

LAUDERDALE COUNTY, MISSISSIPPI ORDINANCE FOR AMBULANCE SERVICE*

ORDINANCE NO. 1994-3 (effective April 4, 1994)

(As Amended by Ordinance No. 1994-4 (dated June 20, 1994))

(As Amended by Ordinance No. 1997-1 (dated April 7, 1997))

SECTION 1 STATEMENT OF PURPOSE AND INTENT

1.01 Lauderdale County, Mississippi (the "County"), has elected to adopt the following Ordinances in order to obtain for its citizens the following advantages: (1) access to emergency medical services superior in quality, quantity, and economical stability to those presently available; (2) improve economies of scale and cost containment; and (3) access to disaster response capabilities superior to those which would otherwise be available.

SECTION 2 DEFINITIONS

2.01 ADVANCED LIFE SUPPORT (or ALS) AMBULANCE SERVICE

Advanced Life Support Ambulance Service means the level of service attained when (i) the Ambulance Service Provider is licensed as an advanced life support ambulance service by the Mississippi State Department of Health and (ii) the Ambulance Service Provider's vehicles are permitted as advanced life support vehicles by the Mississippi State Department of Health and (iii) have on board or available in a sprint support vehicle at least one (1) person certified as an EMT-Paramedic by the Mississippi State Department of Health, or one person licensed as a pre-hospital registered nurse by the Mississippi State Board of Nursing, or one person licensed as a physician by the Mississippi State Department of Health.

2.02 AMBULANCE

Ambulance means any vehicle which is designated and equipped to transport ill or injured persons in a reclining position to or from a health care facility and is licensed by the Mississippi State Department of Health as an ambulance.

2.03 AMBULANCE SERVICE PROVIDER

Ambulance Service Provider means a person or organization, governmental or private, which operates one or more ambulances.

2.04 EMERGENCY TRANSPORT CALL

Emergency transport call means a call requiring an Emergency Ambulance Response because it concerns a potential patient presumptively classified as having an Emergency Medical Condition.

(a) Emergency Medical Condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in (i) placing the patient's health in serious jeopardy, (ii) serious impairment to bodily functions, or (iii) serious disjunction of any bodily organ or part.

(b) Emergency Ambulance Response means an Ambulance responding in the Emergency Mode in the least amount of time practically attainable, in response to a situation in which there

is a high probability that a patient with an Emergency Medical Condition exists.

(c) Emergency Mode means (i) the use of headlights and emergency warning lights continuously while the Ambulance is mobile and (ii) the use of the siren (with headlights and emergency warning lights) when driving maneuvers are executed that would otherwise be prohibited or illegal for non-emergency situations.

2.05 EMS LEAD AGENCY (as amended by Ordinance 1994-4).

The EMS Lead Agency is the organization delegated the responsibility for coordinating all components and care aspects for the entire EMS system in the County. The EMS Lead Agency shall be designated by the Lauderdale County Board of Supervisors.

2.06 EMERGENCY MEDICAL SERVICES

Emergency Medical Services ("EMS") means the following pre-hospital and inter-hospital services:

(a) Access and Coordination

The answering and processing of telephone request from the public for Ambulance or Emergency Medical Responder services, including EMS dispatching, emergency and routine; the providing of medical pre-arrival instructions to callers by telephone; but excluding the process of 911 complaint-taking when the caller is immediately transferred to the EMS lead agency.

(b) Emergency Medical Responder ("EMR") Services

Those emergency medical services excluding transportation, which are preformed by a Emergency Medical Responder and are under supervision of the EMS Lead Agency.

(c) Emergency Medical Responder

Anyone who has (i) completed a 40 hour First Responder, Basic Emergency Medical Technician, Intermediate, or Paramedic course as set forth by the United State Department of Transportation Guidelines, (ii) is an active member of a paid or volunteer fire department in Lauderdale County, and (iii) is a member of the Lauderdale County Emergency Medical Responder Association.

(d) Medical Transportation

Ambulances services, both emergency and routine, including Patient assessment, transportation, and medical procedures performed on scene, in route, during inter-facility transports, or at an emergency receiving facility when performed at the request of the receiving physician.

