

AN ORDINANCE FOR LICENSING SURFACE AMBULANCE SERVICE IN MINNEHAHA  
COUNTY  
Ordinance MC 31-4-16

BE IT ORDAINED BY THE MINNEHAHA COUNTY BOARD OF COMMISSIONERS:

SECTION 1. DEFINITIONS

Whenever any of the following terms are used in the body of this Ordinance, the following meanings shall apply unless its use clearly indicates otherwise:

1. County- Minnehaha County, South Dakota
2. County Commission- The Minnehaha County Board of County Commissioners
3. Ground Ambulance License- A license issued by the County authorizing the holder to provide ground ambulance services within a specific geographical location within the County.
4. Holder of a Ground Ambulance License (Holder) - The entity licensed by the County to provide ground ambulance services within a specific geographical location with the County.

SECTION 1-1. LICENSE REQUIRED

No person shall operate a ground ambulance service transporting patients 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 license from the County. However, the following shall be exempt from the provisions of Section 1-1 of this ordinance: 1) 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; 2) a service that is transporting patients from within the County only pursuant to written mutual aid agreements with licensed providers, or intercepts; or 3) an entity that is providing air ambulance services. A ground ambulance license, once issued, shall be for a specific geographical location within the County, but shall not prohibit operation outside of that specific geographical location in the event of emergency, a request for mutual aid, or 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. Any references to ambulance providers on the map shall be for convenience only. The geographical areas for Secondary Services Areas, designating a licensee for all sections which is to provide the first-level of assistance to a licensee in their geographic area as appearing in Appendix A, is attached as Appendix B, and made a part of this Ordinance by this reference.

This ordinance shall not apply to private contracts for ambulance services which are in existence on the date of adoption. However, any ambulance service operating pursuant to this exemption may not expand or increase its ambulance service beyond that allowed in the existing contract

without proper licensure by the county.

#### SECTION 1-2. LICENSE TERM

Ground ambulance licenses are issued for a two (2) year period. The requirements and procedures set forth in tills Ordinance apply both to initial licensure and renewal licensure.

#### SECTION 1-3 NOTIFICATION OF CHANGE IN LEGAL STATUS

The holder of a ground ambulance license shall notify the County when any substantial change is made in the legal status of the organization or shareholders of the organization. In addition, the holder of a ground ambulance license shall notify the County within ten (10) days if any information contained in the application shall change or for any reason become inaccurate.

#### SECTION 1-4 DISPLAY OF LICENSE

The holder of a ground ambulance license shall display a copy of the license on the premises of the business at all times.

#### SECTION 1-5 QUALITY ASSURANCE REQUIRED

The County may enter into a contractual agreement with a person or agency for the purposes of performing an evaluation of any application for a ground ambulance license and for continued quality assurance review for the holder of ground ambulance license. Initial evaluation and continued quality assurance review shall evaluate all aspects of an applicant's or licensee's ground ambulance services, including, but not limited to: licensing requirements, vehicle and equipment inspections, personnel certification, compliance with the ordinances, rules and regulations of County, and compliance with the rules, regulations and policies of the quality assurance agency, if appropriate.

Quality assurance review, as established by this Ordinance, shall require the following:

1. Random review of twenty-five per cent (25%) of the ambulance service's monthly ambulance runs, except for non-emergency patient transports.
2. Review of all ambulance runs where a death of a patient occurs prior to transport, during transport, or within twenty-four hours after transport.
3. Review of all ambulance runs involving a pediatric patient. For purposes of this Ordinance, a pediatric patient is defined as any patient under the age of eighteen (18) years.
4. Review of ambulance runs involving a life threatening situation, including, but not limited to:

- A. Cardiac arrest,
- B. Ineffective breathing,
- C. Unconscious patient(s),
- D. Stroke patients,
- E. Trauma patients,
- F. bloodborne pathogen exposure that may require treatment for responders, and
- G. Exposure to hazardous materials where a haz-mat team participates in the incident response.

5. Review of all ambulance runs where the patient is transported Code Three, lights and sirens, at any time during the ambulance run.

