

ORDINANCE NO. 18-O-7

AN ORDINANCE TO AMEND AND RESTATE CHAPTER 31, ARTICLE III, SECTIONS 31.40 THROUGH 31.48 OF THE CITY CODE OF THE CITY OF ANNISTON, ALABAMA REGULATING AMBULANCE SERVICE

WHEREAS, the City Council of the City of Anniston, Alabama finds that it is in the best interest of the City of Anniston and its citizens to amend and restate Article III of Chapter 31 of the Code of the City of Anniston, Alabama to update the city's regulation of ambulance service to reflect current terminology, needs, and circumstances and to provide for enhanced enforcement mechanisms;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 31, Article III, Sections 31.40 through 31.48 of "The Code of The City of Anniston, Alabama, 1981" to read in its entirety as follows:

ARTICLE III. - AMBULANCE SERVICE

Sec. 31.40. - Definitions.

The following words when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates to them in this section a different meaning. When not inconsistent with the context, words in the singular number include the plural number, and the masculine shall include the feminine and neuter.

Advanced EMT. Any person eighteen (18) years of age or older who has successfully completed the advanced emergency medical technician course of instruction and has been granted a current, valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, placement of an advanced airway or other such similar procedures.

Advanced life support (ALS). The treatment of potentially life-threatening medical emergencies through the use of invasive medical techniques which ordinarily would be performed or provided by physicians, but which may be performed by advanced level emergency medical technicians (EMTs).

Ambulance. A motor vehicle licensed by the Alabama State Board of Health and meeting all requirements of section 22-18-1, et seq., Code of Alabama, 1975, as amended, and specifically designed for, equipped or used as an emergency vehicle for the purpose of transporting persons who are wounded, injured, ill or sick, and shall include, but is not limited to, emergency vehicles used for such purposes.

Ambulance call. The act of calling for an ambulance through mechanical or other means for the purpose of transporting any patient to or from a medical care facility.

1. *Emergency call.* An ambulance call for service in which it is believed that the illness, injury or disability requires immediate medical services wherein delay of the receipt of such services may endanger personal health or safety.
2. *Nonemergency call.* An ambulance call for transportation to or from a medical facility or medical provider that does not involve the need for immediate medical services.

Ambulance driver. Any person who successfully completes an emergency vehicle operations course or its equivalent and has been granted any and all applicable current, valid licenses by the state board of health, the state department of motor vehicles or any other state or federal regulatory agencies. An ambulance driver shall also be minimally licensed by the state board of health as an emergency medical responder.

Ambulance service operator. Any individual, partnership, corporation or other legal or business entity operating ambulances for hire within the city. Each service must be an independent entity from any and all other existing services operating within the city and must have distinct and separate employees, bank accounts, and vehicles from any and all existing services.

Basic life support (BLS). A level of pre-hospital care involving noninvasive life support measures.

City. All areas within the corporate limits and police jurisdiction in Anniston, Alabama.

City council. The elected governing body of the city.

East Alabama EMS. The regional EMS agency designated by the state board of health to serve as a resource agency for EMS providers and any other EMS related organizations in the eastern portion of the state.

Emergency medical responder (EMR). Any person eighteen (18) years or older who has successfully completed the emergency medical responder course of instruction, or its equivalent, as approved by the board or its designee, who has passed the state approved EMSP certification exam, and who has been granted a current, valid EMSP license by the state board of health.

EMS ambulance service operator. An ambulance service operator that has been granted all licenses and permits required by this article to provide emergency medical services and emergency transports within the corporate limits of the city.

Emergency medical services (EMS). A system of coordinated prehospital emergency aid and medical assistance from primary response to definitive care, involving personnel trained in the rescue, stabilization, transportation, and treatment of sick or injured persons.

Emergency medical technician (EMT). Any person eighteen (18) years of age or older who has successfully completed the applicable emergency medical technician course of instruction and has been granted a current, valid license by the state board of health.

Emergency transport. The transportation of a patient by an ambulance service operator in response to a ambulance call in which it is believed that the illness, injury or disability requires immediate medical services wherein delay of the receipt of such services may endanger personal health or safety. Responses to such calls shall be made with the use of all warning devices and lights as deemed necessary by the senior EMT/Paramedic for optional patient care.

