

CHAPTER 6-7 AMBULANCE SERVICES

6-7-1

BRANDON VOLUNTEER FIRE DEPARTMENT

The Volunteer Fire Department of the City of Brandon provides necessary basic life support care as first responders on medical emergency calls. The Volunteer Fire Department of the City of Brandon recommends that it is a benefit to the safety, health and welfare of the citizens of Brandon for surface ambulance services to be provided by experienced and qualified Emergency Medical Technician-Paramedics so that excellent advanced-life-support care is consistently provided to the citizens of Brandon.

Legislative History:

Ordinance No. 224, 7/5/94
Ordinance No. 272, 10/6/98

Authority:

SDCL 34-11

6-7-2

LICENSES REQUIRED

Except as provided in 6-7-16, no person shall operate a surface ambulance service transporting patients from within the City of Brandon, nor advertise or offer such services to the public, unless the operator of such service shall have first obtained a surface ambulance license from the City.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-3

CONTRACTED 911 PROVIDER

The City of Brandon shall, by contract, designate one licensed service as the City's 911 provider.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-4

DISPATCH REQUIRED

Except as provided in 6-7-16, no licensed ambulance service shall respond to calls within the City which are 911 emergency calls except the licensed service which is dispatched by the Minnehaha County 911 Dispatch Center.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-5

ADOPTION OF STATE LAW AND ADMINISTRATIVE RULES

The City of Brandon hereby adopts all provisions of the law of the State of South Dakota contained within SDCL Ch. 34-11, SDCL Ch. 36-4B and the underlying sections of the Administrative Rules of South Dakota (ARSD), as all of those provisions may be from time-to-time amended, except for such different or additional provisions as are included in this Ordinance. Each service seeking licensure from the City of Brandon shall provide proof of licensure by the State of South Dakota.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-6

ADOPTION OF COUNTY ORDINANCE

The City of Brandon hereby adopts all licensor requirements and provisions of Minnehaha County Ordinance MC 31-02, except for such different or additional provisions as are included in this Ordinance.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-7

ANNUAL APPLICATION

Each service seeking a license shall apply to the City annually therefor and shall pay an application fee as indicated in SDCL 34-11-4, as may be from time to time amended.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-8

INSURANCE

Each licensee shall hold the City harmless from all liability for damages to persons or property arising out of the operation of the ambulance or from services performed pursuant to the license. Each licensee shall provide comprehensive liability insurance, naming the City of Brandon an additional insured, with the following minimum limits:

- A. Property damage of five hundred thousand dollars (\$500,000) per incident.
- B. Personal injury for one person of five hundred thousand dollars (\$500,000) per incident.
- C. Personal injury for one accident of one million dollars (\$1,000,000) in the cumulative.

In addition to comprehensive liability insurance, naming the City of Brandon as an additional insured, each licensed service shall have no less than \$2,000,000.00 per occurrence employee professional liability insurance with an annual aggregate of no less

than \$3,000,000.00. In lieu of the annual aggregate, the licensed service may purchase an umbrella policy to meet the limits indicated. Certificates of insurance showing the City as an additional insured shall be filed with the City at the time of application of licensure.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-9

EQUIPMENT REQUIRED

Each service seeking licensure shall include on each ambulance placed in service within the City of Brandon the same supplies and equipment as are required by the Sioux Falls Regional Emergency Medical Services Authority, (SF REMSA) and each licensed service shall have its equipment inspected pursuant to those requirements annually no sooner than November 1st for the following year's application. Copies of the inspection report shall be attached to each application. The initial application for licensure shall be accompanied by a copy of a report of the inspection of the applicant's supplies and equipment, which inspection shall have been conducted in accordance with the requirements for supplies and equipment of SF REMSA, and shall have been conducted no more than sixty days prior to the date of the application.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-10

STAFF REQUIRED

Each licensed service shall, for every ambulance run, be staffed with at least one person certified as an "emergency medical technician-paramedic" in the State of South Dakota as defined in SDCL 36-4B-1(9), who shall provide patient care, and at least one additional person certified, at a minimum, as an emergency medical technician – basic (EMT) in the State of South Dakota, as defined in SDCL 36-4B-1(7).

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-11

AVAILABILITY

All surface ambulance services licensed within the City shall be available for service 24 hours a day, seven days per week. Call answering, staffing and vehicle availability must be maintained to meet this requirement.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-12

RESPONSE AND LEVEL OF SERVICE

Requests for surface ambulance service shall be acknowledged within 60 seconds of notification of the request, on at least 90 percent of the calls for service, with a maximum call acknowledged time to time en route of three (3) minutes, 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. The 60 second requirement may be waived by the City of Brandon in unusual circumstances to be considered on an individual basis.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-13

MEDICAL DIRECTOR

Each licensed service shall have a Medical Doctor or a Doctor of Osteopathic Medicine as its Medical Director. The Medical Director must have a medical license issued by the State of South Dakota, a D.E.A. Certificate and staff privileges, in good standing, with at least one acute-care hospital in Minnehaha County, the City of Sioux Falls, SD, or in close proximity in a neighboring State or County. Documentary proof of licensure and staff privileges shall be attached to the application.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-14

REQUESTED SERVICE BY CALLER

In the event that more than one surface ambulance service becomes licensed in the City of Brandon, the Minnehaha County 911 Dispatch Center is hereby permitted to dispatch a licensed service other than the City's contracted 911 provider, if the caller requests a different licensed service by name.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-15

DISASTER TRAINING

Each service licensed in the City of Brandon shall participate in disaster training exercises when reasonably requested to do so by the Minnehaha County Emergency Management Office or any state or federal disaster agency.