6. Review of all ambulance runs where the patients are not transported for treatment.

The County may, at its election by action of the County Commission, retain the services of a Quality Assurance Director for Ambulance Services to perform the duties set forth in this Section. The duties of the QA Director for Ambulance Services shall be established by contract between the parties which shall include at a minimum, the performance of all quality assurance review as set forth in this Ordinance. Additional duties established by contract may include approval authority on all medical procedures and protocols adopted by the holder of a ground ambulance license and establishing and approving additional training of ambulance personnel when appropriate. If the County does retain the services of a QA Director for Ambulance Services, the person must be a physician licensed by the State of South Dakota, knowledgeable in the area of emergency medicine. In addition and in order to assure that licensed ground ambulance services are receiving the best medical direction possible, the QA Director for Ambulance Services may, at the election of the holder of a ground ambulance license and by separate agreement with the holder of a ground ambulance license, act as Medical Director for the holder of the ground ambulance license.

#### SECTION 1-6 REQUIREMENTS FOR COUNTY LICENSURE OF GROUND AMBULANCE SERVICES

1. Vehicle specifications: Vehicles utilized as surface ambulances must meet the State of South Dakota standards and requirements for ground ambulances at all times during the license term.

2. Availability: All ground ambulance services licensed within the County must be available for services twenty- four (24) hours a day, seven (7) days per week. Call answering, staffing and vehicle availability must be maintained to meet this requirement. All county licensed EMS agencies must be accounted for on the status board of the Metro Communications dispatch center.

3. Response and Level of Service: Requests for ground ambulance service shall be

acknowledged within sixty (60) seconds of notification of the request for at least ninety per cent (90%) of the calls for service, with a maximum call acknowledged to time en-route of no more than ten (10) minutes from notification, as evidenced by having a fully staffed and stocked ambulance en-route within that time .frame, unless the request is for a scheduled transfer for which alternate requirements are specified by the calling party. If the timeframes contained above are not met, or if a responder indicates that it cannot meet the timeframes, Metro Communications shall automatically dispatch the provider(s) who are secondary response for the location of the incident. The ten (10) minute requirement for ambulance en-route may be waived by the County in the event of unusual circumstances, which shall be considered on a case-by-case basis.

4. Staffing Requirements: The holder of a ground ambulance license shall for every ambulance run, have a minimum of two (2) Emergency Medical Technicians onboard. These staffing requirements shall only apply when patient care and transport are occurring.

5. Equipment/ Medications: All ground ambulance units shall for every ambulance run, comply with the State requirements for equipment and supplies. In addition, all ground ambulance units shall for every run, carry such additional equipment and supplies as specified by the QA Director for the ambulance service. All ambulance units shall be equipped to use the State Digital Radio System. By applying for a license, each holder agrees to allow the County's QA Director to inspect its equipment and medications any time s/he reasonably determines necessary.

6. Indirect Medical Control: The holder of a ground ambulance license must have a Medical Director to provide indirect medical control. The Medical Director must have a medical license issued by its State of origin, a D.B.A. Certificate, and staff privileges, in good standing, with at least one acute-care hospital in the County, City of Sioux Falls, South Dakota, or in close proximity in a neighboring State or County.

7. Direct Medical Control: The holder of a ground ambulance license must have procedures in place to receive direct (on-line) medical control by a physician(s) licensed in the State of South Dakota who shall have staff privileges, in good standing, with at least one acute-care hospital in the County or City of Sioux Falls, South Dakota. Direct medical control must be available twenty-four (24) hours a day and seven (7) days per week. This direct medical control may be provided by at least one acute-care hospital within the County or City of Sioux Falls; or alternative arrangements may be made for the provision of direct medical control, subject to review and approval by the County.

8. Insurance Requirements: The holder of a ground ambulance license must maintain a

certificate of policy of insurance issued by a responsible insurer, covering the vehicles to be operated and personnel employed by or working for the service. A current certificate or policy of insurance must be on file with the County at all times for the period during which the service holds a surface ambulance service license. The liability insurance shall provide the following coverage as a minimum:

General liability coverage of comprehensive form with the following minimum limits:  
Property damage of five hundred thousand dollars (\$500,000) per incident  
Personal injury for one person of five hundred thousand dollars (\$500,000) per incident  
Personal injury for one accident of one million dollars (1,000,000) in the cumulative Umbrella policy of one million dollars (\$1,000,000) per incident  
Employee profession liability coverage of one million dollars (\$1,000,000) per incident.

9. All persons responding to calls for service to a County-licensed ambulance provider must complete necessary National Incident Command System Training. All licensed providers must participate at no cost to the County when the County conducts disaster training exercises. This will be limited to one (1) disaster exercise per year; the exercise may be table top, functional or full-scale in nature.