Hospital. A facility licensed as a hospital by the state board of health and located within the corporate limits of the City of Anniston.

Intermediate EMT. Any person eighteen (18) years of age or older who has successfully completed the intermediate emergency medical technician course of instruction and been granted a current, valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, monitoring cardiac rhythms, performing defibrillation and intubation or other such similar procedures.

Nonemergency transport. The transportation of a patient by an ambulance service operator to or from a medical facility or provider that does not involve the need for immediate medical services. Such transports shall not use or require the use of emergency warning devices. Such calls include, but are

not limited to interhospital transfers, discharges to home, visits to physician offices and the transport of deceased patients.

Paramedic. Any person eighteen (18) years of age or older who has successfully completed the paramedic course of instruction and been granted a current valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, monitoring cardiac rhythms, performing defibrillation and intubation, administering pharmacological interventions or other such similar procedures.

Patient. An individual who is wounded, injured, ill or sick, otherwise incapacitated, helpless or unable to transport themselves to receive medical treatment or individuals who call or request the services of an ambulance service.

State board of health. That body created by Section 22-2-1, et seq., Code of Alabama, 1975, as amended, otherwise known as the Alabama State Board of Health or the Alabama Department of Public Health.

Sec. 31.41. - Permit required for EMS ambulance service operators.

- (a) *EMS Ambulance service operator permit.* No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain or otherwise be engaged in or profess to be engaged in the business of providing emergency medical services upon the streets, public ways or other places in the city, unless such person holds a valid permit issued pursuant to this article. Application for an *EMS* ambulance service operator permit shall be verified by oath of the applicant and shall be submitted to the revenue department along with a certificate of need, proof of insurance and a fee of \$1000.00; provided however, this initial application fee shall not be required of an ambulance service operator currently holding a valid certificate of need issued by the CQI. The application shall supply the following information:
- (1) Name and home address of the applicant(s).
 - (2) Name and home address of the owner of the ambulance service operator.
 - (3) The location and description of the place or places from which the business intends to operate.
 - (4) The trade name, corporate name and other business name or designation, if any under which applicant does business and proposes to do business.
 - (5) The training and experience of the applicant and any employees of the applicant in the transportation and care of patients.
 - (6) A description of each ambulance including make, model, year of manufacture, motor and chassis number, current state license number, length of time the ambulance has been in use, current odometer reading on the ambulance, and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance.
 - (7) The location and description of the ambulances owned or operated by the applicant.
 - (8) The driver's license number for each EMS personnel employed, the date first licensed, the date and duration of any period when the license was suspended or revoked or canceled, and the expiration date of the license.
 - (9) The state license number for ambulance service operators and for each EMR, EMT, Intermediate EMT, Advanced EMT and Paramedic, the date first licensed, and the expiration date of the license.
 - (10) Such other information as the director of the revenue department shall find reasonably necessary to effectuate the purpose of this article.