(e) On-line Medical Direction

Instructions given by a Communications Resource facility as defined in the Rules and Regulations issued by the Division of EMS, Mississippi State Department of Health, to EMR's or ambulance personnel at the scene of an emergency, while in route to a hospital, or during an inter-facility Patient transfer. On-line Medical Direction in the County shall be sanctioned and coordinated by the EMS Lead Agency.

2.07 PATIENT Patient means an individual who is ill, sick, injured, wounded, or incapacitated, and who is in need, or is at risk of needing, medical care or assessment during transportation to or from a health care facility and who is or should be transported in a reclining position.

2.08 PERMIT

Permit means any of the permitting documents required to be obtained pursuant to this Ordinance, including the following:

(a) Ambulance Service License **(2.08(a) as amended by Ordinance 1997-1).**

Emergency and Non-Emergency Ambulance Service Providers responding to Emergency and or Routine/Non-Emergency Transport Calls that originate and terminate within the County shall be required to obtain an Ambulance Service License pursuant to this Ordinance. All hospital based ambulance or transport vehicle are waived from this licensing process providing they are to be used for transporting admitted patients to a service not offered by that facility. County tax supported agencies that provide Emergency and or Routine/Non-Emergency Transport calls are also waived from this process.

2.09 ROUTINE/NON-EMERGENCY CALL

Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

2.10 ROUTINE/NON-EMERGENCY TRANSPORT AMBULANCE SERVICE PROVIDER

Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

2.11 SYSTEM STANDARD OF CARE

Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

SECTION 3 MANDATORY CENTRALIZED EMERGENCY TRANSPORT CALL PROCESSING

3.01 All 911 telephone requests for ambulance services shall be transferred to the Lead Agency. Emergency medical responders (EMRs) will be dispatched to all emergencies in Lauderdale County regardless of any ambulance company so utilized. **(3.01 as amended by Ordinance 1994-4).**

3.02 Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

3.03 During times of disaster or severe EMS system overload, the EMS Lead Agency shall, at all times, have full authority to direct the positioning, movements, and run responses of all Ambulances, Ambulance Service Providers, EMS Public Safety providers, and other EMS personnel in the County until such time as the disaster or system overload has lapsed.

3.04 All call requests processed by the EMS Lead Agency or other ambulance service shall be recorded to facilitate subsequent auditing of the EMS Lead Agency or other ambulance services' actions and decisions, and all such recordings shall be safely stored and shall not be erased for a period of one (1) year. **(3.04 as amended by Ordinance 1994-4).**

3.05 The County 911 commission shall be responsible for the installation and maintenance of the 911 equipment in the EMS Lead Agency as permitted by state law. **(3.05 as amended by Ordinance 1994-4).**

SECTION 4 ROUTINE/NON-EMERGENCY TRANSPORT CALL PROCESSING

4.01 Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

4.02 Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

4.03 Deleted and repealed by Ordinance 1994-4 dated June 20, 1994.

SECTION 5 INSURANCE REQUIREMENTS (5.01 as amended by Ordinance 1997-1).

5.01 Each Emergency Ambulance Service Provider or Routine/Non-Emergency Transport Service Provider shall meet all standards for insurance as set forth by the Mississippi State Department of Health.

SECTION 6 CERTIFICATE OF NECESSITY FOR AMBULANCE SERVICE LICENSE

6.01 Any entity desiring to obtain an Ambulance Service License to operate in the County shall first make an application for a Certificate of Necessity for either an Emergency Ambulance Service License or a Routine/Non-Emergency Transport Ambulance Service License to the County Administrator or his designee. **(6.01 as amended by Ordinance 1997-1).**

6.02 The criteria for consideration of an application shall be as follows, and applications for such Certificate of Necessity shall include the following information, verified under oath:

(a) NAME

The name and address of the applicant seeking the Certificate of Necessity, and in the event that the applicant is a corporation, a certified copy of the articles of incorporation.

(b) EQUIPMENT AND AMBULANCES

Applicant must have equipment and ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested.

(c) PERSONNEL

Applicant must employ personnel who are qualified by training, experience and work history to comply with the System Standard of Care and to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Personnel must meet federal, state and local certification requirements. Principals and employees of an applicant shall be subject to criminal record checks and background investigations.

