BIL NO. 19-082  
ORDINANCE NO. 19008  

AN ORDINANCE AMENDING ARTICLE 4, "AMBULANCES," OF CHAPTER 19 OF THE INDEPENDENCE CITY CODE.

WHEREAS, in 1997 the City Council approved the City of Independence "Permitting and Requirements" which provided for an ambulance service in the City; and,

WHEREAS, in 2003 the City Council approved for clarifications on the 1997 ordinance; and,

WHEREAS, the existing permit is near to renewal therefore the Emergency Services Committee would like to address some wording changes to the city code; and,

WHEREAS, the City Council of the City of Independence, Missouri desires to adopt the amendments to Article 4 of Chapter 19 of the Independence City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article 4 "Ambulances", of the Independence City Code, be and is hereby amended with the deletion of the stricken language, and the addition of the underlined language, to read as follows:

ARTICLE 4. AMBULANCES

SEC. 19.04.004. DUTIES OF DIRECTOR OF HEALTH CITY MANAGER

SEC. 19.04.001. DEFINITIONS.
The following words and phrases, when used in this Article shall have the meanings set out herein:

ADVANCED LIFE SUPPORT (ALS) means intravenous therapy, endotracheal intubation, defibrillation and other invasive treatment as authorized by State Statutes and Regulations Bureau of EMS RSMo. Sec. 190. For purposes of this regulation, all references to ALS level care mean "paramedic/EMT-P".

AMBULANCE means any vehicle which is equipped to transport patients, in a reclining position, to or from health care facilities and to provide such services at the Advanced Life Support level.

AMBULANCE SERVICE PERMIT means that permit issued by the City of Independence to any person or organization for the purpose of operating an ambulance service as a part of the overall emergency medical service system within the City.

BASE STATION PHYSICIAN means a physician authorized to practice under Missouri Department of Health guidelines, who is knowledgeable in the medical protocols, radio procedures and general operating policies of the EMS System, and from whom emergency medical technicians, at any training level, may take medical direction by radio or other remote on-line communication device.
**BASIC LIFE SUPPORT (BLS)** means level of service that is performed by a Nationally registered and/or a Missouri State certified Emergency Medical Technician - Basic (EMT-B), which includes patient assessment, oxygen administration, patient advocacy and other related duties and skills as prescribed by the State of Missouri, Medical Director and National EMT-basic curriculum.

CCT/SCT (Critical Care Transport/Specialty Care Transport) is defined by the Centers for Medicare and Medicaid Services as a level of inter-hospital service furnished, when medically necessary, that is beyond the scope of the paramedic as defined in the National EMS Education and Practice Blueprint. This is necessary when a patient’s condition requires ongoing care that must be furnished by one or more health professional(s) in an appropriate specialty area (for example, nursing, emergency medicine, respiratory care, cardiovascular care, or a paramedic with additional training).

**CITY** means the City of Independence, Missouri.

**COMMUNITY PARAMEDICINE** A program meeting the requirements of 19 CSR 30-40.800 which assesses the needs of the community in an effort to improve patient outcomes, ensure patient satisfaction and decrease adverse outcomes. Such a program shall include a method for the Community Paramedic to follow up with the patient’s medical provider or provide for transition of care in the absence of an established medical provider. Follow-up care by the Community Paramedic may include patient assessment, patient treatment and/or services rendered.

**MEDICAL COMMUNICATIONS CENTER** means the single facility which receives all emergency medical calls at or from the 9-1-1 Public Safety Answering Point (PSAP).

**EMERGENCY** means any request for ambulance services which may be of a life- or limb-threatening nature, and which apparently requires immediate response by an ambulance. Such calls may be designated Priority 1 or Priority 2.

**EMERGENCY LIFE-THREATENING** means Priority 1 as defined herein.

**EMERGENCY NON LIFE-THREATENING** means Priority 2 as defined herein.

**EMERGENCY MEDICAL PERSONNEL** means those persons as defined and described in the Missouri Department of Health regulations who shall have the authority to perform the acts described in such regulations.

**EMS** means emergency medical services, including both emergency and non-emergency ambulance services.

**EMS SYSTEM** means the comprehensive coordinated arrangement of resources and functions to respond to medical emergencies and provide emergency and non-emergency ambulance service.

**EMERGENCY SERVICES COMMITTEE** ("ESC") means that group of individuals responsible for monitoring EMS activities and considering and recommending potential improvements in the delivery of emergency medical care. It shall be composed of representatives from each any hospital within the City of Independence, the advanced life support provider, Fire Department, Police Department, Health Department, City Manager designee and Emergency Preparedness. Other members appropriate to the Committee may be added at the Committee’s discretion.
FIRST RESPONDER means any person, Fire Department vehicle, police vehicle or non-transporting ambulance capable of providing appropriate basic or advanced first responder service, under the first responder program approved by the State of Missouri and adopted by the Independence City Council.

