

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3296

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. CANULETTE

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MS. BRISTER

SECONDED BY: MR. THOMPSON

ON THE 1ST DAY OF JUNE 2006

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, REPEALING SECTION 3-400.00 THROUGH SECTION 3-404.00, CHAPTER 3, ARTICLE XII, AMBULANCE, EMERGENCY MEDICAL SERVICE, AND ENACTING NEW SECTIONS 3-400.00 THROUGH 3-405.03, TO PROVIDE FOR DEFINITIONS, STANDARDS, REQUIREMENTS, PERMITS AND PENALTIES FOR PROVIDING EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICES IN ST. TAMMANY PARISH.

WHEREAS, the provision of consistently high quality emergency medical care, and any and all aspects attendant to ambulance operation to be provided within a medically acceptable response time is essential to the health, safety, and welfare of St. Tammany Parish and its people; and

WHEREAS, privately operated ambulance services providing patient transportation service or emergency medical services fulfill a vital health and safety need within St. Tammany Parish; and

WHEREAS, the economic viability and stability of such privately operated ambulance services ambulance services are a matter of statewide and local importance; and

WHEREAS, the policy of this Parish is to promote medically acceptable and reliable, privately operated ambulance services, the furnishing of emergency medical services, and any and all aspects attendant to ambulance operations in order to provide the benefits of that service to its citizens. In furtherance of this policy, St. Tammany Parish recognizes and affirms that the regulation of such privately operated ambulance service is an essential governmental function; and

WHEREAS, Pursuant to the authority provided by LSA-R.S.33:1236(32), LSA-R.S. 33:4791.1, and all other applicable authority, St. Tammany Parish is authorized to regulate emergency medical services, ambulance services and aspects attendant to ambulance services and operations.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 3-400.00 through Section 3-404.00 of the St. Tammany Parish Code of Ordinances, Chapter 3, Article XII, Ambulance, Emergency Medical Service, is hereby repealed, and Section 3-400.00 through 3-405.03 is hereby enacted, to provide as follows:

**ARTICLE XII
AMBULANCE, EMERGENCY MEDICAL SERVICE**

SEC. 3-400.00 Adoption of State Law Concerning Emergency Medical Services

Pursuant to the authority provided by LSA-R.S.33:1236(32), LSA-R.S. 33:4791.1, and all other applicable authority, and in accordance with the provisions set forth in this Article, St. Tammany Parish regulates emergency medical services, ambulance services and aspects attendant to ambulance services and operations.

A. St. Tammany Parish Hereby Finds and Declares the Following:

(1) The provision of consistently high quality emergency medical care, and any and all aspects attendant to ambulance operation to be provided within a medically acceptable response time is essential to the health, safety, and welfare of St. Tammany Parish and its people.

(2) Privately operated ambulance services providing patient transportation service or emergency medical services fulfill a vital health and safety need within St. Tammany Parish.

(3) The economic viability and stability of such privately operated ambulance services are a matter of statewide and local importance.

(4) The policy of this Parish is to promote medically acceptable and reliable, privately operated ambulance services, the furnishing of emergency medical services, and any and all aspects attendant to ambulance operations in order to provide the benefits of that service to its citizens. In furtherance of this policy, St. Tammany Parish recognizes and affirms that the regulation of such privately operated ambulance service is an essential governmental function.

B. St. Tammany Parish will protect the public health, safety, and welfare by licensing, controlling, and regulating privately operated ambulance services, the furnishing of emergency medical services, and any and all aspects attendant to ambulance operations within its jurisdiction by regulating the following:

(1) Entry into the business of providing ambulance service, including emergency medical services, within the jurisdiction of St. Tammany Parish.

(2) Rates charged for the provision of ambulance services, in accordance with federal law relative to medical reimbursement, including emergency medical services.

(3) Establishment of safety and insurance requirements.

(4) Any other requirement adopted to ensure safe, reliable, and responsive ambulance service, even if such requirement is anticompetitive in effect.

(5) Limited or exclusive access by such ambulance service for the provision of emergency medical services to the 911 or other emergency communications dispatch of the local governing authority.

(6) The establishment of safety and insurance requirements even if such requirements reduce the number of such private ambulance services that otherwise would operate within the jurisdiction of St. Tammany Parish.

