

## Chapter 7.06

### ROUTINE AMBULANCE SERVICE

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#### **7.06.010 Routine Ambulance Service; License Required.**

No person shall operate or cause to be operated a routine ambulance service within the City of Lincoln without first having applied for and obtained a license from the City Council authorizing such operation; provided, however, that no such license shall be required for any person operating an ambulance or other vehicle when:

(a) Such ambulance is operated and based out of a location outside of the City of Lincoln in order to provide routine ambulance service to patients who are picked up beyond the limits of the City of Lincoln and delivered to locations within Lincoln, but no such outside ambulance shall be used to pick up patients within the City of Lincoln for routine ambulance service transportation and delivered to locations within Lincoln unless the operator, driver, attendant, and driver-attendant hold currently valid certificates, permits, and licenses issued pursuant to law, including federal, state, and local.

(b) Such ambulance is operated and based out of a location outside the City of Lincoln in order to provide routine ambulance transportation to any patients from a point of origin within the city to a destination outside the city.

(c) Such ambulance is operated and based out of a location outside the City of Lincoln in order to provide routine ambulance transportation to any patients from a point of origin outside the city to a destination outside the city, where such travel upon Lincoln ways is necessary to get from the point of origin to the point of destination.

Applying for and obtaining a license to operate a routine ambulance service is a privilege and is not a right. Consideration of any such application or issuance of such a license is not intended to, and does not, vest in the applicant or license holder any property right or interest in such license. All licenses issued under

the provisions of this chapter shall expire on the thirtieth day of September following the date of their issuance, unless revoked prior thereto as provided in this chapter.

Any person having been issued a license pursuant hereto shall comply with all provisions of this ordinance, as well as all other applicable local, state, and federal laws, and adopted protocols.

Nothing in this chapter shall be construed as revoking, suspending, or otherwise changing the authority of a holder of a current Certificate of Public Convenience and Necessity, issued pursuant to Chapter 8.08 of the Lincoln Municipal Code from providing service pursuant thereto, for such time as such Certificate is in full force and effect. (Ord. 17738 §22; October 2, 2000).

#### **7.06.020 Routine Ambulance Service License; Application.**

Applications for a routine ambulance service license shall be filed with the City Clerk on forms provided by that officer. Each application shall be signed and sworn to by the applicant and shall contain at least the following:

(a) The name and address of the applicant; the trade name under which the applicant does or proposes to do business; if the applicant is an individual, the name, date of birth, and address of the applicant, and length of time the applicant has resided in the City of Lincoln; or if a partnership or association, the business name thereof, and the name, date of birth, and address of each partner and the length of time each partner has resided in the City; or if a corporation, the names, addresses, and dates of birth of all officers and directors of such corporation;

(b) The number of ambulances for which the license is requested and the initial locations at which the ambulances are to be stationed;

(c) Experience of applicant and its prospective employees in the area of provision of ambulance or other emergency medical services, including, but not limited to, years of service, location of prior service, type of services provided, and authorizations, licenses, or certificates possessed by applicant;

(d) Whether the applicant has been convicted of any felony or other offense involving moral turpitude;

(e) Whether the applicant has any claims or judgments (whether pending or resolved) for damages against him or her for any claims resulting from the criminal, negligent or reckless operation of an ambulance, ambulance service, or paramedic service;

(f) Whether the applicant has any claims or judgments (whether pending or resolved) against him or her based upon discriminatory practices or allegations thereof regarding race, color, religion, sex, disability, national origin, ancestry, age, or marital status.

(g) The financial ability and the responsibility of the applicant, which shall be demonstrated, minimally, by inclusion with the application a set of financial statements prepared in accordance with generally accepted accounting principles;

(h) The make, type, year of manufacture, and vehicle identification number of each ambulance, and equipment therein, owned or operated or proposed to be operated by the applicant;

(i) A copy of the registration and any license issued by the State pursuant to law for each ambulance the applicant intends to operate shall accompany all applications for a routine ambulance service license;

(j) Whether the applicant or any principal in the organization has ever been excluded from participation in a federal health care program;

(k) Each application shall be accompanied by payment of an application fee of \$75.00.

(l) A description of applicant's proposed communications system and equipment, including details regarding applicant's ability to implement prioritization of medical dispatch in a manner consistent with that provided by the 911 Center. (Ord. 17738 §23; October 2, 2000).