HEALTH DIRECTOR CITY MANAGER means the Director of the Health Department City Manager of the City of Independence and/or their designee.

MEDICAL DIRECTOR means the licensed physician responsible for the medical oversight of the advanced life support and Fire Department first responder program.

MEDICAL PROTOCOL means any diagnosis-specific or problem oriented written statement of standard procedure, or algorithm, recommended by the Medical Director as the medically appropriate standard of out-of-hospital care for a given clinical condition.

MEDICAL PRIORITY DISPATCH SYSTEM (MPDS) means that system to prioritize incoming medical calls as outlined by the Medical Director.

MUTUAL AID AGREEMENT means a written agreement between one or more providers of emergency medical services whereby the signing parties agree to lend aid to one another under conditions specified in the agreement and as approved by the Medical Director as to quality of care and medical accountability.

NON-EMERGENCY means any request for ambulance transport service for a patient which is not an emergency request. Such calls may be designated Priority 3 or Priority 4.

OFF-LINE MEDICAL CONTROL means the provisions of prospective and retrospective medical direction services by the Medical Director.

ON-LINE MEDICAL CONTROL means the provisions of interactive medical direction during an EMS assignment by the Medical Director or other authorized health care professional.

PATIENT means an individual who is either ill, sick, injured, wounded, helpless or otherwise incapacitated, and who is in need of, or is at risk of needing medical care or assessment during transportation to or from a health care facility.

PERMIT means that authorization issued by the Health Director City Manager to an individual to be involved in the provision of EMS services within the City.

PERMITTEE means any person issued an ambulance service permit.

PERSON means and includes an individual, firm, association, partnership, corporation, or other group or combination acting as a unit.

PRIORITY means the assigned call priority number (i.e., Priority 1, 2, 3, or 4 4 or 5) of a request for an ambulance which is received by the Communications Center at the time of the conclusion of receipt of the request for ambulance service. Such priority shall be assigned at the time the call is received by the Communications Center, pursuant to telephone algorithms and priority dispatch protocols approved by the Medical Director:

Priority 1 calls shall be life-threatening calls.
Priority 2 calls shall be all other emergency calls.
Priority 3 calls shall be a non-emergency ambulance transport of a Patient scheduled less than 8 hours in advance.

Priority 4 calls shall be a non-emergency ambulance transport of a Patient scheduled more than 8 hours in advance.

**Priority 5 calls shall be a non-emergency ambulance transport of a Patient that is considered urgent transport, but not an emergency by Priority Dispatch Protocols.**

RESPONSE TIME (AMBULANCE) means the actual elapsed time between conclusion of receipt of notification (e.g. patient location, callback number and presumptive designation) at the Medical Communications Center that an ambulance is needed at a location and the actual arrival of an ALS ambulance or Supervisory Quick Response Vehicle (QRV) and equipped to operate under Missouri Department of Health guidelines at the requested/designated location within the service area.

RESPONSE TIME CLOCK means the computer aided dispatch system's internal clock measuring response times and other time intervals.

RESPONSE TIME STANDARDS means that standard approved by the Director of Health direction of this ordinance.

SENIOR CREW MEMBER means that person among the certified personnel assigned to an ambulance, not the driver, who is a certified EMT-P designated as the person in command of the ambulance.

SERVICE AREA means that area which is contained within the boundaries of the City of Independence, Missouri.

SYSTEM STANDARD OF CARE means the written body of standards and policies governing clinical aspects of the EMS system. As used in this context, System Standards of Care is a comprehensive term including:

a. Input standard (e.g., personnel certification requirements, in-service training requirements, equipment specifications, on-board inventory requirements, and other requirements which the system must fulfill before receipt of a request for service);

b. Performance standards (e.g., priority dispatching protocols and pre-arrival instructions, medical protocols, standing orders, response time standards and other performance specifications describing how the system should behave upon receipt of a request for service);

c. Outcome standards (e.g., target survival rates for certain narrowly defined presenting problems or presumptive diagnoses, such as witnessed cardiac arrests involving patients whose medical histories meet defined criteria). Outcome standards are results the system intends to achieve by meeting its input and performance standards.

SEC. 19.04.002. PERMIT REQUIRED.

A. No person either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or non-emergency transportation of patients within the City of Independence unless the person:

1. Holds a valid ambulance service license for each ambulances used in such business or service issued by the State of Missouri, Bureau of Emergency Medical Services;
2. Provides all Priority 1 and Priority 2 service in the City at the ALS level and when so performing may provide Priority 3 and Priority 4 service in the City at the BLS, ALS or CCT/SCT level as deemed appropriate by the ambulance and care providers based on dispatch call triage guidelines;

3. And has been granted an Ambulance Service Permit for the operation of such business or service by the City pursuant to this Article.

B. No person shall drive an ambulance, attend a patient in one, or allow one to be operated when transporting a patient within the City of Independence unless he or she holds a currently valid certificate as an Emergency Medical Technician (EMT), EMT-Intermediate or EMT-Paramedic issued by the State of Missouri, Bureau of Emergency Medical Services, and has been permitted by the Health Director City of Independence.

