

## CHAPTER 133

## AMBULANCE SERVICE LICENSES

133.01 Purpose	133.12 Application for Attendant-Driver Permits
133.02 Definitions	133.13 Standards for Attendant-Driver Permits
133.03 Ambulance Service License Required	133.14 Renewal of Ambulance Service License
133.04 Exemptions	133.15 Revocation
133.05 Application for License	133.16 Reports
133.06 Criteria for License	133.17 Inspection Reports
133.07 Standards for Ambulance Service	133.18 Prohibited Activities
133.08 Equipment and Supplies	133.19 Liability Limitations
133.09 Medical Director	133.20 Following Ambulance Prohibited
133.10 Liability Insurance	133.21 Interference with Duties of Attendant-Driver
133.11 Procedures for License Application	133.22 Enforcement

**133.01 PURPOSE.** It is the purpose of the City Council in enacting this chapter to establish local standards for the provision of state of the art clinical quality, efficient, timely and professional ambulance service and pre-hospital emergency medical services in the areas of licensure, certification and permits for ambulance service providers and pre-hospital emergency medical services care providers.

**133.02 DEFINITIONS.** Terms used in this chapter have the following meanings. Other words and phrases used in this chapter shall have the meanings attributed to them in Iowa Code Chapter 147A (2005) and 641 Iowa Administrative Code Chapter 132 (2005) unless a different meaning is plainly required by the context.

1. “Ambulance” means any motor vehicle that is specifically designed, modified, constructed, equipped, staffed and used regularly to transport patients.
2. “Ambulance Service” means any service program that utilizes ambulances to provide emergency medical services and emergency or non-emergency ground transport of patients to or from a health care facility or between health care facilities.
3. “Attendant-Driver” means an individual holding a valid attendant-driver permit issued pursuant to this chapter responsible for the operation and driving of an ambulance.
4. “Chief of Police” means the duly appointed Marion Chief of Police or his/her authorized representative.
5. “Fire Chief” means the duly appointed Marion Fire Chief or his/her authorized representative.
6. “EMS” means pre-hospital emergency medical services.
7. “Medical Direction” means direction, advice or orders provided by a Medical Director (as defined under this chapter) or a supervising physician or

physician designee (as defined in 641 Iowa Administrative Code 132.1) in accordance with written parameters and protocols to ambulance service personnel.

8. “Medical Director” means any duly licensed physician(s) appointed by an ambulance service licensed under this chapter to be responsible for overall medical direction of the ambulance service and who meets the qualifications for a medical director of an ambulance service as the term is defined under 641 Iowa Administrative Code 132.1.

9. “Patient” or “Patients” means any living individual(s) who is (are) injured, sick or otherwise incapacitated and in need of emergency medical services or ground transport to or from health care facilities or between health care facilities in an ambulance.

10. “Person” means an individual, partnership, association, corporation (governmental or private), limited liability company or any other legal entity including any receiver, trustee, assignee or similar representative.

11. “Physician” means an individual licensed under Iowa Code Chapter 148, 150 or 150A.

### **133.03 AMBULANCE SERVICE LICENSE REQUIRED.**

1. No person shall operate an ambulance service within the limits of the City unless such person holds a current and valid license for such ambulance service pursuant to this chapter.

2. Every ambulance service retained by any person to provide prospective or standby service at designated events and gatherings within the limits of the City shall comply fully with every requirement of this chapter.

3. No ambulance service license shall be transferable. In the event of a change of ownership, the new owner shall be required to obtain a license pursuant to this chapter and to comply in all respects with all applicable statutes, ordinances, rules, and regulations relating to the operation of an ambulance service in the City at that time.

4. Each license issued under this chapter shall be valid for a period of one year unless earlier suspended, revoked or terminated.

5. Any license issued pursuant to the provisions of this chapter prior to the adoption of the amendments contained in this chapter shall remain in full force and effect until the time heretofore prescribed for its expiration. At the time of issuing of a license or renewal under this chapter, the applicant shall meet all of the provisions of this chapter.