**7.06.030 Granting of License.**

Upon receipt of an application for a routine ambulance service license, the City Clerk shall, within five days of receipt of such application, forward such application to the Finance Director, who shall cause an investigation to be had in order to determine if the applicant meets the minimum requirements of this chapter, including: whether the applicant is a certified emergency medical service by the State of Nebraska; applicant's ability to provide routine ambulance service twenty-four hours daily; whether applicant's emergency medical care providers hold proper certification therefor by the State of Nebraska; whether applicant's ambulances meet the minimum specifications required by local, state, and federal laws and rules and regulations; whether said ambulances are equipped in a manner consistent with local, state and federal laws and rules and regulations; whether applicant's communications equipment is compatible with that used by the 911 Center; whether applicant's personnel have been trained in the prioritization of medical calls so as to allow call screening in a manner consistent with that provided by the 911 Center; whether the applicant's court record or financial situation is such as would conform to the public interest of granting such license; whether the applicant or any principal in the proposed service has ever been excluded from participation in a federal health care program; and whether the application fee has been paid.

The Finance Director shall, within sixty days of receipt of the application from the City Clerk, report in writing to the City Clerk the result of his or her investigation. Such report shall contain a statement as to whether the proposed routine ambulance service does or does not comply with the requirements of this chapter for such service. If the application meets all applicable ordinance requirements, the City Clerk shall issue a license to the applicant.

If such application is denied, written notice of such denial shall be mailed to the applicant (to the address listed on the application) within five days of such denial. The applicant may appeal such denial to the City Council by filing a written notice of appeal of such denial with the City Clerk within fifteen days after such denial. Upon receipt of a notice of appeal of a denial under this section, the City Clerk shall deliver said notice to the chairperson of the City Council, who shall cause a hearing date on such appeal to be set. Such hearing shall be had not less than fifteen days after receipt of the notice of appeal, but not more than thirty-five days thereafter except by consent of the Council and the appealing party. The City Council shall provide the applicant a written determination of the appeal not more than thirty days from the hearing date. (Ord. 17738 §24; October 2, 2000).

**7.06.040 Term of License; Non-assignability.**

All routine ambulance service licenses issued shall be valid from the date of issuance until the following September thirtieth, unless sooner revoked pursuant to the provisions of this chapter. No license may be sold, assigned, or transferred nor in any way authorize any person other than the operator to provide routine ambulance service, and no other person shall exercise any privileges under said license. (Ord. 17738 §25; October 2, 2000).

**7.06.050 Form and Content of License.**

Every license issued shall contain the name and address of the applicant, the authorized area of operation, the location or locations at which ambulances will be stationed in the City, the telephone number(s) to be dialed to request ambulance transport, a fee schedule showing the maximum charge to be billed for services rendered (including, for example: supplies, oxygen, medications, and mileage) and the number of vehicles authorized to be operated pursuant to such license. The applicant/license holder shall notify the City Clerk immediately with updates of any such information on such license throughout the term of the license. (Ord. 17738 §26; October 2, 2000).

**7.06.060 Standards for Ambulance Equipment.**

Every vehicle operated by an operator under the authority of a routine ambulance service license for the transportation of patients in the City of Lincoln shall be equipped and designed according to the requirements, specifications, and standards as may be required by the State Department of Health and Human Services pursuant to law and in conformance with the requirements of all medical care protocols.

Every operator shall adopt and use, after approval by the City Council, a distinctive and uniform color scheme and insignia or logo which shall identify each ambulance as being used for ambulance purposes; such color scheme and insignia or logo shall not infringe on the color scheme, insignia or logo already in use by another operator or by the city. The operator's business name shall appear on each side and on the rear of the vehicle. (Ord. 17738 §27; October 2, 2000).

**7.06.070 Standards of Operation.**

Every operator, as a condition of the issuance and continued retention of its license, must comply with the following standards of operation:

(a) The operator will maintain, and have available for use within the corporate limits of the City, not less than one ambulance that will be on call twenty-four hours a day, seven days a week. Such ambulance, and any others the operator makes available for use within the corporate limits of the City shall be fully staffed and equipped with all equipment in working order. All ambulances shall be fully staffed and fully equipped with all equipment in proper working order. All ambulances shall at all times be maintained in good mechanical and physical condition with maintenance done in accordance with manufacturer's specifications. All ambulances shall at all times be registered and all taxes shall be paid as required by law. All ambulances shall be kept clean, and any damage to the vehicle shall be repaired in a timely manner.