#### SECTION 1-7 COMPLIANCE WITH REGULATIONS

An application for a ground ambulance license is considered to be an agreement with and acceptance of all record-keeping requirements 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 from the County's quality assurance agency may subject the licensee to suspension and possible revocation of the license to operate surface ambulance services in the County.

#### SECTION 1-8. LICENSE APPLICATION

Each prospective licensee for a ground ambulance license with the County shall make application, in writing, to the County which shall be filed with the Minnehaha County Auditor's Office. The application shall be verified by the person making the application and shall contain the following information:

1. The geographical location for which licensure is sought.
2. The full name and address of the applicant; and if a partnership, the name and address of each partner; and if a corporation, the names and addresses of the officers and members of the board of directors thereof; and the name and addresses of the general manager of the applicant's surface ambulance service.
3. The address of the principal place of business of the applicant.

4. A resume of the experience of the applicant in the experience of operating an ambulance service.
5. A detailed statement of the type of ambulance service which the applicant proposes to operate in the County.
6. A certified copy of the ambulance service license of the applicant, which has been issued by the State of South Dakota.
7. A detailed listing of vehicles to be utilized as ground ambulances.
8. A written plan for staffing levels to provide ground ambulance service meeting the response and level of service requirements set forth in this Ordinance.
9. A list of employees expected to be employed by the applicant, along with their EMT certifications, training, and credentials.
10. Documentation that all ambulances are equipped with adequate equipment and medications to meet the standards of the State.
11. Verification of availability of direct and indirect medical control, as evidenced by agreement, letter or some other writing which shall include the certifications of the Medical Director, and the name of the acute-care facility at which the Medical Director has staff privileges, and proof of on-line medical control twenty-four (24) hours a day, seven (7) days a week.
12. A plan to comply with the sanitary and safety standards set forth in this Ordinance, including vehicle and equipment inspections as specified.
13. Insurance verification as set forth in this Ordinance, including a list of vehicles insured or proof of blanket coverage.
14. Payment of the fee for licensure, the amount of which shall be established by separate Resolution of the Minnehaha County Commission.
15. Such other information as County may require, which shall be set forth in the application form.

#### SECTION 1-9. INITIAL AND SUBSEQUENT APPLICATION PROCESS

After the expiration of the initial four (4) year licensure, all ambulance services seeking to be re-licensed by County shall be subject to review by the County's quality assurance agency or Medical Director prior to issuance of the ground ambulance license. License applications must be received no later than September 1<sup>st</sup> of the year the existing licenses expire. Any application

for ground ambulance licensure shall be approved or denied by County within sixty (60) days of its submission. Any decision relating to the issuance of a license for ground ambulance services shall be made by the Minnehaha County Commission and may be appealed to circuit court in accordance with the statutes of South Dakota.

#### SECTION 1-10. GEOGRAPHICAL BOUNDARIES

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 license holder 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 license holder 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 license holder executed a mutual aid agreement for mutual benefit to ensure public safety with other license holders 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.

The County will consider applications for ground ambulance licenses for new geographical areas prior to September 1 in the year of the expiration of the existing license holder's license term. Any decision of the County Commission regarding the approval or denial of an application for ground ambulance services may be appealed to the circuit court in accordance with the statutes of the State of South Dakota, by any interested party.

#### SECTION 1-11 SAFETY AND SANITARY STANDARDS

Licensees shall comply with the following standards for sanitation and safety, in addition to any other standards that may be imposed by the State of South Dakota as a condition of licensure:

1. The interior of the ambulance and the equipment on the ambulances shall be clean, sanitary and maintained in good working order.
2. Exterior surfaces of the ambulance shall be cleaned routinely.
3. Oxygen masks, cannulas, humidity containers, suction catheters, tubing or any airway designed to be inserted in a patient's nose or mouth shall be single service, and must

be properly stored and handled. Equipment and supplies identified by the manufacturer as single use or disposable shall not be reused and shall be properly disposed of in appropriate bio-medical waste containers.

4. Immediately after an ambulance has been utilized to transport a patient, the patient compartment and any non-disposable equipment must be thoroughly cleaned and disinfected prior to reuse, according to standard infection control practices.

5. freshly laundered linens or disposable linens shall be used on cots and pillows. Clean linen shall be used for each patient.

6. Smoking and eating is prohibited in ambulances. Consuming beverages is prohibited in the patient compartment module at all times except as part of patient care. Consuming beverages is prohibited in the driver's compartment of an ambulance during an ambulance run.