### **133.04 EXEMPTIONS.** This chapter shall not apply to:

1. Vehicles being used in an emergency when a lack of transporting resources, such as when no ambulance is available or in a disaster situation, would cause an unnecessary delay in patient care;
2. Vehicles owned or controlled by the United States government or the government of the State of Iowa;
3. Vehicles operated only on private property or within the confines of institutional grounds;
4. Vehicles or aircraft responding at the request of a licensed ambulance service pursuant to a mutual aid agreement approved by the City;
5. Persons or vehicles providing ambulance service for patient transports originating outside of the limits of the City, or nonstop patient transports through the City;
6. First responders who provide EMS care but are not engaged in the transport of patients;
7. Persons not regularly engaged in the business of ambulance or medical transportation services who provide incidental emergency assistance to family members and acquaintances, including transportation to a medical facility in a private vehicle;
8. Persons or vehicles of the Linn County Sheriff's Department, Marion Police Department, or other law enforcement agencies transporting persons in custody to or from health care facilities.

**133.05 APPLICATION FOR LICENSE.** Applications for licenses hereunder shall be made upon such forms as may be prepared by the Fire Chief. Applicants shall file with the City Clerk a sworn application in writing that shall give the following information:

1. The name and address of the applicant and the owner of the ambulance service and ambulance.
2. The trade or other name, if any, under which the applicant does business and proposes to do business.
3. The training and experience of the applicant in the transportation and care of patients.
4. A description of each ambulance, including the make, model, year of manufacture, motor and chassis number, current state license number, the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance.
5. The location and descriptions of the place or places from which the applicant intends to operate.

6. Description of system of providing medical direction.
7. An accompanying license fee in an amount as may be set from time to time by resolution of the Council. Fees set prior to the adoption of the ordinance codified in this chapter shall continue in effect until such time as the Council adopts a subsequent resolution establishing fees.
8. Evidence of its current ability to meet the eligibility criteria for an ambulance service license set forth in Section 133.06, along with a statement of its agreement to continuously meet such criteria during the period covered by the license.
9. A statement acknowledging and agreeing to follow the standards for licensed ambulance services set forth in Section 133.07 and the requirements for ambulances, equipment and supplies set forth in Section 133.08 during the period covered by the license.
10. Such other information as the Council shall deem reasonably necessary to a fair determination of compliance with this chapter.
11. Nothing in this chapter precludes or prohibits the Council from granting a reciprocal license to any ambulance service licensed by the City of Cedar Rapids.

**133.06 CRITERIA FOR LICENSE.** In order to be eligible to receive a license to operate an ambulance service within the limits of the City, an applicant shall meet the following criteria at the time of application for such license and, if such license is granted, shall continue to meet such criteria during the licensure period:

1. An ambulance service must hold and maintain a valid certificate of ambulance service authorization issued by the Iowa Department of Public Health pursuant to 641 IAC 132 to operate at the paramedic specialist level in the City.
2. An ambulance service must have available for operation within the City at all times an adequate number of ambulances and qualified personnel to provide twenty-four (24) hour per day, seven (7) day per week ambulance service, including a minimum of three (3) advanced life support ambulances each to be staffed by at least one paramedic specialist, plus one other EMS provider. The Council shall determine what constitutes an adequate number of ambulances and qualified personnel.
3. An ambulance service must have available for operation within the City at all times a minimum of one (1) non-transporting supervisory vehicle, equipped at the advanced life support level staffed by at least one (1) paramedic specialist supervisor twenty-four (24) hours per day, seven (7) days per week.
4. An ambulance service must have the capability to continuously operate an ambulance dispatch center equipped with a geographically reference computer-aided dispatch system covering the entire service area of the ambulance service.

The ambulance dispatch center shall be equipped with telephone equipment capable of receiving and passing to the computer-aided dispatch system location information for both wireline and wireless requests for service. The ambulance dispatch center shall be capable of communicating on the City of Cedar Rapids 800 MHz public safety radio system, the Linn County/Marion VHF radio system, and the State of Iowa regional and statewide medical communications frequencies. An ambulance service shall notify the Marion Fire Department promptly of all emergency dispatches. A joint dispatch arrangement with another organization that meets the requirements of this section is permitted.

5. An ambulance service must have and maintain its own multiple-patient response capability within the limits of the City or a contiguous city with the capacity to simultaneously immobilize and treat a minimum of ten (10) patients in addition to the capacity of those ambulances staffed and in service within the system.