(b) Each operator, in the provision of emergency medical services shall comply with all written medical care protocols as promulgated by the medical director contracted for or otherwise engaged by EMSOA.

(c) Each operator must fully comply with all applicable state laws and regulations relating to the licensing of its vehicles, and with all state laws and regulations relating to the issuance and maintenance of certifications as may be required for its personnel.

(d) No ambulance shall transport any patient within the City unless such ambulance is occupied by at least one certified out-of-hospital emergency care provider. Such requirement shall be met if any of the individuals providing the transportation is a licensed physician, registered nurse, licensed physician assistant, or licensed practical nurse, EMT, EMT-I, or EMT-P, functioning within the scope of practice of his or her state issued license. It shall be the duty of the operator to assure that any of its personnel designated to drive any ambulance shall have a knowledge and ability to operate an ambulance, to follow

assigned routes, to maintain vehicles, and to utilize assigned communications equipment. It shall further be the responsibility of the operator to ensure that before any ambulance of the operator is driven within the city limits, the driver of such ambulance must have completed a course, pre-approved by the Medical Director, relating to driving emergency vehicles, as well as any other requirements as set forth in law pertaining to the operation of an emergency vehicle.

(e) The operator will cooperate with the City in the development of disaster relief plans and will participate in disaster exercises conducted by the City.

(f) No operator shall discriminate against any patient or person to whom out-of-hospital emergency medical service is provided based upon such person's race, color, religion, sex, disability, national origin, ancestry, age, or marital status. (Ord. 17738 §28; October 2, 2000).

#### **7.06.080 Interconnection with 911 Center.**

Each operator shall, at its own cost and expense, provide interconnection between its base of operations and the 911 Center. Any such interconnection must be made under the supervision of and to the satisfaction of the City. For purposes of providing equipment compatibility, the operator may lease from the City such equipment as may be mutually agreed upon between the operator and the City upon such terms and conditions as may be approved by the City Council in a separate lease agreement covering such equipment. Operator's dispatch personnel shall, to the satisfaction of the City, be trained in the prioritization of medical calls and dispatch in a manner that is consistent with those medical priority dispatch techniques employed by the City. Operator, in responding to all calls for service in which the patient is located within the corporate limits of the City, shall employ prioritization of medical calls and dispatch consistent with that used or approved by the City in providing any ambulance service, and shall immediately route any emergency call to the 911 Center using such means as may be agreed upon by the operator and the City. (Ord. 17738 §29; October 2, 2000).

#### **7.06.090 Audit and Inspection.**

(a) The City shall have the right of access at all reasonable times to trip records, daily logs, and dispatch records and may audit and inspect the same; provided, however, any audit shall be performed at the sole cost of the City. Such right of access on the part of the City for inspection and audit shall be a continuing right of the City for all records throughout the term of the license and for five years after its expiration.

(b) The City shall also have the right at all reasonable times to inspect or cause to be inspected any vehicles and equipment of the operator to assure compliance with all state and local requirements relating to equipment, cleanliness, maintenance, and availability.

(c) Operator, by the last day of each calendar month for which a routine ambulance license is in effect, shall report to the Fire Chief and EMSOA the following information: total number of calls for service received for that calendar month (in which the patient was located within the corporate limits of the City); total number of transports in which the patient's point of origin was within the corporate limits of the City; total number of calls in which ALS treatment was administered and in which the patient's point of origin was within the corporate limits of the City; total number of calls in which BLS treatment was administered and in which the patient's point of origin was within the corporate limits of the City. (Ord. 17738 §30; October 2, 2000).

#### **7.06.100 Records and Reports.**

Operators shall create a trip record for each call to which personnel are dispatched and in which a transport occurs. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information. The City may require the use of standardized forms in the keeping of the trip record and daily log. (Ord. 17738 §31; October 2, 2000).