C. No Permit shall be required for:

1. Any entity rendering assistance to a permitted ambulance service in the case of a major catastrophe mutual aid or declared emergency with which the services permitted by the City of Independence are insufficient or unable to cope; or,

2. Any entity operated from a location or headquarters outside of the City of Independence in order to transport patients who are picked up beyond the limits of the City of Independence, to facilities located within the City of Independence.

3. Ambulances owned and operated by an agency of the United States government.

4. Any Ambulance or Fire District formed under RSMo Sections 190 and or 325 to provide ambulance service that is created through an election process of the citizens of the City of Independence.

D. No permit issued shall be deemed or construed as a property right.

SEC. 19.04.003. EMERGENCY SERVICES COMMITTEE ESTABLISHED.

A. There is hereby created an Emergency Services Committee (ESC) which shall serve as an advisory board. The ESC recommends actions promoting the goal of high quality pre-hospital emergency care and ambulance service.

B. Membership in the ESC shall include physicians who actively participate in the care of acutely ill and injured patients, who are authorized to practice in Missouri, and are engaged in the care of acutely ill and injured patients, at hospitals located in Independence, MO, which have a full service emergency department staffed by physicians; the advanced life support provider, the City Manager and the Directors of Health, Police, Fire and Emergency Preparedness. Each hospital shall recommend nominees to the Emergency Services Committee.

C. The ESC shall provide recommendations to the Health Director City Manager concerning the following elements of the emergency medical service system:


2. Diagnosis-specific and problem oriented medical protocols to serve as the required standard of care.

3. Procedures governing the provision of on-line medical control.
4. Procedures and protocols for the operation of emergency medical communications.

5. Procedures for the provision of medical control over the delivery of medical services by ambulance and first response personnel.

6. Minimum training requirements and certifications.

   D. The ESC shall perform medical reviews as requested by the medical director, a base station physician, by any physician involved in a case, the Director of Health City Manager, Police, Fire or Emergency Preparedness, or the advanced life support provider, or when in the ESC's estimation, a specific incident merits investigation or an element of the emergency medical service system may be improved and study is warranted.

SEC. 19.04.004. DUTIES OF CITY MANAGER THE DIRECTOR-OF-HEALTH

   A. Authority to Promulgate Regulations, Standards and Rules.

1. The Director of Health City Manager shall have the authority to promulgate regulations, standards, rules and minimum training requirements necessary to implement the policy and intent of this ordinance. They shall be filed in the office of the City Clerk.

2. When promulgating regulations, standards and rules the Director of Health City Manager shall provide to the Emergency Services Committee proposed changes for its recommendations and comments.

   B. The Director of Health City Manager shall have the authority to issue, suspend or revoke permits and certificates for ambulance services, vehicles and personnel.

1. Receive all ambulance service permit and personnel permit applications from existing and potential providers. Such application forms shall be prescribed by the Health Director City Manager in regulations.

2. Review each application for conformance to this Article and all regulations promulgated by its authority.

3. Conduct required public hearings and recommend to the City Council the awarding of the Ambulance Service permit(s) to the applicant(s).

4. Inspect the premises, vehicles, equipment, and personnel of ambulance service permittees to assure compliance with these regulations, and perform any other inspections that may be required.

5. Temporarily or permanently suspend an ambulance service permit in the event of noncompliance with the requirements of these regulations.

6. Assure by cooperative agreement with other ambulance services providers the for continued service in an area should an ambulance service providers permit be is suspended, revoked or a voluntary withdraw of service from the City of Independence.

   C. Receive monthly reports from ambulance services and first responders and consolidate the same into a quarterly summary for review by the City Manager.
D. Receive complaints from the public, other enforcing agencies, and ambulance services regarding ambulance service permit infractions.

E. Refer all complaints regarding medical quality to the ESC for their review.

F. The Director of Health City Manager shall have the authority to approve or disapprove the user fees proposed by the permit holder(s) after considering the public health and safety and the economic needs of the permit holder(s) to provide quality ambulance service.

G. The Director of Health City Manager may delegate or contract functions described herein, but shall remain responsible for compliance with this Article.

H. Maintain all records required by applicable City regulations.

SEC. 19.04.005. APPLICATION FOR AMBULANCE SERVICE PERMIT.

Application for a Permit to operate an ambulance service in the City of Independence shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the City Health Director Manager and shall contain:

A. Description of applicant organization:

1. The applicant will provide a complete description and supporting documentation of the applying organization. All owners, officers, and key management personnel of the organization will be identified by name, ownership percentage, address, and phone number. The address of the organization's headquarters will be provided along with the location of all sub-stations, satellite offices, or other divisions.

2. The applicant will provide documentation that its business Ambulance Service is lawfully established. Copies of documents required include Articles of Incorporation, applicable business licenses, employer/tax identification numbers, State ambulance licenses, and Medicare and Medicaid provider numbers.