Legislative History:

1990 Revisions.

Authority:

SDCL § 9-34-1.

Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07
Ordinance No. 437, 2/19/09

6-7- 16

EXCEPTIONS TO LICENSE AND DISPATCH REQUIREMENTS

Nothing contained in this Chapter 6-7 shall be deemed to prohibit any surface ambulance service, licensed in a jurisdiction other than the City of Brandon, from responding to an emergency incident within the City of Brandon, either by dispatch or by direct request for mutual aid, when the City's contracted 911 provider is unable to respond to such incident or when either the City's contracted 911 provider or the City's Police/Volunteer Fire Department Incident Command has determined additional surface ambulance services beyond those available through the City's contracted 911 provider are required. In addition to the foregoing, the City of Brandon expressly adopts all additional exceptions to license requirements as are set forth in SDCL 34-11-9.

If no surface ambulance licenses have been granted for 911 emergency service, or if a licensee is unable to perform pursuant to this Ordinance, then the 911 Center may dispatch the service which is licensed by Minnehaha County for the geographic area which includes Brandon.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-17

DENIAL OF CERTIFICATION OF DRIVERS

In the event that the State of South Dakota Department of Public Safety or Minnehaha County shall propose to deny the issuance or renewal of a certification of any driver, attendant or service, as provided in SDCL Ch. 34-11, SDCL Ch. 36-4B, or Minnehaha County Ordinance 31-02, the licensed ambulance service for which that driver or attendant is employed, or the service itself, shall notify the City of such proposal by the Department of Public Safety or Minnehaha County. Notification shall be provided to the City in writing forwarded by first class United States mail. This notification to the City of action taken by the State or County must be mailed to the City within 24 hours of receipt of such notice by the driver, EMT, paramedic, attendant, or licensed service which receives said notice from the State or County. No notifications provided to the City shall violate any provisions of state or federal law relating to patient confidentiality.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-18

QUALITY ASSURANCE

The City of Brandon shall, by resolution, designate a committee, an agency, a Medical Doctor or a Doctor of Osteopathic Medicine as its Quality Assurance Designee who shall review all applications for a surface ambulance license under this Chapter, and conduct

quality assurance reviews of the holder of a surface ambulance license. Such quality assurance review shall be conducted quarterly and shall conform, at a minimum, to the Quality Assurance provisions found in Minnehaha County Ordinance 31-02, Section 1-5, as that ordinance now exists and may be, from time to time, amended. Each licensed ambulance service shall comply forthwith with requests by the City's Quality Assurance Designee for any and all information necessary to complete such review. The Quality Assurance Designee and each licensee shall at all times follow state and federal regulations regarding patient privacy.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 2/17/07
Ordinance No. 437, 2/17/09
Ordinance No. 467, 2/2/10

Authority:

SDCL § 9-34-1.

6-7-19

REVOCATION, NON RENEWAL, OR SUSPENSION OF CERTIFICATION

In addition to the grounds for revocation, non renewal or suspension of certification identified in South Dakota law and administered by the SD Department of Public Safety and Minnehaha County, the City may additionally suspend, revoke, or not renew a license issued by the City for the failure of a licensed ambulance service to follow any of the provisions of this ordinance. Specific grounds for revocation, non renewal or suspension of the license issued by the City include, but are not limited to, the following:

- A. Failure to meet and follow the requirements of State law;
- B. Failure to meet and follow the requirements of Minnehaha County Ordinance 31-02, except as otherwise noted within this Ordinance;
- C. Failure to provide at least two persons in each ambulance on each call; one of whom is, at a minimum, a certified EMT and the other of whom is certified and licensed as an "emergency medical technician-paramedic";
- D. Failure to continue in full force and effect the liability insurance referenced in section 6-7-8 herein, with the City as named insured;
- E. Failure to respond to an incident when requested to do so by the Brandon Police/Fire Dept Incident Command;
- F. Failure to notify the City of proposed non-licensure, non-renewal, ~~OR~~ revocation of certification of any personnel, or of the service, as indicated in Section 6-7-17 herein.
- G. Failure to respond promptly and fully to requests for information from the Brandon Safety committee or from the City's Quality Assurance Designee.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-20