(d) PROTOCOLS

Applicant must have in place a set of Mississippi State Department of Health approved protocols, demonstrating a reasonable probability that the applicant, if licensed, will deliver medical care meeting the System Standard of Care.

(e) PROOF OF PUBLIC NECESSITY FOR SERVICE

A statement of the public necessity for the services to be provided. No favorable

recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the services which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.

6.03 No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all the forgoing criteria, without exceptions. Failure of an application to do so shall indicate that the applicant poses an unacceptable degree of risk to the public safety.

6.04 All existing Ambulance Service License holders pursuant to this Ordinance will be given notice of any application for a Certificate of Necessity and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the County Administrator, or his designee, to oppose, object to, or request modification of the application, and to state whether the application, if granted, would negatively affect the ability of existing Ambulance Service License Holders to continue providing services.

6.05 The County Administrator, or his designee, will make his recommendations in writing to the County Board of Supervisors to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of Ambulances.

6.06 The Board of Supervisors will vote to grant or deny the application for a Certificate of Necessity after consideration is given to the recommendation received by existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of Ambulances for which the applicant may seek a permit pursuant to SECTION 8 hereof.

6.07 Any applicant who is dissatisfied with the decision of the County Board of Supervisors shall have a right to a hearing before the County Board of Supervisors at a regularly scheduled meeting, if written notice of appeal is filed with the County Board of Supervisors within ten (10) days after such decision. All Ambulance Service License holders under this Ordinance shall have an opportunity to be present and to oppose, object to, or request modification of the application. This hearing shall be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application, and the right to know prior to the hearing the reason for denial or modification of the request. A written decision on such appeal shall be mailed to the applicant within ten (10) working days of the hearing.

6.08 No applicant denied a Certificate of Necessity shall make application for a Certificate of Necessity for the same type of Ambulance Service License within one (1) year from the final denial by the County Board of Supervisors or final denial of the appeal thereof.

SECTION 7 AMBULANCE SERVICE LICENSE

7.01 No entity may provide emergency ambulance services originating within the County or routine/non-emergency ambulance service which originates and terminates within the County without (i) first obtaining an Ambulance Service License issued pursuant to this SECTION 7, or (ii) being sanctioned by the EMS Lead Agency. All hospital based ambulance or transport vehicle are waived from this licensing process providing they are to be used for transporting admitted patients to a service not offered by that facility. County tax supported agencies that provide Emergency and or Routine/Non-Emergency Transport calls are also waived from this process. **(7.01 as amended by Ordinance 1997-1).**

7.02 No ambulance Service License issued pursuant to this SECTION 7 shall be assailable or transferable by the entity to whom issued. Any transfer of controlling interest or any delegation of responsibility for the management agreement, subcontract or other arrangement shall be deemed a transfer or assignment.

7.03 An Ambulance Service License shall be issued by the County Administrator, or his designee, upon presentment of the following: (a) A Certificate of Necessity issued to the applicant pursuant to SECTION 6 hereof; and,

(b) A valid ambulance service license issued by the Mississippi State Department of Health; and,

(c) Evidence of insurance as required by SECTION 5 herein; and,

(d) Evidence of compliance with the clinical quality of ambulance services required by SECTION 12 hereof.

7.04 Ambulance Service Licensees shall be renewable annually upon compliance with this Ordinance.

7.05 No Ambulance Service License required by this Ordinance shall be issued or continued in operation unless the Ambulance Service License holder has an annual license fee of fifty dollars (\$50.00). Such license fee shall be addition to any other license fees or charges established by proper authority an applicable to such Ambulance Service License holder or the Ambulances under its operation and control. The purpose of this license fee is not to raise revenue, but to defray expenses incurred in enforcement of this Ordinance.

7.06 The application for and acceptance of an Ambulance Service License shall comprise an agreement by the Ambulance Service License holder to comply with all federal, state and local laws, rules and regulations and also any subsequent federal, state and local laws, rules and regulations.