3. The president or owner Chief Executive Officer of the organization will warrant that the company has fulfilled all obligations and is current with regard to Federal and State taxes (income, employer and employee withholdings), local business taxes, personal property taxes, State and Federal unemployment insurance, and worker's compensation insurance payments. The owner or president Chief Executive Officer also shall warrant that there are no, and for the past seven years have been no, claims, debts, or liens resulting from Internal Revenue Service.

4. The president or owner Chief Executive Officer will also warrant that none of the organization's principal owners (> 5%), key management personnel, companies with which they have been involved previously, the company or its predecessors have been convicted of any offenses regarding Medicare or Medicaid fraud and/or abuse, or have had their ambulance license suspended or revoked, or have been disbarred or suspended from participating in Medicare or Medicaid reimbursement programs, within the last seven years.

5. Any items above which have occurred must be described in detail along with the final resolution of the action(s).

6. Applicants will be required to submit to a thorough investigation of documentation and materials presented with this ambulance service permit application. All principal owners (>5%) will submit
executed notarized investigative releases and grant permission for the City to undertake a criminal record check.

7. The applicant shall pay a nonrefundable $2,000 $3,000 permit application fee at the time of application submittal to defray the processing costs.

B. Description of services: The applicant shall provide a complete description of services for which it is requesting the ambulance service permit. This description shall include the geographic area and type of service to be provided.

C. Analogous experience: Applicant shall provide documentation demonstrating current, and relevant past Emergency Medical Services (EMS) experience. This documentation shall demonstrate that the applicant is able to fully, safely, and reliably perform the services for which the ambulance services permit is requested.

D. Pro forma deployment and medical control compliance: The applicant shall provide pro forma deployment plans including stations and post locations for the ambulances. Plans and procedures for monitoring clinical care and assuring medical quality will be provided with the application. Proposed response time for each type of service to be provided will be defined.

E. Vehicles and Equipment: The applicant shall provide a complete listing of vehicles which it intends to utilize in the performance of the services covered by the ambulance services permit requested. The type of vehicle, mileage, and age will be provided. The applicant will also indicate its ratio of active to reserve units for services under the requested ambulance service permit. A listing of all medical equipment and supplies which will be placed on-board each ambulance will be detailed. The major pieces of medical equipment (>$500) which are held in reserve (not placed on an ambulance, but retained for replacement in case of malfunction or repair) will be listed.

F. Personnel: The applicant shall provide a listing of all personnel which it intends to utilize in the performance of the services requested in the ambulance service permit application. Copies of current certification, appropriate driver’s licenses, and signed permission forms for criminal record checks will be attached to the application.

G. Insurance:

The applicant will document any and all insurance as specifically outlined herein per SEC. 19.04.012. INSURANCE

1. The applicant will document by attaching a certificate of insurance that it possesses professional medical liability insurance with combined single limits of $3,000,000.

2. The applicant will document by attaching a certificate of insurance that it possesses comprehensive and truck liability covering owned, hired, and non-owned vehicles with minimum limits of $1,000,000, each-for bodily-injury including death, occurrence, and property damage of not less than $100,000 per occurrence. Such insurance to include coverage for loading and unloading hazards.

3. The applicant will document by attaching a certificate of insurance that it possesses comprehensive general liability insurance with combined single limits of not less than $1,000,000.
H. Proof of financial stability: The applicant will provide audited financial statements for the most recent three years available. The applicant may submit other items to document financial stability, including lines of credit, bank and vendor letters of reference, or other items which may detail the applicant's financial position.

I. Proof of public necessity: The applicant shall provide proof by clear and convincing evidence that there is a public necessity for the services which is not being met by the ambulance services Permit holders, or which will not be met within a reasonable period of time, by such existing providers. The applicant will comprehensively describe the effect of granting the ambulance services permit on current permit holders. This description will include the financial impact upon ambulance service permit holders and how this will affect their current ambulance rates and/or City subsidies. Projected call volume will be identified by type of service proposed.

J. Acceptance of terms and conditions: The applicant will agree to comply in writing, upon submitting the application and acceptance of ambulance services permit, with all regulations and conditions for ambulance services permit holders, and also any subsequent regulations and conditions legally imposed by proper authorities.

K. Information provided is accurate: The applicant will warrant that all information provided with its application for an ambulance service permit is accurate and complete. Any omission, falsification or misrepresentation of information and materials shall result in ambulance services permit denial, and the applicant will be precluded from further ambulance services permit application for five years.

L. Additional Information: Any information the City shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the City of Independence in accordance with the requirements of State laws and the provisions of these Regulations.

SEC. 19.04.006. GRANTING OF PERMIT.

A. Upon receipt of an initial application for an ambulance service Permit, the Director of Health City Manager shall review all documentation and shall cause such investigation as he or she may deem necessary to be made of the applicant and its proposed operations. Within 60 days a public hearing will be held to review the results of the Health Director City Manager’s investigation and receive written and oral testimony from other permittees and the public on the proposed service.

