agreements, County rules and regulations and applicable contracts dealing with the provision of emergency medical services operating within Minnehaha County.

3. The Division shall perform such additional duties and/or assume such other responsibilities as may be assigned to it by the County Commission.

4. The Division may promulgate operational procedures for treatment protocol, dispatch, and any other authorized and necessary procedures.

5. The Division shall include the County EMS Medical Director.

ARTICLE 17: LICENSE APPLICATION

An applicant for a ground ambulance license with the County shall apply in writing to the County on such form which shall be provided by the County and include such terms as required by the County. The application shall be filed with the Minnehaha County Auditor's Office. The application shall be verified by the person making the application and shall contain all licensure requirements required by County and as required by South Dakota law and Administrative Rule.

ARTICLE 18: SAFETY AND SANITARY STANDARDS

Licenses shall comply with South Dakota law, South Dakota Administrative Rule, and any additional requirements of the County Medical Director as to sanitation and safety, as well as any other standards as set forth therein for licensure of ambulance services and personnel.

ARTICLE 19: CONFIDENTIALITY

Confidentiality of both patient and employee records shall be maintained by the ambulance service, by the County, and by the individual, agency, or review boards designated by the County as its entity or entities for quality assurance review. These records may not be released nor may the information in them be shared with any other person, entity or governmental body without

the express written consent of the patient or in compliance with the order of a court of competent jurisdiction.

ARTICLE 20: SUSPENSION AND REVOCATION OF LICENSE

Any violations of this Ordinance may result in the suspension, revocation or nonrenewal of a license. Any action which may result in the suspension or revocation of the ground ambulance license by the County shall follow the procedure as provided herein and the administrative procedures required in SDCL Ch. 1-24.

ARTICLE 21: PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSE FOR GROUND AMBULANCE SERVICES; NOTICE, HEARING AND APPEAL

In the event of a violation of federal, state, or local law or ordinance, including but not limited to this Ordinance, by any licensee, their agents or successors, the following procedure shall be followed:

1. Upon receipt of a recommendation of suspension or revocation from its quality assurance review agency, the County shall cause written notice of the recommendation to be served upon the licensee by U.S. Mail, Certified Letter, Return Receipt Requested. The notice shall state the nature of the recommendation and the reasons for the recommendation in sufficient detail so as to allow the licensee the ability to respond.

2. In cases of extreme risk to the citizens of the County, the notice may include an immediate order to suspend any ambulance services within the County pending further review. Any licensee receiving notice of a recommendation of suspension or revocation, shall respond in writing within twenty-four hours from the date and time of the receipt of the notice. The response shall include any information that the licensee believes material to the recommendation, and may include a corrective action plan for violations that the licensee admits have occurred. Within ten (10) working days after receipt of the licensee's written response, the Minnehaha County Commission, with at least a quorum present, shall hold a hearing to determine whether the recommendation of suspension or revocation should be implemented. In the event the notice shall require immediate suspension of ambulance service pending County Commission review, the hearing shall be held as soon as is possible, but in no event more than three (3) days after receipt of the ambulance service's written response, unless the service shall request an extension of time to prepare for the hearing.

3. Written notice of the hearing on the proposed suspension or revocation of the license due to alleged violations of this Ordinance shall be served upon the licensee at least twenty-four hours in advance of the scheduled hearing. The written notice shall comply with the provision of SDCL Ch. 1-24, the South Dakota Administrative Procedures Act, regarding contents of notice in contested cases.

4. At such hearing, all parties shall have the opportunity to respond and present evidence on issues of fact and argument relevant to the issues. A party to the proceeding may appear in person, or by counsel, or by both, may be present during the giving of all evidence, may have a reasonable opportunity to inspect all documentary evidence, may examine and cross-examine witnesses, may present evidence in support of his position, and may have subpoenas issued to compel the attendance of material witnesses and for the production of material evidence. All witnesses shall be sworn and there shall be a verbatim record of the proceedings kept by the County.

5. Informal disposition may be made if agreed by the licensee and the County.

6. The formal record of the hearing shall include all pleadings, notices, motions, and written rulings, if any; all evidence received and considered; and a statement of the issues raised by the County which were challenged by the licensee; proposed findings of fact and decision and objections to the proposed findings of fact and decision; and

7. The final findings of fact and decision of the County Commission. In addition, all evidence received or offered and not received shall be maintained in the formal record of the proceedings.

8. Any final decision of the County Commission shall take into consideration the totality of the evidence presented and shall be based upon a determination of what best serves the health and safety of the citizens of Minnehaha County. Any final decision of the County Commission may be appealed by any person aggrieved by the decision, to the Circuit Court, Second Judicial Circuit, in accordance with the statutes of the State of South Dakota. Failure of the County to issue written decision within thirty (30) days of the date of hearing shall be treated as a decision adverse to the licensee and licensee shall have the right of appeal from the record as it then exists

ARTICLE 22: ENFORCEMENT

1. Any person or entity required to be licensed under this ordinance and who conducts ground ambulance services within Minnehaha County without first obtaining a ground ambulance license, shall be guilty of a Class 2 Misdemeanor. Each and every individual act constituting a violation of this Ordinance is to be considered a separate offense. Each and every day in which an ambulance service is operated without a license in violation of this Ordinance is to be considered a separate offense.

2. The provisions of this Ordinance may be enforced by injunction or other appropriate civil proceeding or remedy authorized by law.

3. Any licensee in violation of this ordinance is subject to suspension, revocation or non-renewal of a license.

ARTICLE 23: EMERGENCY POWERS:

1. The Board of County Commissioners or the Emergency Medical Services Division Director in consultation with the County Medical Director, may for the health, welfare and safety of its citizens or in the best interest of the County to protect the best interests of the County temporarily set aside any or all provisions of this Ordinance for such period as is necessary. This shall include but not be limited to suspending, terminating or granting licenses to providers or other acts in furtherance of the health, welfare and safety of the public.

2. If any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions.

This Ordinance shall be deemed effective on January, 8, 2020 consistent with the requirements or adoption and publication of the same in South Dakota Codified Laws § 7-18A-8.


Adopted this 3rd day of December, 2019.

BOARD OF COUNTY COMMISSIONERS:



Chair

ATTEST:



County Auditor