7. Body substance isolation procedures, universal precautions and personal protective equipment shall be used by personnel participating in patient care activities.

8. The holder of a ground ambulance license shall train all of its members concerning infection control policies and procedures and records of such training shall be maintained as part of the continuing education records of the service.

9. The holder of a ground ambulance license shall have written policies concerning infection control which shall include, at a minimum, pre-exposure precautions; post-exposure procedures; and procedures for decontamination and/or disposal of all contaminated equipment and supplies.

10. Vehicles, medical devices, radio communication devices and rescue equipment must be maintained in accordance with manufacturer's specifications and shall be in operational condition at all times. Emergency vehicle warning lights and audible warning devices must function in the manner in which they were designed. Each ambulance vehicle shall be checked monthly to determine that it is in proper working order and a notation on the maintenance records shall be made of the monthly review.

11. Maintenance records must be maintained for all medical equipment, to include defibrillators, glucometers, infusion pumps, and any other electronic equipment. Maintenance records shall contain the date, the name of the person performing each routine equipment check, changes, additions, service, repair, and response to complaints of equipment operators. Maintenance records shall record all mechanical checks and repairs of each piece of equipment.

12. Each defibrillator shall be checked at least monthly to determine that it is in proper

working order and a notation made in the maintenance records shall be made of the check. Each defibrillator shall be checked at least annually to determine that it is correctly calibrated in accordance with manufacturer's recommendations and shall be re-calibrated if necessary and a notation made in the maintenance records.

#### SECTION 1-12. RECORD KEEPING

A patient record will be completed for each call to which the surface ambulance service responds, even if there is not a patient transport, and for each patient assessed or treated by the service, including responses to routine transfers. This patient care record must meet the standards of the State of South Dakota. For all patients transported a copy of the patient care report must be left with the patient when the patient arrives at destination. A copy of all patient care records must be made available to the County or its designee, upon request for quality assurance purposes.

#### SECTION 1-13. RECORD RETENTION

Written or transcribed service records as required by this ordinance shall be kept by the surface ambulance service for a minimum of five (5) years and shall be available for inspection by the County or its designee upon request.

#### SECTION 1-14. 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.

#### SECTION 1-15. SUSPENSION AND REVOCATION OF LICENSE

Violations of this Ordinance and the supporting requirements, regulations, rules and policies may require that action be taken which may result in the suspension or revocation of the ground ambulance license. Any action which may result in the suspension or revocation of the ground ambulance license by the County shall follow the procedure set forth in Section 1-16 of this Ordinance and the administrative procedures required in Section 1-24 of the statutes of the State of South Dakota.

#### SECTION 1-16. PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSE FOR GROUND AMBULANCE SERVICES; NOTICE, HEARING AND APPEAL

In the event that a violation or violations of this Ordinance by the holder of a ground ambulance license shall be deemed by the County or its designated quality assurance agency,

sufficient so as to warrant immediate action to protect the health, safety, or welfare of the citizens of the County, 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 holder of a ground ambulance license (holder). The notice shall state the nature of the recommendation and the reasons for the recommendation in sufficient detail so as to allow the holder the ability to respond. In cases of extreme risk to the citizens of the County, the notice may include an immediate order to suspend all ambulance services within the County pending further review. Any holder 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 holder believes material to the recommendation, and may include a corrective action plan for violations that the holder admits have occurred. Within ten (10) working days after receipt of the holder'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.

2. 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 1-24 (the South Dakota Administrative Procedures Act) regarding contents of notice in contested cases.

3. At such hearing, opportunity shall be afforded all parties 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.

4. Informal disposition may be made if agreed by the holder and the County.

5. 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 holder; proposed findings of fact and decision and objections to the proposed findings of fact and decision; and 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.

6. 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 holder and holder shall have the right of appeal from the record as it hen exists.

#### SECTION 1-17. GENERAL PROVISIONS

1. Any ground ambulance service that is licensed by the County or any municipality within the County shall receive, as a part of such licensure, the privilege of 911 dispatch services from Metro Communications.

2. Any time that the contents of this Ordinance are referred to within its body, the referral shall include any amendments, policies, procedures, rules or regulations which implement or carry out the provisions of this Ordinance.

#### SECTION 1-18. ENFORCEMENT

1. Any person or entity which conducts ground ambulance services within Minnehaha County without first obtaining a ground ambulance license, shall be guilty of a class 2 misdemeanor.

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

Adopted this 25th day of October, 2016.