B. An ambulance service Permit may be granted if the Director of Health City Manager determines by clear and convincing evidence presented that:

1. The applicant meets all applicable State standards, has received the requisite authority granted by the State Bureau of EMS to operate an emergency ambulance service for the service area, and meets the requirements outlined herein.

2. The proposed service will fit within the existing system so as not to adversely affect the level of service or operations of other permittees to render service.

3. A need exists for the proposed service in order to improve the level of ambulance services available to residents of the City and that this is a reasonable and cost effective manner of meeting the need. Factors to be considered in evaluating need include: call volume in the proposed area; quality of the existing service and whether quality would be improved in the proposed and surrounding service areas by an additional service; response times; communications system capability for maintaining medical control.
C. Any ambulance service holding a City ambulance service Permit on December 1, 1995, shall be determined to have met the obligations of Item B-2 and B-3 of this Section and shall be issued an ambulance service Permit.

SEC. 19.04.007. TERM OF PERMIT.
A. The Director of Health City of Independence may issue an ambulance service Permit hereunder to an ambulance provider, to be valid for three consecutive one year term unless suspended or revoked.

B. Prior approval of the City of Independence shall be required where ownership or control of more than ten percent (10%) of the right of control of a permittee is acquired by a person or group of persons acting in concert, none of whom own or control ten percent (10%) or more of such right of control, singularly or collectively, at the date the ambulance services Permit was issued. By its acceptance of the ambulance services Permit, the permittee specifically agrees that any such acquisition occurring without prior approval of the City shall constitute a violation of the ambulance services Permit by the permittee and shall be cause for revocation of the permit at the option of the City.

C. Any change, except as provided in B. above, of ownership of a Permitted ambulance service without the approval of the Director of Health City Manager shall terminate the ambulance services Permit and shall require a new application and a new ambulance service Permit and conformance with all the requirements of this Article and these regulations as upon original franchising.

D. No ambulance services Permit may be sold, assigned, mortgaged, or otherwise transferred without the approval of the Director of Health City Manager.

SEC. 19.04.008. PERMIT REQUIRED FOR EMS PERSONNEL.
A. Personnel providing EMS services on behalf of a permitted ambulance service must meet all minimum State Bureau of EMS standards for certification, EMS licensure, valid state issued driver’s license for those that are driving ambulances, plus provide written evidence on a form approved by the City that the applicant has no current addition to drugs or alcohol, provide evidence of successfully completing a physical exam equivalent to the Federal Motor Carrier Regulations within the previous year, provision of a criminal record check disclosing any job related felony or misdemeanor convictions, including but not limited to: driving under the influence, drug related offenses, and sexual and abuse offenses including rape, child abuse or spousal abuse. Annually, by December 31, the permitted ambulance service will provide a summarized report of the status of all permit required validations for each employee and have said completed records available for inspection by the City of Independence upon request.

B. Upon completion of the requirements outlined herein, the Health Director City of Independence may will issue applicable City Permits for each employed operational personnel.

SEC. 19.04.009. STANDARDS FOR VEHICLES AND EQUIPMENT.
A. Vehicles and required equipment must meet or exceed the requirements established by the State of Missouri Department of Health, Bureau of EMS for Advanced Life Support Ambulances.

B. Additional medical equipment may be required by the Director of Health Medical Director upon recommendation of the ESC.

C. Each in-service ambulance operated at the BLS level and used for Priority 3, and Priority 4 and Priority 5 calls must be staffed with at least one two State certified Emergency Medical Technician-Basic. Each in-service ambulance operated at the ALS level that may be used for all priorities shall be staffed with at least one State certified Emergency Medical Technician-Basic and at least one State
certified Emergency Medical Technician-Paramedic. Any ambulance used for CCT/SCT level calls must be staffed with at least one State certified Emergency Medical Technician-Basic and either at least one critical care paramedic and/or critical care registered nurse.

SEC. 19.04.010. STANDARDS FOR COMMUNICATIONS.
A. Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the City to the ambulance services communications center. Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the City to each hospital emergency department in the City. Each ambulance vehicle shall be equipped with two-way radio communications capabilities compatible with all hospitals emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the State. Each supervisory vehicle shall be equipped with an operational cellular telephone.

B. Each ambulance service permittee shall maintain current authorizations or Federal Communications Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on presented to the City, on display and available for inspection per Federal Communications Commission’s Rules and Regulations.

C. All Permitted ambulance services shall be dispatched and controlled by the City’s designated medical communications center. No provider shall publish or advertise any phone number for ambulance services for the purpose of receiving requests for emergency ambulance service other than 9-1-1.

D. The City’s single medical communications center shall be staffed with Emergency Medical Dispatch certified personnel and shall be a secondary answering point for the City’s 9-1-1 center. The center shall have radio and data linkages with the Primary 9-1-1 answering point. The medical communications center shall be designated by the Director of Health City Manager.