- (b) *Standards for issuance of operator permit.* The director of the revenue department shall authorize and direct the issuance of an operator's permit to the applicant if the director finds:
- (1) Satisfactory evidence of insurance, the payment of all applicable fees, and a certificate of need issued by the city as provided in this article;
 - (2) The requirements of this article as well as any other applicable governing laws have been met.
- (c) *Ambulance permit.* No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit to be operated a vehicle for such purposes on the streets, public ways or other places in the city, unless such ambulance shall be under the immediate supervision and direction of an individual who holds a valid state license as a EMR, EMT, Intermediate EMT, Advanced EMT or Paramedic. No ambulance permit shall be issued without an approved inspection certificate as specified in subsection (i)(2) of this section.
- (d) *Transferability.* With the exception of subsection (1), in the event of any change or transfer of ownership of an ambulance for which any type of permit has been granted under this article, an application for a new permit from the transferee or owner is required. Such application shall be governed by the rules and regulations stated herein for original applications.
- (1) No EMS ambulance service operator shall be operated under any name other than that set forth in the permit granted herein unless such permit shall have been transferred with permission of the city council in which event it shall operate in the name of the transferee of such permit.
 - (2) A transfer of a permit from an ambulance being taken permanently out of service to a new ambulance coming into service shall not be permitted until after the inspection and approval of the new ambulance by the fire chief or the chief's designee and the filing of a proof of insurance evidencing insurance coverage for the new ambulance.
- (e) *Investigation.* Each application for a permit pursuant to this article shall be immediately referred to the chief of police for the city for investigation and report. The chief of police or his designee shall investigate the facts as set out in the application and shall run appropriate background checks for verification to ensure the veracity of the answers provided in the applications.
- (f) *Emergency exception.* In case of a major catastrophe or emergency, no permit shall be required for an ambulance service operator, attendant or driver of an ambulance rendering assistance during such emergency from any ambulance service operator not permitted to operate within the city.
- (g) *Cumulative effect.* The requirements for a permit under this article shall be in addition to the requirements of a business privilege license. No person or entity shall be issued a business license to operate an EMS ambulance service in the city unless such person or entity has a valid EMS ambulance service operator permit issued pursuant to this article.
- (h) *Excluded services.* The provisions and requirements of this article shall not apply to:
- (1) Ambulances operated by a federal agency of the United States and ambulance drivers, EMTs or paramedics staffing such ambulances;
 - (2) Ambulances operated by a private business or industry utilized exclusively for employees of such business or industry free of charge; and
 - (3) Ambulances which are rendering emergency assistance to other licensed ambulance services in the event of emergency.
- (i) *Renewals.* All permits issued pursuant to this article shall be subject to annual renewal. A renewal application shall be submitted by each person or entity receiving a permit. Said application shall

verify the information contained in the initial application and shall apprise the city of any changes in the facts or circumstances of the service, its equipment, personnel, insurance information and vehicles. Applications for calendar year 1996 permits must be submitted to the revenue department by July 18, 1996. Renewal applications for these permits must be submitted with the required fees by each December 31, thereafter.

- (1) *Ambulance service operator permit.* Ambulance services operating pursuant to this article shall annually reapply for the issuance of a valid permit to the city department of revenue. The fee for said reapplication shall be twenty-five dollars (\$25.00) per ambulance being operated by the ambulance service operator.
- (2) *Ambulance certification.* Each ambulance operated by an EMS ambulance service operator shall reapply for the issuance of a valid permit for said vehicle. Said reapplication shall occur prior to the issuance of a business license by the city. The fee for said reapplication and inspection shall be fifteen dollars (\$15.00).

Sec. 31.42. - Insurance.

Each vehicle used as an ambulance pursuant to this article shall be insured by a policy of comprehensive public liability insurance. Said insurance shall be in amounts consistent with the minimum state requirements for the liability insurance of such emergency vehicles. Proof of such insurance policies, and all renewals thereof, shall be furnished to the city clerk at the time that an application for a permit is submitted as well as at the time of any subsequent renewal applications.

Sec. 31.43. - Coordinating agency.

The Anniston Fire Department shall be the designated emergency medical service coordinating agency and will be responsible for scene control of any and all ambulance service operators responding to an emergency call for emergency medical services. Emergency calls for emergency medical services which enter the county 911 dispatch office will be routed to the fire department and then to the appropriate EMS ambulance service operator. The fire department is committed to providing basic life support service to the citizens of Anniston. The fire department shall respond to calls based on a call criteria which is developed by the fire chief and on the availability of units. In the event that the fire department cannot respond to a call the department will ensure that the appropriate ambulance service operator has received the call and is responding.

- (1) *Scene command.* The fire department shall implement the incident command system whereby the highest ranking officer or personnel of the fire department shall, upon arrival, assume command of all emergency scenes with the exception of police functions or unless a higher ranking authority has jurisdiction at the emergency scene or unless the department relinquishes such authority to another agency or organization. The highest ranking available EMT on the scene shall, upon arrival, assume responsibility for patient care whether they are an employee of the fire department or private ambulance service operator.
- (2) *Call notification.* Upon receiving notification of an emergency call, the county 911 service will notify the fire department and the fire department shall respond based on their call criteria and whether or not they have an available unit. After notifying the fire department, county 911 will then call the EMS ambulance service operator(s) predesignated by the city. Telephone operators for EMS ambulance service operators receiving emergency calls from 911 should be certified in emergency medical dispatch.