C. The provisions of this Section are being carried out as acts of government on behalf of the state as sovereign and, to the extent St. Tammany Parish deems necessary or appropriate, it may displace competition and provide a monopoly public service. All immunity of the state of Louisiana from liability under antitrust law has been extended to any governing authority acting within the scope of authority contained in LSA-R.S. 33:4791.1 and, when so acting, the local governing authority shall be presumed to be acting in furtherance of state policy.

D. Whenever the St. Tammany Parish Governing Authority has adopted an ordinance, authorizing a contract between the Parish and a "specific provider" of emergency and non-emergency ambulance services within St. Tammany Parish, and such contract has been duly executed in accordance with the enabling ordinance, a permit to operate emergency and/or non-emergency ambulance services in St. Tammany Parish shall not be issued, during the term of any such contract, or any extension thereof, to any other person or business applying for a permit to provide emergency and/or non-emergency ambulance services within St. Tammany Parish.

E. Nothing in this Article shall be construed to authorize the regulation of ambulance services, emergency medical services, or ambulance operations which are located on the site of any manufacturing facility solely for use thereon.

SEC. 3-400.01 Parish Standards for Service Providers

No provider of emergency and/or non-emergency ambulance service shall be granted the right to respond on 9-1-1 emergency calls unless they are duly authorized and permitted by St. Tammany Parish.

A. Certification of Emergency Medical Personnel: All emergency medical personnel must meet and possess the following certification requirements:

- (1) Completion of the state's required approved educational program.
- (2) Documentation that the applicant meets the qualifications and requirements as established by the Department of Health and Hospitals, office of public health, bureau of emergency medical services.

B. In lieu of the evidence required by Subsection A of this Section, an applicant may submit evidence that he has been duly licensed or certified in another state, territory, or country or has received military training and certification as emergency medical personnel as defined in R.S. 40:1231, and meets the qualifications and requirements established by the Department of Health and Hospitals, office of public health, bureau of emergency medical services.

C. (1) The certificate shall be renewed every two years provided the applicant seeking renewal completes the application and meets the requirements for renewal established by the Department of Health and Hospitals, office of public health, bureau of emergency medical services, prior to the expiration date on his current certificate.

(2) An individual whose certificate expires by his failure to renew as provided may be reinstated provided the applicant submits a completed application and meets any additional requirements established by the bureau for an individual who has failed to timely renew his certificate.

SEC. 3-400.02 Parish Qualifications to Operate Ambulances; Equipment; Penalty

A. (1) No person or individual shall conduct, maintain, or operate an ambulance on any street, alley, or public way or place in St. Tammany Parish unless the ambulance is staffed with a minimum of two persons, one of whom shall be a certified emergency medical technician.

(2) (a) No person or individual shall provide services in any capacity on any ambulance unless he is a certified first responder, a certified emergency medical technician, a licensed registered or practical nurse, or a physician.

(b) Except as provided in R.S. 40:1235.2(A), no individual shall transport any ill or injured person on a stretcher in a vehicle that is not staffed, equipped, insured, and licensed as an ambulance.

(c) No individual shall provide services in any capacity on any ambulance unless he holds a cardiopulmonary resuscitation provider card issued by the American Heart Association or the American Red Cross.

(d) No individual shall transport any ill or injured person by ambulance unless the sick or injured person is attended by a certified emergency medical technician, a registered nurse, or a physician in the patient compartment.

(3) The Department of Health and Hospitals has promulgated rules and regulations establishing a list of required medical and safety equipment which shall be carried as part of the regular equipment of every ambulance. No person shall conduct, maintain, or operate an ambulance which does not carry with it, in fully operational condition, all of the equipment included in the list, which shall be consistent with the scope of practice for emergency medical technicians established in R.S. 40:1234 and which shall be based upon the recommendations of an advisory committee known as the Ambulance Standards Committee.

(4) Nothing herein shall prohibit the transportation of an injured or ill person in an ambulance or industrial ambulance staffed by persons with less than the required qualifications in an emergency situation where there is no reasonable expectation of the prompt response by an ambulance staffed by persons with the required qualifications.

(5) Nothing herein shall prohibit a firefighter, law enforcement officer, or good Samaritan from assisting an ambulance at the scene of an emergency or while transporting a patient to a medical facility at the request of the emergency medical technician.