SUSPENSION, REVOCATION OR NON RENEWAL REQUIREMENTS

The City shall provide a licensed service with written notice of the City's intent to suspend, revoke, or not renew a license granted hereunder. Upon receipt of such notice

from the City, the licensee may, within five days of the mailing of the City's notice to the service, make a written request for hearing, which written request shall be mailed to the City by first class mail. Upon receipt of such a request, the City shall cause to be held an administrative hearing at which the City and the licensee shall present testimony and evidence. The South Dakota rules of evidence shall apply at such hearing, which shall be conducted by a law-trained hearing officer or administrative law judge who shall be chosen by the parties but paid by the City. The hearing officer or administrative law judge shall enter a decision in writing, stating the reasons therefor, within twenty days of the close of the testimony and evidence. A record of such hearing shall be kept by a court reporter, and the parties shall share the cost of the reporter. The party appealing the decision shall pay for an original of the transcript to be provided to the Court, and each party shall pay for their own copy of the transcript. Appeals from the City's decision shall be made to the Second Judicial Circuit Court pursuant to SDCL Ch. 1-26.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-21

AMBULANCE SERVICE RATES

The Ambulance Service Rates of a licensee shall be reviewed and approved by the City in the annual application review process. Any proposed rate increase during the license term shall be submitted to the City of Brandon for its prior review and approval. In no event may a licensee charge ambulance service rates that exceed the greater of those rates set forth in the Revised Ordinances of the City of Sioux Falls, Chapter 43, Sec. 43-68, on Medicare allowable rates, as those sections now exist, and may be, from time to time, amended.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07
Ordinance No. 437, 2/17/09

Authority:

SDCL § 9-34-1.

6-7-22

ENFORCEMENT

Any person or entity which conducts surface ambulance services within the City of Brandon in violation of this Ordinance, shall be punished in accordance with Brandon Municipal Code Section 1-10-1.

Legislative History:

1990 Revisions.
Ordinance No. 286, 12/5/00
Ordinance No. 381, 1/2/07
Ordinance No. 404, 6/19/07

Authority:

SDCL § 9-34-1.

6-7-23

APPLICATION FOR AMBULANCE SERVICE

(Provide the answers to the following sections on a separate sheet, labeling each answer to appropriate section.)

A. If sole proprietor give full name and address of Applicant.

If a partnership give the name and address of each partner:

If a corporation give the names and addresses of the officers and member of the board of directors thereof and the name and addresses of the general manager of the Applicant's surface ambulance service.

B. The address of the principal place of business of the Applicant.

C. A resume of the experience of the Applicant in the operation of a surface ambulance service.

E. A detailed statement of the type of surface ambulance service the Applicant proposes to operate in the City.

D. A certified copy of the ambulance service license of the applicant, as issued by the State of South Dakota.

E. A detailed listing of all vehicles to be utilized as surface ambulances and documentation establishing that the vehicles meet the Minnehaha County and the State of South Dakota standards and requirements for surface ambulances as may be amended from time to time.

F. A written plan for staffing levels to provide surface ambulance service meeting the response and level of service requirements set forth in this Ordinance. The Applicant shall provide a written estimate of its on scene response times for each of the following calls: Code 1, Code 2, Code 3, and Code 4.

G. A list of employees expected to be employed by the applicant, along with their Paramedic or EMT certifications, training, and credentials, and personal information, including social security numbers, sufficient to allow the City of Brandon to conduct a background check.

H. Documentation that all ambulances are equipped with equipment that meets the REMSA equipment list, medications to meet the standards of the State, and proof of inspection.

I. Name, address, and phone number of Applicant's Medical Director, a copy of Medical Director's State license, documentation establishing staff privileges, in good standing, at an acute-care hospital as required by the Ordinance, and a copy of the Medical Director's curriculum vitae or resume.

J. A written plan to comply with the sanitary and safety standards set forth in Minnehaha County Ordinance 31-02, Section 1-11, as that section now exists or may be, from time to time, amended, including vehicle and equipment inspections as specified.

K. A written plan to comply with the record keeping and record retention standards set forth in Minnehaha County Ordinance 31-02, Sections 1-12 and 1-13, as those sections now exist or may be, from time to time, amended.

- L. Insurance verification as set forth in this ordinance, including a list of vehicles insured or proof of blanket coverage.

- M. A written plan setting forth the ambulance service rates the Applicant intends to charge for ambulance service rendered in the City of Brandon.

- N. A fee for licensure shall be established by Resolution of the Brandon City Council.

I the undersigned Applicant, hereby declare and affirm that the information provided herein is true and correct to the best of my own knowledge, information and belief. I also hereby declare and affirm that if granted a License pursuant to this Application, I have the affirmative obligation to immediately notify the City when any of the information contained in this Application changes or for any reason becomes inaccurate.

For: _____
 Name of Ambulance Service

By: _____
 Signature

Print Name, Title, Address and Telephone:

Legislative History:
 1990 Revisions.
 Ordinance No. 286, 12/5/00
 Ordinance No. 381, 1/2/07
 Ordinance No. 404, 6/19/07

Authority:
 SDCL § 9-34-1.