Sec. 31.44. – Advisory body.

The entity which shall advise the city regarding EMS ambulance service operation within the city shall be called the Emergency Medical Services Continuous Quality Improvement Committee (CQI). The CQI shall be comprised of five (5) members as follows: one (1) representative from East Alabama EMS; one (1) physician from the emergency receiving department of a hospital located in the city and operated by the Healthcare Authority of the City of Anniston; one (1) representative from the Calhoun County 911 Board, with preference given to a 911 Board member who has EMS experience if such an individual serves on the Board at the time such appointment is made; the city manager; and one (1) representative appointed by the mayor, with said representative being an owner or employee of a healthcare services provider, other than a hospital, whose residents or patients routinely utilize ambulance service operators for transportation that originates and terminates within the city, with the term of said representative beginning from the date of appointment through the date of the first regularly scheduled council meeting following the end of the appointing mayor's term of office. The representative from East Alabama EMS, the physician from the emergency department of a local hospital operated by the Healthcare Authority, and the representative from the 911 Board shall be selected by, and serve at the pleasure of, the respective entities. The fire chief of the city, or his designee, shall be a non-voting member of the CQI. Each member of the CQI shall disclose to the city council any familial relationship, whether by blood or by marriage, that he/she has to any owner, officer, stock holder, partner or corporate representative of any ambulance service operator operating within the City of Anniston and any ambulance service operator applying for a certificate of need to operate within the city. Each member of the CQI shall also disclose any financial interest or investment they have in any ambulance service operator operating within the city or any ambulance service operator applying for a certificate of need to operate within the city.

The purpose of the CQI shall be to monitor EMS ambulance service operators operating within the city and to make recommendations aimed at ensuring optimal patient care is available to the citizens of Anniston. The specific functions of the CQI in carrying out its general purpose shall be as follows:

- (1) *Meetings*: The CQI shall hold meetings at Anniston City Hall with such frequency as the body deems in the best interest of patient care, but in no event shall a meeting of a quorum of the membership occur less than once every three (3) months. The city manager shall serve as the presiding member of the CQI. In the city manager's absence, the presiding member shall be the CQI representative from East Alabama EMS. Notice of meetings shall be given in accordance with Alabama law and all meetings shall be open to the public unless a legal exemption allows otherwise. Minutes of meetings shall be recorded and forwarded to the city clerk for recordkeeping within fifteen (15) days of each meeting.
- (2) *Monitoring*: The CQI shall monitor EMS ambulance service operators operating within the city to ensure patient needs are being met and to ensure compliance with this article and other applicable state or local regulations. The CQI shall have the authority to devise and recommend for adoption by the city council written policies applicable to EMS ambulance service operators, including policies requiring EMS ambulance service operators to maintain records and categories of records in whatever form or manner the CQI deems in the best interest of patient care, and, further, policies requiring the inspection or production of such records or categories of records within the time period provided by CQI policies.
- (3) *Reporting*: The CQI shall be entitled to receive a monthly report from each licensed and permitted EMS ambulance service operator outlining all emergency responses, the date, time and address of all calls, how the call was received, time the unit was dispatched, the time the unit arrived on scene, and the type response to and from the scene.