**133.07 STANDARDS FOR AMBULANCE SERVICE.** Once licensed, every ambulance service shall:

1. Conform to the standards, requirements, and regulations provided for in this chapter, Chapter 147A, Code of Iowa, 641 Iowa Administrative Code Chapter 132 and any other statute, ordinance, rule, or regulation relating to the operation of ambulance services and ambulances.
2. Conform to any additional rules and regulations as determined by the Council or contained in this chapter.
3. Utilize only ambulances licensed under this chapter that meet the requirements for ambulances set forth in section 133.08.
4. On every call, provide at least one paramedic specialist plus one other EMS provider.
5. Ensure that personnel duties are consistent with each ambulance service employee's level of certification and the level of care authorized under this chapter and any applicable statute, rule or regulation.
6. Maintain accurate and current personnel rosters and files on ambulance service employees. These rosters on file shall include the names and addresses of all personnel and descriptions of each individual employee's most up-to-date qualifications.
7. Notify the Council, in writing, of its intent to discontinue operations at least 30 days prior to the effective date of the intended discontinuance of ambulance service.
8. The exemptions from liability in certain circumstances, now codified at Section 147A.10 of the Iowa Code, and as the same may be hereafter amended or

revised, are extended to all ambulance services and personnel properly licensed under this chapter.

**133.08 EQUIPMENT AND SUPPLIES.** Once licensed, every ambulance service shall meet the following requirements for its ambulances, equipment and supplies:

1. In the event an ambulance service wishes to include a new or different ambulance under an ambulance service license, the new or different ambulance must conform in all respects to this chapter and all State statutes and regulations relating thereto.
2. No ambulance shall be driven, permitted to be driven, operated, or used in or on any street, alley, or public way in the City, which does not have as permanent equipment such permanently mounted lights, sirens and special markings to designate it as an ambulance as may be prescribed by the Council.
3. All ambulances covered by an ambulance service license shall be equipped with radios that shall allow two-way communication between the ambulance, the Marion Fire Department, and both Cedar Rapids hospitals.
4. Every ambulance covered by an ambulance service license, its equipment, and the principal place of business as designated on the license application; and all records relating to the maintenance and operation of the ambulance and ambulance service shall be open to inspection by the Council or its designated representatives.
5. Incidents of fire or the destructive or damaging occurrences affecting the ambulance service or the theft of an ambulance, equipment or drugs, shall be reported to the Council and the Chief of Police immediately upon the discovery of same by any ambulance service personnel.
6. If an ambulance is involved in a motor vehicle accident, a copy of the motor vehicle accident report required under Iowa Code Section 321.266(2) relating to the reporting of an accident resulting in personal injury, death, or property damage shall be submitted to the appropriate authority as provided by law.
7. Every ambulance service shall submit all ambulances in its fleet to an inspection to be held not less than once a year, with said inspection to be conducted by the Council or its designated representative. The inspection shall consist of a thorough investigation and inspection of each ambulance pursuant to uniform criteria as established by the Council. The granting of a reciprocal license shall operate to waive this requirement.

**133.09 MEDICAL DIRECTOR.** Every ambulance service shall have a Medical Director who shall be a duly licensed physician, and who shall be responsible for the overall medical direction of the ambulance service. The responsibilities of the Medical

Director may be delegated by the Medical Director to a qualified individual of equivalent or higher training than the service being offered by the ambulance service.

1. The responsibilities of the Medical Director shall include but are not limited to:
  - A. Maintaining liaison with other physicians and hospital personnel.
  - B. Monitoring and evaluating the clinical activities of the ambulance service.
  - C. Coordinating and assessing continuing education programs for ambulance service personnel.
  - D. Providing individual evaluation and consultation to the ambulance service personnel.
  - E. Developing, updating, and recommending to the ambulance service clinical protocols for the ambulance service.
  - F. Ensuring that medical direction is available and provided twenty-four (24) hours per day, seven (7) days per week.
2. The Medical Director shall be currently certified in advanced cardiac life support as defined by the American Heart Association or American Red Cross.