SECTION 8 AMBULANCE PERMIT REQUIRED

8.01 No Ambulance Service Provider may provide ambulance service hereunder without first obtaining an Ambulance Permit issued pursuant to the provisions of this SECTION 8. All hospital based ambulance or transport vehicle are waived from this licensing process providing they are to be used for transporting admitted patients to a service not offered by that facility. County tax supported agencies that provide Emergency and or Routine/Non-Emergency

Transport calls are also waived from this process. **(8.01 as amended by Ordinance 1997-1).**

8.02 No Ambulance Permit shall be assignable or transferable by the Ambulance Service Provider to which it is issued.

8.03 The County Administrator shall issue Ambulance Permits for Ambulance operated by Ambulance Service Providers upon presentment of the following:

- (a) An Ambulance Service License issued pursuant to this Ordinance; and,
- (b) For each Ambulance to be permitted, a valid ambulance vehicle permit issued by the Mississippi State Department of Health in compliance with SECTION 12 hereof; and,
- (c) A Certificate of Necessity issued to the applicant pursuant to SECTION 6 hereof, if such Ambulance Permit is for Ambulance designated in such Certificate of Necessity; and,
- (d) A Certificate of Necessity issued to the applicant pursuant to SECTION 9 hereof, if such permit is for additional ambulance authorized by SECTION 9 hereof.

SECTION 9 CERTIFICATE OF NECESSITY FOR ADDITIONAL AMBULANCE PERMITS

9.01 Any entity issued an Ambulance Service License pursuant to this Ordinance and desiring to obtain Ambulance Service Permits to operate additional Ambulances shall make an application for a Certificate of Necessity for additional Ambulances to the County Administrator or his designee.

9.02 The criteria for consideration of an application for a Certificate of Necessity for additional Ambulances shall be as follows, and the applications for such Certificate of Necessity shall include the following information, verified under oath:

(a) NAME

The name and address of the applicant seeking the Certificate of Necessity, and in the event that the applicant is a corporation, a certified copy of the articles of incorporation.

(b) EQUIPMENT AND AMBULANCES

Applicant must have equipment and ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested.

(c) PROOF OF PUBLIC NECESSITY FOR ADDITIONAL AMBULANCES

A statement of the public necessity for the additional Ambulances to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the additional Ambulances requested which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.

9.03 No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all the forgoing criteria, without exceptions.

9.04 All existing Ambulance Service License holders will be given notice of any application for a Certificate of Necessity for additional Ambulances, and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the County Administrator, or his designee, to oppose, object to, or request modification of the application, and to state whether the application, if granted, would negatively affect the ability of existing Ambulance Service License Holders to continue providing services.

9.05 The County Administrator, or his designee, will make his recommendations in writing to the County Board of Supervisors to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of Ambulances.

9.06 The Board of Supervisors will vote to grant or deny the application for a Certificate of Necessity after consideration is given to the recommendation received by existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of Ambulances for which the applicant may seek a permit pursuant to SECTION 8 hereof.

9.07 Any applicant who is dissatisfied with the decision of the County Board of Supervisors shall have a right to a hearing before the County Board of Supervisors at a regularly scheduled meeting, if written notice of appeal is filed with the County Board of Supervisors within ten (10) days: after such decision. All Ambulance Service License holders under this Ordinance shall have an opportunity to be present and to oppose, object to, or request modification of the application. This hearing shall be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application, and the right to know prior to the hearing the reason for denial or modification of the request. A written decision on such appeal shall be mailed to the applicant within ten (10) working days of the hearing.

SECTION 10 MAINTENANCE OF AMBULANCES; INSPECTION

10.01 All Ambulances shall be maintained in compliance with applicable federal, state and local laws, rules and regulations.

SECTION 11 COLORING AND MARKING

Each Ambulance authorized to operate within the County pursuant to this Ordinance shall bear the name of the Ambulance Service Provider and a unit number and bear coloring and marking in compliance with applicable federal, state and local laws, rules and regulations.