- (4) *Decision-making:* The CQI shall have the authority to make factual findings, render decisions, and make recommendations to the city council regarding EMS needs, operations and services within the city. The CQI may rely upon reports and input from the fire chief in the exercise of this authority. Further, the CQI shall develop and recommend to the city council a policy that provides a process by which a licensed EMS ambulance service operator receives notice of a violation being reported against it and which allows the operator to be heard before the CQI renders a decision on the report. All factual findings, decisions and recommendations shall be based upon a simple majority vote of the CQI membership. In the event that the committee is deadlocked or in otherwise unable to achieve a majority after a reasonable amount of time, the measure shall be referred to the city council for determination.
- (5) *Enforcement:* The CQI, within fifteen (15) days of finding that an EMS ambulance service operator has failed to comply with any provision of this article, shall prepare and transmit to the city manager a written report of the violation, with the report including the name of the violating operator, the nature of the violation, the facts that support the finding, and a recommended course of action for addressing the noncompliance.
- (6) *Evaluation of need and qualifications:* Evaluate applications from prospective EMS ambulance service operators to determine whether there is a need for such service in the city and to determine whether the applicant meets the minimum standards set out by this article and by the state board of health for the operation of ambulance services. The CQI's evaluation shall be based upon following:
 - a. Quantifiable data that supports a finding that the applicant's EMS service is needed. Such data shall be comprised of the number of calls and responses for EMS service, the number of EMS service responses exceeding the response times provided by this article, the number of EMS service calls rolled to non-certificate of need holders, and whether the applicant or existing certificate of need holders have complied with all other provisions of this article. Said data shall be limited to a period that does not precede the application by more than one hundred eighty (180) days.
 - b. The applicant and all attendants and drivers are fit and proper persons to conduct work or work in the proposed business;
 - c. All ambulances of the applicant are in good mechanical condition, are suitable for the transportation of patients, are maintained at suitable premises, and comply with all applicable laws and ordinances relating to health, sanitation and safety; and
 - d. All ambulances are equipped with two-way radio equipment, lights, sirens and other equipment prescribed in this article.

Upon a determination of need and qualifications, the CQI shall forward its recommendation and the application of the prospective EMS ambulance service operator to the city council for consideration of whether the requested certificate of need is issued.

- (7) *Recommendations.* The CQI may make recommendations to the city council regarding changes to standards, including changes in staffing, equipment and/or ambulance services available in the city. The CQI may also recommend to the city council revisions to the CQI's membership composition, its written procedures, the fines or other remedies prescribed for violations of this article, and any other aspect of this article that may enhance patient care.

Sec. 31.45. - Regulations for EMS ambulance service operators.

- (a) *Prerequisites for EMS ambulance service operators.*

- (1) *EMS operator permit.* An operator permit granted by the revenue department of the city pursuant to the provisions of this article. Part of the permit application includes satisfactory proof of insurance as well as other information about the applicant and the service.
 - (2) *Business license.* A license granted by any and all cities in which the ambulance service operator will be operating.
 - (3) *Certificate of need.* A certificate granted by the CQI to an ambulance service operator certifying that there is a need for such service within the city. No service shall apply for a certificate of need in any case where an application has been disapproved on behalf of such person within six (6) months preceding the date of filing thereof.
 - (4) *Personnel list.* Each EMS operator permit holder shall furnish a full and complete list of all personnel employed by such permit holder at the time that the application for a permit is submitted and at any time upon request by the chief of police, fire chief or by the revenue department of the city.
 - (5) *Articles of incorporation.* All ambulance service operators providing or seeking to provide emergency medical services must file with the CQI a copy of its articles of incorporation and any subsequent amendment thereto.
 - (6) *Mutual aid agreement.* In the event the CQI recommends and the city council determines only one (1) certificate of need is necessary to ensure optimal patient care is available to citizens of the city, the sole grantee of such certificate shall certify to the CQI that it has procured or made all reasonable efforts to procure one (1) or more mutual aid agreements for the rolling of emergency calls to another ambulance service operator which the grantee knows or should reasonably know it cannot respond within the response times set forth in this article. An ambulance service operator that is a party to a mutual aid agreement, but which does not hold a certificate of need issued by the CQI, must apply for and receive a mutual aid certificate by following the same procedures and consenting to the same requirements applicable to a certificate of need applicant/grantee under this article; provided however, no application fee shall be required of applicants seeking a mutual aid certificate.
- (b) *Displacement of 911 service.* An informed public knows how and when to summon an ambulance. Each ambulance service operator must adhere to the proper use of the enhanced 911 system for receiving emergency calls and in no way attempt to displace the use of such a universal number. Any intentional displacement or attempted displacement shall be grounds for disciplinary action.
 - (c) *Non-911 calls.* In the event that a caller does not utilize county 911 for an emergency call, the ambulance service operator receiving such a call shall contact Calhoun County 911 with the location and nature (Chief Complaint) of the call. This notification shall occur immediately upon receipt of the call as to allow for a timely response.
 - (d) *Communication capabilities.* The first minutes of an acute medical trauma are critical and so is communication during this time. All EMS service operators must have the capability to communicate with the first responders in an emergency call site to ensure an effective response. All EMS service operators shall utilize the same communication system that is used and operated by the fire department for the city and all such equipment shall be in each unit and dispatch center to allow them to directly communicate with the Anniston Fire Department, the Anniston Police Department, hospitals, and other local agencies. Further, all EMS service operators must at all times monitor the channel utilized by the fire department.
 - (e) *Emergency response.* Each emergency response must be handled in a manner that is safe to the responders, patients, service employees and the community at large. The emergency vehicle on an emergency call shall not exceed the speed limit by more than ten (10) miles per hour above the posted limit and may proceed through a stop sign or red light only after slowing down and insuring