SEC. 19.04.011. RESPONSE TIME ALLOWANCE AND REQUIREMENTS.
A. The City’s Health Director City Manager will submit to the City Manager prepare on a periodic basis, reports indicating the response times of any ambulance service licensed by the City. In addition to any penalties which may be imposed by the City upon the licensed ambulance service for failure to respond within the time limits imposed by Section 19.04.011 of this Code, the licensed ambulance service will be eligible for, and shall be reimbursed, on a per-call basis, an allowance for each type of call authorized by said section.

B. The City Health Director Manager shall recommend the amount of the annual allowance to the City Manager, who, upon acceptance, shall include the allowance be authorized to collect penalties for deficiencies in response time and deposit them in the City’s operating budget.

C. The annual allowance shall be divided into twelve monthly increments. Penalties for each month shall be subtracted from the monthly increment calculated. The remaining increment shall be divided by the number of calls that meet the standard response times imposed by this section. The Health Director City Manager shall authorize payment the invoice of such increment to the licensed ambulance service, and shall report the amount of the per-call allowance to the City Manager.
D. Standards for response time requirements:

<table>
<thead>
<tr>
<th>TYPE OF CALL</th>
<th>MINUTES EXCEEDING STANDARD RESPONSE TIME</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority 1: Life Threatening Emergency</td>
<td>For each minute or partial minute over 9 min. 00 sec.</td>
<td>$2.00 per minute*</td>
</tr>
<tr>
<td>Priority 2: Non-Life Threatening Emergency</td>
<td>For each minute or partial minute over 12 minutes 00 seconds</td>
<td>$2.00 per minute*</td>
</tr>
<tr>
<td>Unscheduled Non-Emergency Transport</td>
<td>For each minute or partial minute over 30 minutes 00 seconds</td>
<td>$2-per minute*</td>
</tr>
<tr>
<td>Priority 3: Scheduled Non-Emergency Transfer</td>
<td>For each minute or partial minute over 15 minutes 00 seconds</td>
<td>$2-per minute*</td>
</tr>
<tr>
<td>Priority 4: Unscheduled Non-Emergency Transport</td>
<td>For each minute or partial minute over 30 minutes 00 seconds</td>
<td>None</td>
</tr>
<tr>
<td>Priority 5: Urgent Non-Life Threat Non-Emergency</td>
<td>For each minute or partial minutes over 30 minutes 00 seconds</td>
<td>$4.00 per minute*</td>
</tr>
</tbody>
</table>

* = Maximum penalty per call - $50

**Priority 1** LIFE THREATENING EMERGENCY means a classification of ambulance call determined by the Medical Priority Dispatch System.

**Priority 2** NON-LIFE THREATENING EMERGENCY means a classification of ambulance call determined by the Medical Priority Dispatch System.

**Priority 3** SCHEDULED NON-EMERGENCY TRANSFERS means a classification of ambulance call as determined by the Medical Priority Dispatch System scheduled eight hours in advance.

**Priority 4** UNSCHEDULED NON-EMERGENCY TRANSPORT means a classification of ambulance call as determined by the Medical Priority Dispatch System not scheduled eight hours in advance.

**Priority 5** URGENT NON-EMERGENCY TRANSPORT means a classification of ambulance call as determined by the Medical Priority Dispatch System.

F. The ambulance service provider shall submit to the Health Director City Manager by the 15th of each month, a report that identifies each response made, the exact time the call was received or the transfer was scheduled or the transport was initiated, the type of call and the exact time of arrival of the ambulance and such other information deemed necessary by the Health Director City Manager for the preceding month. The ambulance service shall also submit a payment for the penalties, if any, incurred during said month pursuant to the standards herein stated. The Health Director City Manager shall review each monthly report for compliance and in the event the Health Director City Manager does not agree with the report, shall so notify the ambulance service, which shall remit the additional penalty, if any, to the City within ten days of receipt of the Health Director City Manager's notice. The decision of the Health Director City Manager shall be final.
SEC. 19.04.012. INSURANCE.
A. No ambulance service Permit shall be issued under these Regulations, nor shall such ambulance service Permit be valid after issuance, nor shall any ambulance be operated in the City of Independence unless the permittee has at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of Missouri, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages:

1. In the sum of One Million Dollars ($1,000,000) per person per accident for injury or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on it by law, regardless of whether the ambulance was being driven by the owner or an employee; such insurance to include coverage for loading and unloading hazards.
2. In the sum of One Hundred Thousand Dollars ($100,000) per person per accident or the loss of or damage to the property of another, including personal property, under like circumstances.
3. In the sum of Three Million Dollars ($3,000,000) a general comprehensive liability and professional liability policy or policies issued by a casualty insurance company authorized to do business in the State of Missouri, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the actions of the provider or any of its employees.