(7) Nothing herein shall prohibit an individual without the required qualifications from riding in an ambulance for the purpose of training, observation, or continuing education.

B. (1) Nothing herein shall be construed to prohibit the transportation of an injured or ill individual in an invalid coach in an emergency situation where there is no reasonable expectation of the prompt response of an ambulance or industrial ambulance.

C. (1) The provisions of this Section shall not apply:

(a) To ambulances operated by a federal agency of the United States government.

(b) To ambulances which are rendering mutual aid assistance to licensed ambulances in the case of a major disaster, be it natural or manmade, in which the licensed ambulances are insufficient or otherwise not capable of coping.

(c) To ambulances which are operated from a location outside of the state to transport patients from a location outside of the state to a location inside the parish or to transport patients from a medical facility inside the parish to a point outside the state, but no such ambulance shall transport any patient point to point within the parish unless it has been issued a permit by St. Tammany Parish, except in the case of disaster as outlined in this section.

(2) This provision shall not apply to individuals who are employed to function on licensed air ambulances solely to act as pilots.

(3) The provisions of this Section shall not apply to industrial ambulances providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.

E. Whoever violates this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than thirty days or both. The penalty prescribed by this Section shall be doubled for any subsequent offense.

SEC. 3-401.00 Definitions

For purposes of this Article:

(1) "Ambulance" and "Medical Transportation Vehicle" means any authorized emergency vehicle, equipped with warning devices, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual or which is advertised or otherwise held out to the public as such, and includes any "Medical Transportation Vehicle," which means any private or publically owned land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated, or used for, or intended to be used for air, land or water medical transportation or persons who are sick, injured or otherwise helpless, for the purposes of obtaining medical care. The terms ambulance and medical transportation vehicle shall not be construed to apply to vehicles operated for ambulatory patients or patients or persons on a regularly scheduled or non-emergency basis. It shall include any medical transportation vehicle equipped or operated as an ambulance; said vehicle must be equipped with emergency lights, emergency siren and patient care equipment

in accordance with Department of Transportation (DOT) KKK specifications for ambulances. It shall meet Title XIX certification criteria as established under Louisiana Department of Health and Hospitals. "Ambulance" and "Medical Transportation Vehicle" shall not mean a hearse or other funeral home vehicle utilized for the transportation of the dead.

(2) "Ambulance service" or "ambulance provider" means any person, firm, association, or government entity owning, controlling, or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting, in ambulances, individuals who may need medical attention during transport. However, "ambulance service" and "ambulance provider" shall not include any of the following:

(a) An agency of the federal government.

(b) A volunteer nonprofit organization or municipal nonprofit organization operating an invalid coach or coaches.

(c) An entity rendering assistance to a licensed ambulance or ambulances in the case of a major disaster.

(d) A licensed hospital providing non-stretcher, non-emergency, noncritical interhospital transfer and patient transportation for diagnostic and therapeutic purposes when such transportation originates at a licensed hospital.

(e) An entity operating an ambulance or ambulances from a location outside of the state to transport patients from a location outside of the state to a location inside St. Tammany Parish or to transport a patient or patients from a medical facility inside of St. Tammany Parish to a location outside of the state.

(f) An entity providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.

(3) "Air ambulance" means any aircraft, either fixed-wing or rotary-winged, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual or which is advertised or otherwise held out to the public as such.

(3.1) "Air ambulance service" means any person, firm, association, or government entity owning, controlling, or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting, in air ambulances, individuals who may need medical attention during transport.

(3.2) "Auto-injector" means a spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine.

(4) "Bureau" means the Department of Health and Hospitals, office of public health, bureau of emergency medical services.

(5) "Certified emergency medical technician" means an individual who is certified as any one of the following:

(a) A certified emergency medical technician-basic.

(b) A certified emergency medical technician-intermediate.

(c) A certified emergency medical technician-paramedic.

(6) "Certified emergency medical technician-basic" means an individual who has successfully completed an emergency medical technician-basic training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

(7) "Certified emergency medical technician-intermediate" means any individual who has successfully completed an emergency medical technician-intermediate training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

(8) "Certified emergency medical technician-paramedic" means any individual who has successfully completed an emergency medical technician-paramedic training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

(9) "Certified first responder" means any individual who has successfully completed a training course developed and promulgated by the United States Department of Transportation and adopted by the bureau and who is certified by the bureau.