that all vehicles have yielded the right-of-way. The speed and manner of a service's response to the hospital should be dictated by the patient's condition. Since, in general, less than ten (10) percent of all responses require an emergency response to the hospital, EMS service operators who have a significantly higher average percentage of emergency response to the hospital shall be subject to disciplinary action.

- (1) *Dispatch times.* Upon receipt of an emergency call, the EMS ambulance service operator must have a unit or units on the way within two (2) minutes or must notify Calhoun County 911.
 - (2) *Response times.* Each EMS ambulance service operator must arrive within eight (8) minutes of emergency call receipt located within the corporate city limits on at least ninety (90) percent of all emergency responses. Each EMS service operator must arrive within ten (10) minutes of receipt of an emergency call located within the police jurisdiction on at least ninety (90) percent of all emergency responses. The response time measurement shall utilize the "fractile" performance measure in which all applicable response times are "stacked" in ascending length. Then the total number of calls generating a response within the city is calculated as a percentage of the total number of calls. Thus where the ninetieth percentile response time is standard only ten (10) percent of the total calls received may have a longer response time. The response times mandated by this article shall not apply to mutual aid certificate holders; provided however, upon receiving a call for providing service under mutual aid agreement, a mutual aid certificate holder must assess its availability and provide the entity requesting emergency service an anticipated arrival time. The anticipated arrival times provided by mutual aid certificate holders must correspond with actual arrival times in ninety (90) percent of all emergency responses it provides under a mutual aid agreement.
- (f) *Staffing.* An on-duty EMS service operator must have a minimum four (4) ALS units available for emergency calls twenty-four (24) hours a day on their days of rotation unless the units are otherwise engaged on emergency calls which originated within the city. Each ALS unit must be staffed by a minimum of one (1) paramedic as the attendant of a patient and one (1) EMR, EMT, Intermediate EMT, or Advanced EMT operating the ambulance. All EMS service operator employees must wear their uniform shirt, which must be emblazoned with the employee's name and level of EMS certification. Each ALS unit must meet any and all regional and state EMS rules and regulations as promulgated by the state board of health. All personnel must meet the license requirements as set forth by the board of health.
- (g) *Equipment.* Each ambulance vehicle for which a permit is issued shall have and maintain at all times the equipment recommended or mandated by the state department of health for such vehicles. In addition each ambulance shall be suitable for the transportation of patients according to industry standards of sanitation and safety.
- (h) *Inspections.*
- (1) *Vehicles and equipment.* The fire department as well as officials from any other state or local regulatory agencies may inspect any vehicle that is providing emergency care. These inspections may occur as an announced or unannounced visit and will occur at least semiannually. Each vehicle's maintenance records shall be available for inspection at all times.
 - (2) *EMS personnel.* Each EMS service operator shall have on file copies of all employees' EMS licenses. These records shall be readily available for inspection by the fire department and any other state or local regulatory entities.