### **133.10 LIABILITY INSURANCE.**

1. No ambulance service license shall be issued under this chapter, nor shall such license be valid after issuance, nor shall any ambulance be operated in the City, unless there is at all times in force and effect insurance coverage issued by an insurance company licensed to do business in the State of Iowa for the ambulance service and for each and every ambulance owned and/or operated by or for the applicant or licensee, and also naming the City and its officers and employees as additional insureds. The minimum limits of liability of the insurance policy will be as follows:
  - A. To cover the insured's legal liability for personal injury or death resulting therefrom, for each ambulance, for any recovery by one person as a result of any one accident or cause, one million dollars (\$1,000,000); and for all persons receiving personal injury, as a result of any one accident or other cause, three million dollars (\$3,000,000).
  - B. To cover the insured's legal liability for damage to or destruction of any property as a result of any one accident or other cause, three hundred thousand dollars (\$300,000).
2. Certificates evidencing said insurance policies shall be submitted to the Council for approval prior to the issuance of each license. The certificates shall be subject to all requirements as the Council may adopt from time to time.

3. Every insurance policy required hereunder shall contain a provision (i) for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, (ii) that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the insured, and (iii) that, until the policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act of or omission of the named insured.

4. Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the notice to the City and to the insured before any cancellation or termination of the policy earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such policy unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

### **133.11 PROCEDURES FOR LICENSE APPLICATION.**

1. The City Clerk shall, within 20 days after receipt of an application for an ambulance license as provided for herein, cause such investigation as he/she deems necessary to be made of the applicant and of its proposed operations and the vehicles, equipment, and premises designated in the application. That upon completion thereof, the Chief of Police shall submit his/her report and recommendation to the Council.

2. Upon receipt of the aforesaid report and recommendation from the Chief of Police, the Council will then review the same and issue a license for a specified ambulance to be valid for a period of one year unless earlier suspended, revoked or terminated if the Council finds the following conditions have been met:

A. The public convenience and necessity require the proposed ambulance service.

B. Each such ambulance, its required equipment and the premises designated in the application comply with the requirements and standards prescribed in this chapter and with the regulations promulgated under such chapter.

C. The applicant is a responsible and proper person to conduct or work in the proposed business.

D. Only drivers, attendants and attendant-drivers are employed in such capacities, holding valid permits hereafter provided.

E. All the requirements of this chapter and all other applicable laws and ordinances have been met.

**133.12 APPLICATION FOR ATTENDANT-DRIVER PERMITS.** Applications for attendant-driver permits hereunder shall be made upon such forms as may be prescribed by the Chief of Police. Applicants shall file with the City Clerk a sworn application in writing which shall give the following information:

1. The applicant's full name, current residence, places of residence for two years previous to moving to his/her present address, and length of time he/she has resided in the Cedar Rapids metropolitan area.
2. The applicant's date of birth, place of birth, Social Security number, driver's license number, height, color of eyes and hair.
3. Whether the applicant has, within the past five years, been convicted of a felony or misdemeanor and, if so, when, where and for what cause.
4. The applicant's training and experience in the transportation and care of patients, and whether he/she has previously held a permit or license as a driver, chauffeur, attendant or attendant-driver and, if so, when, where, and whether his/her permit or license has ever been revoked or suspended in any jurisdiction and for what cause.
5. Such other information as the Chief of Police or the Council shall deem reasonably necessary for a fair determination of compliance with this chapter.
6. An accompanying fee in an amount as may be set from time to time by resolution of the Council.

**133.13 STANDARDS FOR ATTENDANT-DRIVER PERMITS.**

1. The Chief of Police shall cause an investigation of the application and of the background of the applicant to be made through the Iowa Department of Criminal Investigations.
2. The Chief of Police shall issue a permit to an attendant-driver hereunder, valid for a period of two years, unless earlier suspended, revoked or terminated when he/she finds that:
  - A. The applicant has such standing and good reputation as will satisfy the Council that he/she will comply with all laws, ordinances, and regulations applicable to such permit, that the applicant is not prohibited by the provisions of any applicable law or regulation from obtaining and holding an attendant-driver permit and is, otherwise, morally fit for the position;
  - B. The applicant is able to speak, read and write the English language;
3. No one shall be given a permit as an attendant-driver unless he/she holds a currently valid chauffeur's license from the State of Iowa.

4. A permit as an attendant-driver issued hereunder shall not be assignable or transferable.
5. No official entry made upon a permit may be defaced, removed or obliterated.
6. The same procedure as above provided shall be followed for renewals.

**133.14 RENEWAL OF AMBULANCE SERVICE LICENSE.** Renewal of any ambulance service license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this chapter that may exist at the time of any renewal.