#### **7.06.110 Insurance Required.**

(a) The operator shall take out and maintain during the full term of the license public liability insurance in the minimum amount of \$5,000,000 per claim and \$10,000,000 aggregate claims per occurrence and automobile liability insurance in the minimum amount of \$5,000,000 combined single limit (bodily injury and property damage) and \$10,000,000 per occurrence combined single limit (bodily injury and property damage). The City of Lincoln shall be named as an additional insured on all such policies of insurance and a certificate of insurance evidencing such coverage shall be placed on file and kept current in the Office of the City Clerk by the operator.

(b) The operator shall take out and maintain during the full term of the license professional liability insurance in an amount of not less than \$10,000,000 per occurrence for each claim. The City of Lincoln shall be named as an additional insured on all such policies of insurance and a certificate of insurance evidencing such coverage shall be placed on file in the Office of the City Clerk by the operator. (Ord. 17738 §32; October 2, 2000).

#### **7.06.120 Suspension or Revocation of License; Liquidated Damages; Acts of God.**

(a) Any license, once issued, may be suspended or revoked by the City Council for non-compliance by the operator. The City Council may find the operator in non-compliance for any of the following reasons:

- (1) Failure to comply with the standards for ambulance equipment as set forth in Section 7.06.060.
- (2) Failure to comply with all applicable state laws and regulations promulgated thereunder relating to ambulance operation and the provision of emergency medical services.
- (3) Failure to maintain the minimum required insurance.
- (4) Failure to comply with any of the other provisions of this title.
- (5) Abandonment of operations by an operator. For purposes of this section, abandonment of operations shall mean a failure to begin operations within sixty days of the granting of a routine ambulance service license or the failure to provide routine ambulance service for any five consecutive days thereafter.
- (6) Exclusion from a federal health care program.
- (7) The license was obtained by an application in which any material fact was omitted or falsely stated.

Except as provided below, prior to suspending or revoking any operator's license, the City Council shall give thirty days' notice to the operator, stating the grounds for the proposed suspension or revocation and stating that a hearing will be held thereon before the City Council. Such notice may be provided by mailing, through regular U.S. Mails, a letter to the address listed on the application, or as such address may have been up-dated by the operator with the City Clerk. Such hearing shall be held not less than fifteen days from the date notice of such hearing was sent to the applicant, nor more than thirty-five days

therefrom, except that with the consent of the appellee and Council such time frame may be shortened or lengthened. If, upon such hearing, the Council shall find that the license holder has cured any areas of non-compliance which by their nature are subject to cure, the license shall not be suspended or revoked, unless the Council has given previous notice to the operator regarding the same item or items of non-compliance in which event the Council may proceed to act on such repeated violations.

If, after hearing, the Council finds that the operator is in non-compliance or has engaged in repeated non-compliance, the Council may suspend such operator's license for such period as the Council shall determine to be appropriate and necessary to gain compliance, or it may revoke the operator's license. The Council shall provide the operator its determination, in writing, within thirty days of the date of the hearing.

In the event of extreme circumstances, the above procedure may be expedited as follows. Upon a finding by the Mayor that the health, safety, and welfare of the community necessitates an immediate suspension of the license, the Mayor may, by executive order, suspend such license for a period not to exceed sixty days, during which time the above notice and hearing process shall be carried out. Upon such action by the Mayor, a copy of the executive order shall be immediately served, by certified mail, upon the operator at the address on file with the City Clerk. (Ord. 17738 §33; October 2, 2000).

#### **7.06.130 Penalty for Violation.**

Any person who operates or causes to be operated routine ambulance service within the City of Lincoln without first having applied for and obtained a license therefor and without such license being in full force and effect shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$500.00, recoverable with costs; provided, however, that for the first such offense the minimum fine shall be not less than \$200.00, for the second such offense the fine shall be not less than \$300.00, and for the third or subsequent such offense the fine shall be not less than \$400.00. Each transport or incident in which routine ambulance service is provided or attempted to be provided shall constitute a separate and distinct offense and shall be punishable as such. In addition to the criminal penalties provided herein, any conviction hereunder may be sufficient grounds for the City Council to deny a subsequent application for license or to revoke an existing license that may have been under suspension at the time of the violation. Such denial or revocation shall be deemed remedial and civil in nature.

In addition, the operation of any routine ambulance service without a license therefor having been issued, and without such license being in full force and effect, shall constitute a nuisance, and the City Council may direct the City Attorney to seek injunctive or other equitable relief in addition to the criminal penalties and civil remedies provided above. (Ord. 17738 §34; October 2, 2000).