- (3) *Accounting records.* Each EMS service operator shall maintain adequate accounting records of all company operations within the city and such records must be provided to the city, upon written request to the EMS service operator within three (3) days from such notice.
- (i) *Accidents involving ambulances.* Unless the ambulance receives permission to proceed from the senior police officer at the scene of an accident in which it was involved, it shall be unlawful to transport a patient in an ambulance subsequent to an accident involving such vehicle until the senior police officer at the scene or his designee has made a determination that it is safe for the ambulance to proceed.
- (j) *Accidents occurring in the presence of ambulance.* In the event that an accident or other traumatic event should occur in the presence of an ambulance service operator governed by this article and where the witnessing ambulance is not from the service designated by county 911 to receive emergency calls at the time of the incident, the ambulance service operator in question shall: (1) stop and initiate patient care for any individuals in need of medical assistance, and (2) evaluate the severity of any and all injuries at the scene of the incident and provide notice to 911 of the nature and severity of those injuries; and (3) in the event that there are no life threatening injuries at the scene, the witnessing service shall turn over the patient for transport to the service authorized to receive the calls upon the arrival of a vehicle from said service. In the event that there are critically injured persons at the scene of the incident, the witnessing service shall transport such critically injured patients as soon as practicable under the circumstances and shall not wait for the designated ambulance service operator to arrive.
- (k) *Computer based 911 systems.* All EMS service operators shall have at their dispatch location the computer based 911 system for receiving emergency calls from the Calhoun County E911 Center.
- (l) *Operations office.* To ensure adequate service and to allow patients transported to have a local office to obtain records and discuss billing concerns, all EMS service operators shall, at a minimum, maintain within the corporate limits of the city a staffed administrative office and an ambulance station at which its ambulances are staged. All EMS ambulance service operators shall also maintain a dispatch center within Calhoun County, Alabama. The administrative office(s) of all EMS service operators shall be open during normal business hours Monday thru Friday and the dispatch office shall be open and operated twenty-four (24) hours a day, seven (7) days per week.
- (m) *Emergency operation plan.* All EMS ambulance service operators shall be an active participant in the Calhoun County Emergency Operation Plan to ensure emergency medical response to the City of Anniston in the event of a disaster. All EMS ambulance service operators, in the event of disaster shall operate under the medical emergency operations center. Further, all EMS ambulance service operators shall be an active participant in any current or future Emergency Operation Plan adopted by the city and in effect during a licensed period.
- (n) *Updated information.* An EMS ambulance service operator shall notify the city in writing of any material changes in the information contained in its application for a permit;
- (o) *Compliance with state licensing requirements.* An EMS ambulance service operator shall maintain any and all applicable state licenses, certifications, and permits;
- (p) *Provision of service.* An EMS ambulance service operator shall render the full service authorized by their respective license;
- (q) *Financial stability.* An EMS ambulance service operator shall notify the city in writing of any changes to its financial ability to fully comply with the terms of this article.

- (r) *Employee conduct.* All employees of an EMS ambulance service operator must conduct themselves in a professional manner in responding to, and while at the scene of, an accident and shall not conduct themselves in a manner that endangers the safety, health or well-being of any patient or victim at the scene of the accident or which would otherwise undermine the effectiveness of the city EMS system.
- (s) *Cessation of emergency medical services.* A certificate of need grantee intending to cease operation of its emergency medical services within the city shall give the CQI at least forty five (45) days written notice of such intent. In the event a grantee ceases emergency medical services operation without tendering the required notice, and provided such grantee is the only emergency medical services provider with a certificate to operate within the city, the fire chief, in consultation with the city manager, shall be authorized to take any and all actions permitted by law to ensure emergency medical services are available within the city until such reasonable time as the CQI can grant a certificate of need to another ambulance service.

Sec. 31.46. – Fines; revocation of permit and certificate of need.

- (a) Any EMS ambulance service operator, whether a certificate of need grantee or a mutual aid provider, which the CQI has reported to have violated one or more provisions of this article may be referred by the city manager for prosecution in municipal court. An EMS ambulance service operator found guilty of violating any provision of this article shall be subject to a fine of five hundred dollars (\$500.00) for each violation.
- (b) In addition to any fine that may be imposed by this article, an EMS ambulance service operator may have its permit and certificate of need revoked by the city for a violation by the operator, its agent, servant, or employee of any provision of this article or of any ordinance of the city, or any statute of the State of Alabama relating to the business for which such permit and certificate of need were issued; and shall also be subject to revocation by the city if the operator, its agent, servant, or employee under color of such permit and certificate of need violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the city if, in connection with the issuance or renewal of any permit and certificate of need, the permittee or its agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.
- (c) Actions and proceedings to revoke the permit and certificate of need held by an EMS ambulance service operator shall be governed by the same procedures as are applicable to the city's revocation of a business license.