SECTION 12 CLINICAL QUALITY OF AMBULANCE SERVICE

Upon the effective date of this Ordinance, every response to an Emergency Transport call at any location within the County shall be made in a licensed ambulance by a licensed ambulance service which provides ALS services. **(12 as amended by Ordinance 1994-4).**

SECTION 13 PROHIBITION AGAINST REFUSAL TO TRANSPORT

It shall be a violation of this ordinance for the EMS Lead Agency, or any other Ambulance Service Provider to fail to respond to an Emergency Transport Call originating within the County where there is a medical necessity for the service. **(13 as amended by Ordinance 1994-4).**

SECTION 14 EMERGENCY MEDICAL RESPONDER SANCTION

The EMS Lead Agency is authorized to coordinate the response of all Emergency Medical Responders and EMS public safety personnel in the County. Training and certification of said Emergency Medical Responders and EMS public safety personnel must be sanctioned by the EMS Lead Agency.

SECTION 15 VIOLATIONS

15.01 It shall be unlawful and an offense for any person or any Ambulance Service Provider to commit any of the following acts:

(a) To perform duties as an EMS driver attendant, (EMT-BASIC, EMT-INTERMEDIATE, EMT-PARAMEDIC or pre-hospital RN or licensed physician), without a current valid certification issued by the Mississippi State Department of Health.

(b) To allow any person to work as an ambulance driver or attendant, without current valid certification issued by the Mississippi State Department of Health.

(c) To use, or cause to be used, an ambulance service other than an Ambulance Service Provider holding a valid Ambulance Service License pursuant to this Ordinance.

(d) For any person, firm or organization to respond to emergency ambulance calls originating within the County and terminated within the County, other than Ambulance Service Provider which is the holder of a valid Emergency Ambulance Service License issued pursuant to this Ordinance. **(15.01(d) as amended by Ordinance 1994-4).**

(e) To knowingly give false information to induce the dispatch of an Ambulance or EMR's.

15.02 Notwithstanding anything herein, it shall not be a violation of this Ordinance, and no Ambulance Service License shall be required if the vehicle or Ambulance is:

(a) Responding to an emergency transport call at the request of the EMS Lead Agency. **(15.02(a) as amended by Ordinance 1994-4).**

(b) A privately owned vehicle not used in the business of transporting Patients who are sick, injured, wounds, incapacitated or helpless.

(c) A vehicle rendering services as an Ambulance in the event of a major, catastrophe or emergency when Ambulances with Permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed.

(d) An Ambulance transporting an emergency Patient whose point of origin and destination are not both located within the County. **(15.02(d) as amended by Ordinance 1994-4).**

(e) A vehicle engaged in the interstate or intercounty transport of a Patient.

15.03 Any person convicted of violating any provisions of this Ordinance shall be punished by fine and costs not to exceed the sum of \$1,000.00.

15.04 Each day that any violation of the provisions of this Ordinance is committed or permitted to continue shall constitute a separate offense.

SECTION 16 SUSPENSION AND REVOCATION

16.01 Any Ambulance Service License issued under the provisions of this Ordinance may be revoked or suspended by the County upon a finding of any one of the following:

- (a) Breach of violation of any of the provisions of this Ordinance, specifically including SECTION 16 hereof.
- (b) Discontinuance of operations for more than thirty (30) days.
- (c) Discrimination in providing services pursuant to this Ordinance to any person on the basis of race, creed, color, nationality or religious beliefs.
- (d) Violation of any federal, state or local laws, rules or regulations which violation reflects unfavorably on the fitness of the Ambulance Service License holder to offer and deliver ambulance service hereunder.

16.02 Prior to the suspension or revocation of an Ambulance Service License hereunder, the Ambulance Service License holder shall be given thirty (30) days written notice of the proposed action to be taken by the County and shall, upon written request within ten (10) days of such notice, be entitled to a hearing before the County. If, upon such hearing, the County shall find that the Ambulance Service License holder has corrected all alleged deficiencies and brought about itself in compliance with the provisions of the Ordinance, such Ambulance Service License shall not be revoked.

SECTION 17 SEVERABILITY

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

SECTION 18 REPEAL OF PRIOR ORDINANCE

All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith shall be and the same are hereby expressly repealed.

SECTION 19 EFFECTIVE DATE OF ORDINANCE

This ordinance will become effective on the date of its passage by the Lauderdale County, Mississippi Board of Supervisors.