(10) "Commission" means the Louisiana Emergency Medical Services Certification Commission.

(11) "Department" means the Department of Health and Hospitals.

(12) "Emergency medical personnel" or "emergency service person(s)" means individuals who are certified first responders or certified emergency medical technicians.

(12.1) "Emergency Medical Technician" means any person who possesses a National Registry Emergency Medical Technician Certificate and a State of Louisiana Certificate approved by the Bureau of Emergency Medical Services, State of Louisiana, Department of Health and Hospitals, office of public health, bureau of emergency medical services.

(13) "Emergency medical response vehicle" means a marked emergency vehicle with fully visual and audible warning signals operated by a certified ambulance service, the primary purpose of which is to respond to the scene of a medical emergency to provide emergency medical stabilization or support, or command, control, and communications, but which is not an ambulance designed or intended for the purpose of transporting a victim from the scene to a medical facility regardless of its designation. Included are such vehicles referred to but not limited to the designation as "sprint car", "quick response vehicle", "special response vehicle", "triage trucks", "staff cars", "supervisor units", and other similar designations. Emergency medical response vehicles shall not include fire apparatus and law enforcement patrol vehicles which carry first aid or emergency medical supplies and which respond to medical emergencies as part of their routine duties.

(14) "Emergency medical services" or "EMS" means a system that represents the combined efforts of several professionals and agencies to provide prehospital emergency care to the sick and injured.

(14.1) "EMS professional" means an individual who is a certified first responder or certified emergency medical technician.

(15) "EMS task force" means the Emergency Medical Services Task Force, composed of individuals appointed by the assistant secretary of the office of public health, subject to the approval of the secretary of the department, which advises and makes recommendations to the office and the department on matters related to emergency medical services.

(16) "First aid certificate" means a certificate in the Emergency Response Course issued by the American Red Cross or other certificate in a first aid course approved by the bureau and issued to any individual who has successfully completed the required training and met the established standards of such organizations.

(17) "Industrial ambulance" means any vehicle owned and operated by an industrial facility and used for transporting any employee who becomes sick, injured, or otherwise incapacitated in the course and scope of his employment from a job site to an appropriate medical facility.

(18) "Moral turpitude" means an act of baseness, vileness, or depravity in the duties which one person owes another, or to society in general, which is contrary to the usual, accepted, and customary rule of right and duty which a person should follow.

(19) "Municipal nonprofit organization" means an organization owned by a parish, municipality, or entity of a parish or municipality which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician.

(20) "Physician" means a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

(21) "Volunteer nonprofit organization" means an organization which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician and which is chartered as a nonprofit organization under Section 501c of the United States Internal Revenue Code, as a volunteer fire department by the Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana secretary of state.

SEC. 3-402.00 EMT Vehicle Staffing Requirements

Any vehicle operated as an ambulance or medical transportation vehicle for transportation within St. Tammany Parish on an emergency basis or dispatched through 9-1-1 Operations Center or called by a private individual shall meet all criteria established for emergency calls. The staffing level must be at least one (1) EMT-Paramedic and one (1) EMT-Basic.

(a) A second ambulance respondent to the same location or incident shall be staffed by at least two (2) persons certified as EMT-Basic.

(b) An ambulance responding to a routine call or non-emergency call shall be staffed by at least two (2) certified as EMT-Basic.

SEC. 3-403.00 Medical Society Criteria To Be Met

Any ambulance operating in St. Tammany Parish shall meet criteria established by the State of Louisiana as to the minimum equipment, supplies, drug list(s) and standardized run form.

SEC. 3-404.00 Required Insurance Coverage

A. Each ambulance provider, as defined in this Article, shall continuously have in effect the following minimum amounts of insurance:

(1) Medical malpractice liability insurance in the amount of five hundred thousand dollars.

(2) Automobile liability insurance in the amount of five hundred thousand dollars in combined single limits and five hundred thousand dollars in the aggregate.

(3) General liability insurance in the amount of five hundred thousand dollars per occurrence and five hundred thousand dollars in the aggregate.