Sec. 31.47. – Nonemergency ambulance services.

- (a) *Applicability.* This section governs ambulance service operators who operate on the city's streets in the course of providing nonemergency transports, the beginning and ending point for which are both located within the corporate limits of the city.
- (b) *License required.* Unless otherwise provided in this article, all ambulance service operators providing nonemergency transports shall be assessed a license fee as set forth in the license schedules authorized by city's business licenses and privilege taxes ordinance and is subject to adjustment as allowed by said ordinance or other law. Ambulance service operators licensed by

the city to provide nonemergency transports shall maintain a log of all transports within the city and make all transport records available to the CQI and/or the city upon request.

- (c) *Exemption from licensing requirement.* Any ambulance service operator holding a certificate of need issued by the CQI and an EMS Ambulance service operator permit issued by city pursuant to this article shall be deemed as meeting the requirements for nonemergency transports and therefore exempt from the licensing requirements applicable to ambulance service operators providing nonemergency transports. Further, the licensing provisions of this article shall not apply to an ambulance service operator that may infrequently, at the request of a hospital located within the corporate limits of the city, undertake a nonemergency transport from such hospital to another location within the city; provided however, this exemption shall apply only to those transports that occur when no ambulance service operators that are licensed by the city are available to retrieve the patient from the hospital within thirty (30) minutes of the request for a nonemergency transport.
- (d) *Violations; penalties for noncompliance.* Any complaint that an ambulance service operator is operating on the streets of the city in violation of any provision of this article shall be made in writing to the city manager, who shall refer the matter to the city prosecutor for investigation and prosecution where warranted. Any ambulance service operator found guilty of violating any provision of this article shall be subject to a \$500.00 fine per violation. Additionally, the city manager may direct the city attorney to pursue equitable remedies to enforce compliance with the provisions of this article.

Sec. 31.48. Time for compliance.

The city manager shall convene an inaugural meeting of the CQI within thirty (30) days of the effective date of this article. Within thirty (30) days of the inaugural meeting, the CQI shall formulate, approve, and present to the city council for consideration written policies the CQI recommends be made applicable to the CQI and its activities. All owners, operators, and ambulance service personnel presently operating or intending to operate within the city limits shall be subject to all terms and conditions of this article beginning on the fifteenth (15th) day following the date the city council approves the initial policies governing the CQI.

Section 2. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law.

Section 3. Upon its passage and adoption, the City Clerk is hereby authorized and directed to publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama.

Section 4. The City Clerk is further authorized and directed to submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10.

PASSED and ADOPTED this 15th day of May, 2018.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

abstain

Jack Draper, Mayor



Jay W. Jenkins, Council Member



David E. Reddick, Council Member

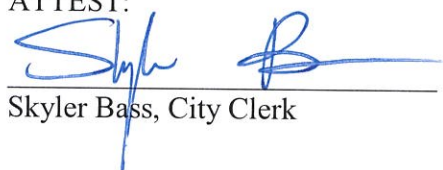


Benjamin L. Little, Council Member



Millie Harris, Council Member

ATTEST:



Skyler Bass, City Clerk

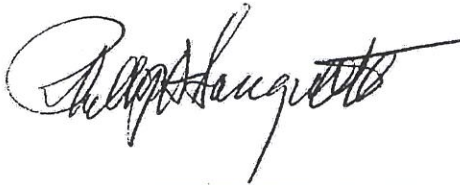
PROOF OF PUBLICATION

**STATE OF ALABAMA
CALHOUN COUNTY**

Personally appeared before me Phillip A. Sanguinetti, who being duly sworn, makes oath that he is President of THE ANNISTON STAR, a daily newspaper published in Anniston, Alabama, and that the attached notice ran as follows:

Dates: 5/20/18

Description: Classified Legal ad 5x20.5 Ordinance 18-0-7



Ad# 776300
order# 246554
Job# 0002-46554r1
Amount - \$1,120⁰⁰

Signature

Phillip A. Sanguinetti

Sworn to and subscribed to before me this date:



Signature

Pennie Davis

My Commission Expires 10/24/2020

Notary Public