The applicant will document, by providing the City annually, a certificate of insurance that specifically confirms the following minimum coverages:
1) Professional Liability with $3,000,000 each claim/policy aggregate -- claims made form is acceptable
2) Auto Liability insurance with $1,000,000 Combined Single Limits per Accident, bodily injury and property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle, regardless of whether the ambulance was being driven by the owner or an employee of the applicant. Such insurance shall include coverage for loading and unloading hazards.
3) General Liability insurance with $1,000,000 each occurrence; $1,000,000 policy aggregate to include bodily injury, property damage, personal injury and a separate $1,000,000 products and completed operations aggregate. City shall be listed as an additional insured as required under governmental permit (not per contract).
Identify if the insurance program has a sub-limit for property of others in the care, custody and control of the applicant -- minimum limit of $100,000.
4) Statutory Workers' Compensation confirming protection for all employees of the applicant for injuries sustained while within their scope of duties for the applicant, and shall also be protected against claims for injury, disease, or death of employees which, for any reason, may not fall within the provisions of a Workers’ Compensation law.
The above minimums are minimum acceptable and do not infer or place a limit on the liability of applicant. All insurance is to be secured by an insurer authorized to operate within the State of Missouri.

SEC. 19.04.013. RECORDS.
A. Each ambulance service permittee shall maintain the following records:

1. Written Record of Dispatch. Shall show time call was received from 9-1-1 or other source, time ambulance dispatched, time arrived on scene, time arrived at destination, time available for service.

2. Audio and Data Communications Record. Shall preserve all audio and data records regarding any transaction for a period of not less than 120 days.
3. Response Time Reports. Shall show the fractile response time for all assignments in the City. An exception report shall be generated monthly.

4. State mandated patient care reports. This information shall be maintained in a summary format as approved by the Health-Director City Manager.

5. Vehicle Checklist and Inspection Report. Shall list contents and description of operations for each vehicle, signed by the individual verifying the operational status of the vehicle and equipment at the beginning of each shift the vehicle was in service.

6. Equipment Failure Reports. Shall outline any vehicle or medical equipment failure at check-out and during an assignment, and what action was taken to correct the situation.

7. Reports reasonably required by the Director of Health City Manager, upon his or her request.

8. Any other records required by regulating agencies.

SEC. 19.04.014. STANDARDS FOR AMBULANCE SERVICE PREMISES.
Ambulance Service premises when used for the storage, garaging, and/or maintenance of ambulances shall at all times:

1. Be maintained in a satisfactory manner as related to cleanliness, neatness and repair.

2. Provide lavatory facilities for ambulance personnel adequate to insure proper cleansing may be accomplished by personnel between calls.

3. Provide for the sanitary storage of ambulance equipment and supplies in sufficient quantity to maintain normal business for a minimal period of one week, without replacement of supplies.

4. Provide adequate heated storage space for any and all ambulance vehicles temperature sensitive equipment and supplies during the winter months and appropriate storage at other times.

5. Provide adequate space and facilities for the storage of oxygen and other gases in compliance to Fire Codes of the City.

6. Provide adequate space and facilities to permit the proper cleansing of ambulances.

SEC. 19.04.015. REVOCATION/SUSPENSION OF AN AMBULANCE SERVICE PERMIT.
A. The Health-Director City Manager may, and is hereby authorized to, suspend or revoke an Ambulance Service Permit issued hereunder for failure of a permittee to comply and to maintain compliance with, or for his or her violation of any applicable provisions, standards or requirements of this Article or of regulations promulgated hereunder, or of any other applicable laws, ordinances, or regulations. Prior to a suspension the permittee shall be afforded a hearing upon written request, provided the request is made within five (5) days of the original notice. The Health-Director City Manager shall, within 10 days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension or revocation of said Permit. Such written decision shall be promptly transmitted to the permittee to whom it refers.

B. The Health-Director City Manager and ESC shall jointly develop the definitions of what constitutes a violation of the regulations and standards of performance promulgated under the provisions of this Article. In the event the Health-Director City Manager finds the Permittee's clinical and/or
response time standards to be deficient, he/she shall notify the Permittee in writing describing the deficit and prescribe a reasonable time line, not to exceed 14 calendar days, for the Permittee to correct said deficit before taking punitive action.

C. Upon suspension, revocation or termination of an ambulance service Permit hereunder such ambulance service shall cease operations.

SEC. 19.04.016. REVOCATION/SUSPENSION OF AN EMERGENCY MEDICAL PERSONNEL PERMIT.

A. The Health Director City Manager under the advice of the Medical Director may, and is hereby authorized to, suspend or revoke an Emergency Medical Personnel Permit issued hereunder for failure of a permittee to comply and to maintain compliance with, or for his or her violation any applicable provisions, standards or requirements of this Article or of regulations promulgated hereunder, or of any other applicable laws, ordinances, or regulations. Prior to a suspension the permittee shall be afforded a hearing upon written request, provided the request is made within five (5) days of the original notice. The Health Director City Manager shall, within 10 days after conclusion of such hearing, issue a written decision. Such written decision shall be promptly transmitted to the permittee to whom it refers.