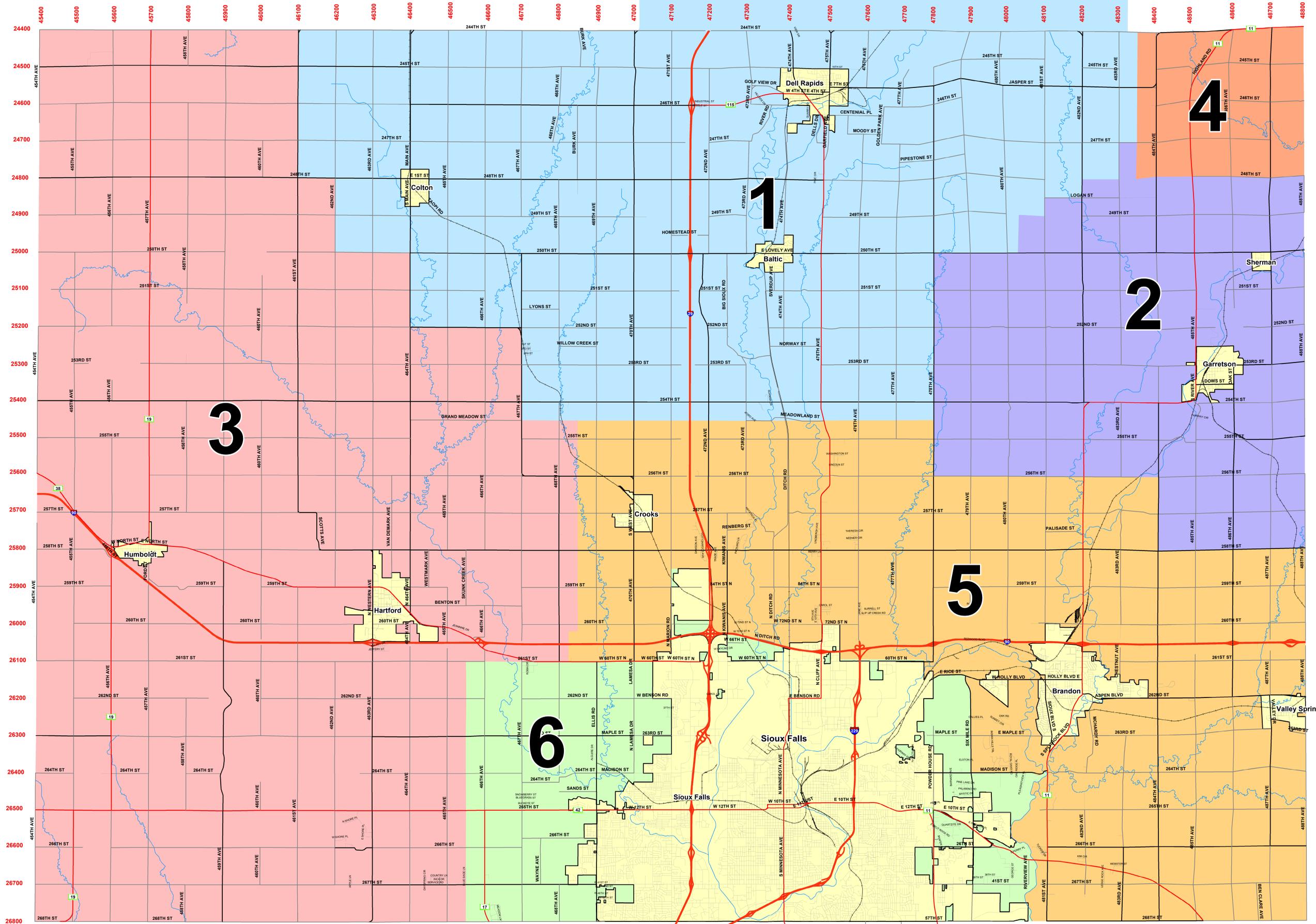
BOARD OF COUNTY COMMISSIONERS:

Gerald Benninga

Chair - Vice

ATTEST:

Olivia Larson, Deputy  
County Auditor



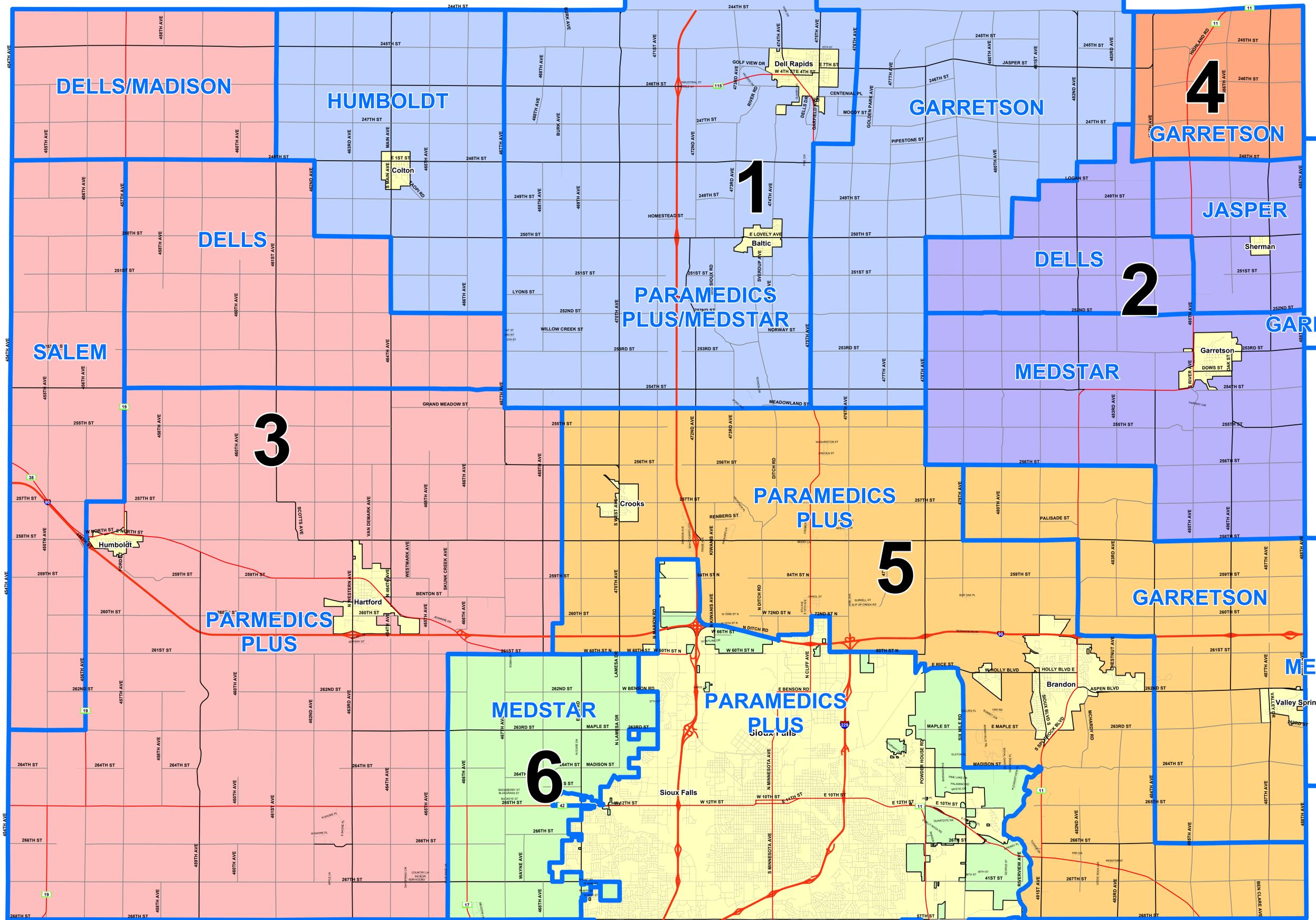
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|-------------|-------------|-----------------|
| City Limits | MEDSTAR     | HUMBOLDT        |
| Railroad    | DELL RAPIDS | JASPER          |
| Rivers      | GARRETSON   | PARAMEDICS PLUS |
| Roads       |             |                 |

# MINNEHAHA COUNTY, SOUTH DAKOTA AMBULANCE PRIMARY SERVICE AREAS

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Map Date: 12/1/2016



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| City Limits | MEDSTAR                 | HUMBOLDT        |
| Railroad    | DELL RAPIDS             | JASPER          |
| Rivers      | GARRETSON               | PARAMEDICS PLUS |
| Roads       | SECONDARY SERVICE AREAS |                 |

**MINNEHAHA COUNTY, SOUTH DAKOTA  
AMBULANCE SECONDARY SERVICE AREAS**

1:53,000  
Map Date: 12/1/2016

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