**133.15 REVOCATION.**

1. Any violation of this chapter or of regulations promulgated hereunder shall be sufficient grounds for revoking any license or permit issued pursuant to this chapter.
2. Upon suspension, revocation or termination of any license hereunder, operations as an ambulance service shall cease; and no person shall permit further operation with such ambulances as such. Upon suspension, revocation or termination of an attendant-driver permit hereunder, such attendant-driver shall cease to drive or attend an ambulance; and no person shall employ or permit such individual to drive or attend an ambulance.

**133.16 REPORTS.**

1. Each licensee hereunder shall maintain accurate records upon such forms as may be prescribed and containing such information as may be required by the Chief of Police concerning the transportation of each patient within the City or from one place herein to another place within or beyond its limits. Such records pertaining to injury on public property shall be available for inspection by the Chief of Police at any reasonable time.
2. The provisions of subsection 1 of this section shall apply with equal force in case the patient shall die before being so transported in such ambulance or dies while being transported therein or at any time prior to the acceptance of the patient into the responsibility of the hospital or medical or other authority if the patient is still under the care or responsibility of the ambulance service licensee.

**133.17 INSPECTION REPORTS.** A copy of each initial, annual or other ambulance, equipment and premises inspection report by the Police Chief under the provisions of this chapter shall be promptly transmitted to the applicant or licensee to whom it refers.

**133.18 PROHIBITED ACTIVITIES.** Except as provided in Section 133.04, it shall be unlawful for any person, including any ambulance service provider, its agents or employees, to intentionally, knowingly or recklessly:

1. Make a false statement of a material fact, or omit disclosure of a material fact, in any application or report required under this chapter.
2. Perform or allow the performance of first responder, EMT or trainee services by any first responder, EMT or trainee who currently has his/her certification suspended, revoked or terminated by the State of Iowa.
3. Perform the services of a first responder or EMT unless in full conformity with State law, this chapter and the administrative rules established hereunder.
4. Provide ambulance service within the City limits unless authorized by this chapter.
5. Falsify, deface or obliterate any license, certificate or permit issued under this chapter
6. Transport a patient for compensation in any vehicle other than an ambulance except as provided herein.
7. Wear any badge or device while providing emergency medical care that does not accurately represent the certification level or affiliation of the individual wearing it.
8. Deny or delay the provision of ambulance service or other EMS care to any individual on account of race, creed, religion, age, sex, national origin, physical or mental disability, place of residence, financial condition, or the presence or absence of medical insurance, provided that it shall not be a violation of this chapter for ambulance service personnel to obtain at the time of service, information required for effective billing, to comply with state or federal regulations pertaining to patient care and transport or to comply with special benefit eligibility procedures established by medical insurers or medical service providers.
9. Charge for any service, equipment or supplies not provided to or for the benefit of the patient.
10. No ambulance shall be operated, and no individual shall drive, attend or permit it to be operated, on the streets, alleys, or any public way or place of the City, unless it shall be under the immediate supervision and direction of an attendant-driver.

**133.19 LIABILITY LIMITATIONS.** Nothing in this chapter is intended to create a cause of action, claim or any third-party beneficiary rights in favor of specific individuals against the City, any hospital, an ambulance service licensed hereunder or their officials,

employees or agents. Any duty created by this chapter is a general duty running in favor of the public.

**133.20 FOLLOWING AMBULANCE PROHIBITED.** It is unlawful for the operator of any vehicle, other than the operator of an authorized emergency vehicle as defined in Iowa Code Section 321.1(6) (2005) as amended, to follow closer than three hundred feet of an ambulance when such ambulance is operating with lights and sirens.

**133.21 INTERFERENCE WITH DUTIES OF ATTENDANT-DRIVER.** It is unlawful for any person to proceed to the scene of an accident or other emergency, or to stop or park any vehicle or congregate in the vicinity thereof so as to interfere with attendant-driver(s) or other persons performing their duties at the scene of such an accident or other emergency, or for the purpose of advertising or offering any service for hire; nor shall any person thereat solicit gainful employment of any nature.

**133.22 ENFORCEMENT.** The provisions of this chapter may be enforced by the Fire Chief or the Police Chief.

*(Chapter 133 – Ord. 06-24 – Nov. 06 Supp.)*