B. Upon suspension, revocation or termination of an Emergency Medical Permit hereunder such emergency medical personnel shall cease to drive or attend an ambulance.

SEC. 19.04.017. OBEDIENCE TO TRAFFIC LAWS, ORDINANCES AND REGULATIONS.

A. The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this section but subject to the conditions herein stated, and only when the licensed attendant has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.

B. Subject to the provisions of subsection "A" hereof, the driver of an ambulance may:

1. Park or stand, irrespective of the otherwise applicable provisions of law, ordinances or regulation;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits permitted by law, ordinance or regulation so long as the driver does not endanger life or property; and

4. Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions.

5. The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance and regulation.

6. The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with regard for safety of all persons, nor shall such provisions protect the driver from the consequences of any disregard for the safety of others.

SEC. 19.04.018. RATES AND CHARGES--RATE CARD REQUIRED--NOTICE TO PATIENTS AND PASSENGERS.

A. The Health Director City Manager shall have full and complete power and authority, at any time, to establish and to review the rates charged by a holder of a permitted ambulance service, to fix and revise
the rates charged by said holder as is deemed necessary after review of all applicable facts and circumstances, including that of the public welfare.

B. It shall be a misdemeanor for any person to:

1. Knowingly and willfully summon an ambulance or report that an ambulance is needed when such person knows that the services of an ambulance are not needed.

CB. Every ambulance service operating under this Article shall have a rate card setting forth the authorized rates and charges displayed in such a place as to be in viewed by the public of all patients and passengers transported. The rate card shall also be made available for display by the City Clerk.

SBC. 19.04.019. PERMIT FEES.

A. Applications for an Ambulance Service Permit hereunder shall be made on such forms as may be described, prepared, or prescribed by the Health Director City Manager. Said annual permit fee is in addition to the City business occupation license and the initial application fee.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Initial Application Fee</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>2. Ambulance Service Annual Permit Fee</td>
<td>$5,500.00 / $5,050.00</td>
</tr>
</tbody>
</table>

B. Applications for Permits for Emergency Medical Personnel shall be made on such forms as may be described, prepared or prescribed by the Health Director City Manager, and shall contain such information as required in Health Department Regulations. Permits for ambulance personnel shall be valid for three (3) years a maximum of 5 years or expiration of state EMS licensure. Renewal will be required from the date of issuance and may be renewed at the same rate and for the same period of time of the renewed state EMS licensure.

1. An emergency medical personnel permit fee of $40.00 / $45.00, shall accompany each application.

SBC. 19.04.020. PENALTIES FOR VIOLATION.

A. On and after October 1, 1997, or six (6) months after the passage of the ordinance creating the revisions of this Article, whichever occurs later, any person violating, or failing to comply with the provisions of this Article and the applicable provisions hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding $1,000.00 or imprisoned for a period not exceeding 30 days, or by both such fine and imprisonment, for each offense.

B. Each day that any violation of, or failure to comply with, this Article is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder; provided, however, that the Court may, in appropriate cases, stay the accumulation of penalties.

SBC. 19.04.021. RIGHT OF APPEAL--PROCEDURE.

Any person aggrieved by the decision of the Health Director City Manager in regard to the denial of an application for an Ambulance Service Permit as provided in this Article or in connection with the revocation of an Ambulance Service Permit as provided in this Article, shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Clerk for transmittal to the City Council, within fourteen days after notice of the decision by the Health Director City Manager has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The City Council shall set the time and place for the hearing on such appeal. A notice of such hearing
shall be given in writing to the appellant. Such notice shall be mailed to the appellant at the applicants' last known address at least five days prior to the date set for the hearing.

SEC. 19.04.022. VIOLATIONS.
A. It shall be unlawful:
   1. To use, or cause to be used, any ambulance service other than a service permitted by the City of Independence.
   2. For any persons, firms or organizations other than a City permitted ambulance service to provide ambulance service within the City, except as provided for in this Article.
   3. To be in conflict with the provisions of this Article or the Regulations of the Health Director City Manager made pursuant to this Article.

4. Per Missouri State Statute, Title XII Public Health and Welfare, Chapter 190.

190.308. Misuse of emergency telephone service unlawful, definitions, penalty — no local fine or penalty for pay telephones for calls to emergency telephone service. —

   1. In any county that has established an emergency telephone service pursuant to sections 190.300 to 190.340, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service" includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

   2. Any violation of this section is a class B misdemeanor.

   3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

SEC. 19.04.023 - 19.04.999 RESERVED

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SECTION 2. That all other parts and provisions of Article 4 of Chapter 19 not amended or repealed herein shall remain in full force and effect.

SECTION 3. That correction of any scriveners errors identified within Article 4 of this Chapter are hereby authorized by this ordinance.

PASSED THIS 2nd DAY OF December, 2019, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.
NOTE: Text being eliminated by this ordinance is bolded and lined through and text being added by this ordinance is bolded and underscored.