B. At the time of filing a permit application, each ambulance provider shall submit a certificate of insurance issued by its insurance carrier as proof of the minimum insurance coverage required by this Section. Each ambulance provider shall also be required to notify the parish in writing at least thirty days prior to any material change in or cancellation of such coverage.

C. For purposes of this Section, "ambulance provider" shall mean any entity owning, controlling, or operating any business or service which, as a substantial portion of its business, furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting persons who may need medical attention during transport. However, "ambulance provider" shall not include:

- (1) Agencies of the federal government;
- (2) Volunteer nonprofit organizations or municipal nonprofit organizations operating invalid coaches, as defined in R.S. 40:1231(7);
- (3) Entities rendering assistance to licensed ambulances in the case of a major disaster;
- (4) Licensed hospitals providing non-stretcher, non-emergency, noncritical interhospital transfer and patient transportation for diagnostic and therapeutic purposes when such transportation originates at a licensed hospital;
- (5) Entities operating ambulances from a location outside of the state to transport patients from a location outside of the state to a location inside the state or to transport patients from a medical facility inside to a point outside of the state; or
- (6) Entities providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.

SEC. 3-405.00 Permit Required; Penalty

A permit shall be an authorization to operate an emergency and/or non-emergency ambulance for transportation services within St. Tammany Parish. A permit shall be required for any services in which point of origination and destination are within St. Tammany Parish. It shall be granted to qualified providers who meet all of the requirements of this Article, except that no permit shall be issued in the following circumstances: Whenever the St. Tammany Parish Governing Authority has adopted an ordinance, authorizing a contract between the Parish and a "specific provider" of emergency and non-emergency ambulance services within St. Tammany Parish, and such contract has been duly executed in accordance with the enabling ordinance, a permit to operate emergency and/or non-emergency ambulance services in St. Tammany Parish shall not be issued, during the term of any such contract, or any extension thereof, to any other person or business applying for a permit to provide emergency and/or non-emergency ambulance services within St. Tammany Parish.

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to engage in providing emergency and/or non-emergency ambulance services in this parish, including medical transportation vehicle services, unless that person holds a currently valid permit to do so as issued by the Governing Authority of St. Tammany Parish.

No permit shall be issued prior to obtaining a letter from the 9-1-1 Board, certifying that all of the requirements and conditions of this Article have been met. Additionally, a needs assessment performed by the 9-1-1 Board, which documents the need for any additional service, shall be required whenever a "specific provider" contract and ordinance do not currently exist or has otherwise expired.

Whoever violates this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than thirty days or both. The penalty prescribed by this Section shall be doubled for any subsequent offense.

SEC. 3-405.01 Annual Permit Fee

An annual fee of Fifty Dollars (\$50.00) for each permit issued shall be collected by the St. Tammany Permit Office.

SEC. 3-405.02 Permit Not Transferable

No certificated, provisional certification, permit, temporary permit, license or temporary permit, license or temporary license issued under this Section shall be assignable or transferable by the person to whom it is issued. It may be transferable only upon approval by the Governing Authority of St. Tammany Parish.

SEC. 3-405.03 Suspension For Violators

In the event of an existing "specific provider" contract, the provisions of the contract shall govern any violations by the specific provider.

Except in the case of a specific provider contract, a violation of any of the above sections by a permittee shall be cause for a suspension of said permit for a period of thirty (30) days. A second or subsequent violation within a three (3) year period would be cause for said permit to be suspended for a period of up to ninety (90) days. In the event of a reported violation by a permittee, the permittee shall be provided written notice of the first violation, via certified mail, notifying the permittee that unless the violation is corrected within thirty (30) days of said notice, or a hearing is requested before the St. Tammany Parish Quality Assurance Panel, the thirty (30) day suspension shall become effective at the expiration of the thirty (30) day notice or upon the decision of the Panel. In the event of a subsequent violation within a three (3) year period, the permittee shall be notified to appear before the St. Tammany Parish Quality Assurance Panel, which shall have the authority to suspend a permit for a period of up to ninety (90) days.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. However, this ordinance shall not repeal or affect Ordinance C.S. No. 04-1016, authorizing the execution of an agreement between St. Tammany Parish Government and Acadian Ambulance Service, Inc. for the provision of emergency and non-emergency ambulance services within the service area of St. Tammany Parish, and shall not affect the agreement executed in accordance therewith.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT: