

ORDINANCE 2993

AN ORDINANCE AMENDING OCCGF TITLE 5 CHAPTER 3 ARTICLE 7 SECTION 720 PERTAINING TO EMERGENCY MEDICAL LICENSES AND CREATING TITLE 8 CHAPTER 9 SECTION 8 EMERGENCY MEDICAL SERVICES

WHEREAS, the City of Great Falls is responsible for ensuring the citizens of Great Falls receive prompt prehospital emergency care during medical emergencies; and

WHEREAS, the State of Montana allows cities to provide ambulance services in a manner set forth in MCA 7-34-103; and

WHEREAS, the foundational strength of any Emergency Medical Services system is based on strong collaboration and coordination among system components; and

WHEREAS, comprehensive policies and procedures along with performance contracting are necessary to standardize the individual system components and promote a more safe and stable system.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That OCCGF Title 5, Chapter 3, Article 7, Section 720 is amended as depicted in Exhibit A wherein all language with a bold-face font will be added and all language with a strikeout is removed, and OCCGF Title 8, Chapter 9, Section 8 is created as depicted in Exhibit B.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 8th day of January, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2993 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 8th day of January, 2008, and approved by the Mayor of said City on the 8th day of January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 8th day of January 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss
City of Great Falls)

Lisa Kunz, being first duly sworn, deposes and says: That on the 8th day of January, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2993 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(SEAL OF CITY)

Exhibit A

Title 5, Chapter 3, Article 7,
Section 720

Article 7
EMERGENCY MEDICAL SERVICES LICENSES

Sections

5.3.7.700	Definitions.
5.3.7.710	License required
5.3.7.720	Criteria for license
5.3.7.730	Cancellation of license
5.3.7.740	Notice and hearing required
5.3.7.750	Existing services
5.3.7.760	Exemptions

5.3.7.700 Definitions

For the purpose of this chapter, the following terms and words shall have the meanings set forth in this section, unless the context requires otherwise.

“Ambulance” means a privately or publicly owned motor vehicle or aircraft that is maintained and used for the transportation of patients.

“Emergency Medical Services” means a pre-hospital emergency medical transportation or treatment service provided by an ambulance service.

“License Certificate” means the City emergency services license issued or renewed to any person to engage in the ambulance service business. A new ambulance service business license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.

“License Year” means a fiscal year from July 1 through June 30.

“Patient” means an individual who is sick, injured, wounded or otherwise incapacitated or helpless. The term does not include a person who is non-ambulatory and who needs transportation assistance solely because that person is confined to a wheel chair as the person’s usual means of mobility.

“Person” means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.

“Public Convenience and Necessity” means qualified, fit, able and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City. (Ord. 2743, 1998)

5.3.7.710 License required

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining a license as provided in this chapter.
- B. All such license certificate(s) shall be for a City license year or for the remainder thereof. A license certificate shall expire at the conclusion of each licensure year and shall be renewable subject to the

ability to meet the standards set by the City and the State Department of Health and Human Services as to fitness and ability to operate an emergency ambulance service.

- C. No license shall be issued under this chapter to any new applicant unless the City Commission shall, after conducting a public hearing and review, find that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing and able to perform such public transportation, and to operate in compliance with Montana State Law and the provisions of this chapter.
- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of a License Certificate of public convenience and necessity stating the name and address of the applicant, the location of the ambulance service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another ambulance service, the application shall be denied. Existing ambulance services may continue to operate within the City as long as they comply with the provisions of this chapter and are in compliance with Montana State Law.
- E. There must be paid to the City, with each application for a license or for renewal of a license, a license fee that shall be set by resolution.
- F. The license is not transferable.
- G. The license is non-exclusive. (Ord. 2743, 1998)

5.3.7.720 Criteria for license

Any person desiring to obtain a license required by this chapter shall demonstrate the ability to meet the following requirements according to Title 8, Chapter 9.

- ~~A. The applicant must possess a current license from the Department of Health and Environmental Sciences to provide emergency medical services, both transport and treatment at the Advanced Life Support level.~~
- ~~B. The applicant must provide emergency medical services at the Advanced Life Support level, throughout the City, twenty four (24) hours per day, seven (7) days per week.~~
- ~~C. Each responding ambulance shall be staffed with a minimum of one National Registry Paramedic and one EMT.~~
- ~~D. The applicant must have adequate personnel, vehicles, equipment and facilities to respond at the Advanced Life Support level to emergency calls to all locations within the City within eight (8) minutes or less on at least ninety percent (90%) of such calls. The applicant must take into consideration emergency responses outside the City limits, to ensure they have adequate staffing, vehicles and equipment to meet the response requirements as outlined in this chapter.~~
- ~~E. The applicant must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services and the Board of Medical Examiners as outlined in the Administrative Rules of Montana.~~
- ~~F. All emergency medical services providers must have a signed agreement with the City of Great Falls 911 Dispatch Center for providing dispatch services. All emergency medical providers shall abide by the rules and procedures as outlined in the City of Great Falls 911 Center Policy Manual.~~
- ~~G. The applicant must have a commercial general liability, including auto, insurance policy, in a form acceptable to the City, insuring the applicant for not less than the \$1 million per occurrence, for bodily injury or death and \$1 million per occurrence for loss or damage to property; and \$2 million aggregate. Said policy shall name the City as an additional named insured. The applicant must provide proof of such insurance coverage prior to issuance of the license. (Ord. 2743, 1998)~~

5.3.7.730 Cancellation of license

The City may cancel a license if it finds that the licensee has:

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls 911 Center Policy Manual; and,

- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City. (Ord. 2743, 1998)

5.3.7.740 Notice and hearing required

- A. The City shall not deny or cancel a license without:
 - 1. Delivery to the applicant or licensee of a written statement of the grounds for denial or cancellation of the charge involved;
 - 2. An opportunity to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or canceled.
- B. After receipt of written notice of grounds for denial or cancellation or charges, any applicant or licensee desiring a hearing before the City Commission must make written application within (10) days of such notice. (Ord. 2743, 1998)

5.3.7.750 Existing services

Any person providing emergency medical services with the City as of the effective date of this chapter shall have a period of one hundred twenty (120) days to meet the requirements and obtain the license required by this article, exclusive of the public hearing and City Commission determination of public convenience and necessity as stated in 5.3.7.710(C). (Ord. 2743, 1998)

5.3.7.760 Exemptions

The provisions and requirements of this chapter shall not apply to:

- A. The Great Falls Fire Department except as provided in ~~5.3.7.720(A) through 5.3.7.720(E)~~. **Montana state licensing requirements from the States Board of Medical Examiners and the Department of Health and Environmental Services.**
- B. Any person providing emergency medical services outside the City who, in the course of providing such services, transports a patient from outside the City into or through the City.
- C. Any person providing emergency medical services within the City who is providing such services at the request of the City pursuant to a written mutual aid agreement between the City and the person. (Ord. 2743, 1998)

Title 8

Chapter 9

EMERGENCY MEDICAL SERVICES

Sections:

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8.9.020	Authority
8.9.030	Definitions
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8.9.105	EMS system administrator
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8.9.010 Purpose.

The purposes of this Chapter are:

- A. To allow for the orderly and lawful operation of the emergency medical services (EMS) system in the City;
- B. To enact regulations, policies, and procedures, which are necessary for the public health and safety regarding first response and 911 emergency ambulance service in the City;
- C. To enact regulations, policies, and procedures for issuing contracts and regulating 911 emergency ambulance services to ensure safe, competent, efficient and adequate care is provided within the City; and
- D. To allow for adequate 911 emergency ambulance services and to establish ambulance service rates recommended by the City's contracted ambulance service and approved by the City Commission.

8.9.020 Authority.

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this Chapter. (Ord. 2672, 1995)

8.9.030 Definitions.

For the purpose of this Chapter, the following terms and words shall have the meanings set forth in this Section, unless the context requires otherwise:

- A. "Advanced life support (ALS)" shall mean an advanced life support provider as defined in the Administrative Rules of Montana 24.156.2701.
- B. "Advanced life support service" shall mean an ambulance service or non-transporting medical unit that has the capacity and is licensed by the State of Montana to provide care at the EMT-Paramedic equivalent level 24 hours a day, seven days a week.
- C. "Ambulance" shall mean a privately or publicly owned motor vehicle that is maintained and used for the transportation of patients and that meets all Montana ambulance licensure requirements.
- D. "Ambulance service" shall mean an emergency medical service that utilizes an ambulance to respond to 911 emergency calls.
- E. "Ambulance service performance contract" shall mean an agreement between the City and an ambulance service provider used as an instrument to authorize and regulate ambulance service in the City.
- F. "Ambulance service provider" shall mean the business of, or a person owning, operating, managing, or maintaining as principal or agent of one or more ambulances for the purpose of providing 911 emergency ambulance services within the City EMS system. The ambulance service provider may be a public or private entity.
- G. "Ambulance service rates" shall mean any monetary charge, fare, fee, rate, or other consideration or compensation for ambulance service.
- H. "Approved" shall mean acceptable to the authority having jurisdiction.
- I. "City" shall mean the incorporated area of the City of Great Falls and the Fire Districts served by Great Falls Fire Rescue.
- J. "Emergency medical services (EMS)" shall mean the services, personnel, resources, equipment, and supporting administration and infrastructure used in responding to medical emergencies, providing emergency medical care, first response services, the transporting of patients, while rendering emergency medical treatments.
- K. "Emergency medical services (EMS) call" shall mean first responder and ambulance service provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled care is required.
- L. "Emergency medical services (EMS) system" shall mean the interrelated but separate public and private entities including, but not limited to, ambulance service providers, and fire

departments, which, optimally, work together in the timely and appropriate provision of emergency medical services to the citizens and visitors of the City.

- M. "Fire department" shall mean Great Falls Fire Rescue (GFFR).
- N. "First response service" shall mean the provision of EMS provided by a responder prior to the arrival of the ambulance service.
- O. "Grandfathering" shall mean the City Commission may contract with an existing ambulance service provider without conducting a competitive process for ambulance service providers.
- P. "Patient" shall mean any person in need of or in the process of receiving emergency medical care.
- Q. "Person" shall mean an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.
- R. "Public convenience and necessity" shall mean qualified, fit, able, and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City. (Ord. 2743, 1998)

8.9.100 Emergency medical services (EMS) system.

The public welfare requires the providing of assistance and encouragement for the development of a comprehensive emergency medical services program for the City of Great Falls. The City shall establish and administer an emergency medical services (EMS) 911 system. The City may contract with a private ambulance service provider to provide emergency medical treatment and transportation of patients within the City.

8.9.105 EMS system administrator.

The City shall establish an EMS system administrator appointed by the City Manager to represent the City and the City Commission. The duties and responsibilities of the EMS system administrator shall include, but not be limited to, the following:

- A. Development and implementation of a comprehensive EMS system planning process.
- B. Develop guidelines and performance standards for each component of the City EMS system.
- C. Establish and articulate the roles and responsibilities for EMS system participation.
- D. Coordinate with the EMS system medical director on issues related to medical procedures, EMS protocols, and quality improvement processes.
- E. Coordinate with all EMS system participants to develop and ensure a management structure and accountability process for the EMS system.
- F. Serve as the chair of the City's EMS Advisory Board.
- G. Provide mechanisms for the continuous evaluation of the EMS system including a comprehensive quality improvement program.
- H. Establish an EMS system quality improvement committee in consultation with the EMS system medical director and other EMS system participants.
- I. Administer and supervise the ambulance service performance contract.
- J. Establish procedures, and policies in consultation with the EMS Advisory Board to ensure a safe, stable, and effective EMS system throughout the City.
- K. Any other duties as needed to ensure a safe, stable, and effective EMS system throughout the City.

8.9.110 EMS system components.

The EMS system of the City shall include the participation of the following components:

- A. Cascade County Consolidated Dispatch Center.
- B. Fire department.
- C. Ambulance service provider.

- D. Air ambulance service provider.
- E. Local and regional medical facilities.
- F. Any other entity or agency that may be required for the safe, stable, and effective delivery of EMS in the City as identified by the EMS system administrator.
- G. The public at large.

8.9.115 EMS System Medical Direction.

The City shall provide for an EMS 911 system medical director to provide overall medical direction for the City EMS 911 system. The duties and responsibilities for the EMS system medical director shall include, but is not be limited to, the following:

- A. Review and approval of all EMS training programs that are necessary for operation of the EMS 911 response system.
- B. Development and implementation of medical protocols for all EMS personnel.
- C. Serve as the vice-chair of the City's EMS Advisory Board.
- D. Serve as the chair of the EMS system's quality improvement committee.
- E. Conduct periodic quality improvement reviews as is dictated based on EMS system needs
- F. The EMS system medical director shall serve as the medical director for the fire department and the 911 emergency ambulance service provider.
- G. The cost of the EMS system medical director will be shared by both the fire department and ambulance service provider. The City will administer any contract with the EMS system medical director.
- H. The EMS 911 system medical director shall not have oversight over the non-emergent and inter-facility transport services that may be provided by the contracted ambulance service.
- I. Medical Director Selection Process: When the Medical Director's position becomes vacant, the System Administrator in conjunction with an ambulance company representative will collaborate to recruit and interview a physician to serve as the system's Medical Director.

8.9.120 Establishment of an EMS Advisory Board.

- A. The City Commission shall establish an EMS Advisory Board representative of the EMS system participants.
- B. The City Commission shall appoint the members of the EMS Advisory Board. Members of the EMS Advisory Board should include, but not be limited to, the following representatives:
 - (1) EMS system administrator (chair).
 - (2) EMS system medical director (vice-chair).
 - (3) Emergency Department manager.
 - (4) Neighborhood Council Coordinator.
 - (5) Cascade County Consolidated Dispatch Center Supervisor.
 - (6) Fire department EMS Coordinator.
 - (7) Ambulance service provider administrator or manager.
 - (8) Fire department EMT or paramedic.
 - (9) Ambulance service EMT or paramedic.
- C. Other EMS Advisory members may be appointed by the City Commission as needed to ensure all EMS system participants affected by the decisions of the EMS Advisory Board are represented.
- D. The EMS Advisory Board will provide input and discuss issues related to the City's EMS system and serve in an advisory capacity to the City's EMS administrator.
- E. The EMS administrator will have the authority regarding EMS system operational issues on behalf of the City and the City Commission and the EMS system medical director will have the final authority regarding medical procedures, protocols, or practices.
- F. The City Commission will have oversight responsibility for the EMS Administrator and the EMS Advisory Board.

- G. The EMS Advisory Board will meet on a regular basis, not less than 4 times a year, to address issues affecting the EMS system, to ensure the performance of the EMS system and that the EMS system is safe, stable, and effective.

8.9.200 City of Great Falls EMS responsibilities.

- A. The City has the primary responsibility to ensure that effective, safe, and reliable EMS is provided to the City.
- B. The fire department shall provide EMS first response services to all EMS calls within the City and other areas and locations that they may respond.
- C. The fire department may transport patients when it is in the interest of the patient's health and safety. Standard operating guidelines or protocols shall be established by the EMS system medical director in conjunction with the EMS Advisory Board to determine when this is appropriate. The Fire Department may transport when time is critical to patient care and when the patient is packaged and ready for transport and when an ambulance is not immediately available or shall be delayed.

8.9.205 Replacement of fire department items.

Disposable items used by the fire department in providing patient care and treatment shall be replaced at the incident by the ambulance service provider. If it is not in the best interest of patient care to complete the replacement of disposable items at the incident, the fire department will furnish the ambulance service provider with a list of items to be replaced accompanied by the name, if known, and incident number of the patient for whom the items were used. The ambulance service provider shall, within 48 hours of receipt of the list of items, resupply fire department with all items on such list to be delivered them at Fire Station 1, 105 9th Street South. All brand name specific supplies as identified by all EMS participants and approved by the EMS Advisory Board shall be replaced with said brand name. Otherwise, a brand name equivalent replacement may be used but shall be approved by the medical director. Within 24 hours, or such longer period as has been established as policy by the EMS Advisory Board, the ambulance service provider will retrieve and return to the fire department all durable equipment supplied by the fire department in providing EMS and any other fire department equipment which has come into the ambulance service provider's possession.

8.9.300 Emergency medical services license required.

No person shall conduct or operate an ambulance service within the City without first obtaining a license as required in Title 5, Chapter 3, Article 7 of the City Code.

8.9.310 Ambulance service performance contract required.

- A. All persons who wish to operate, conduct, advertise, engage in or profess to be engaged in the 911 emergency ambulance business or service of the transportation of any patient by ambulance upon the streets or any public way or place within the City, shall only do so upon the execution of an ambulance service performance contract issued by the City.
- B. Any City ambulance service contractor is required by this Chapter to obtain an ambulance service performance contract from the City to provide 911 emergency ambulance services within the City's jurisdiction.
- C. Upon recommendation of the City Manager, the City Commission shall make the final determination to execute an ambulance service performance contract with an ambulance service provider for ambulance service to City 911 emergency calls.
- D. No ambulance service performance contract will be approved under this Chapter to any new ambulance service unless the City Commission shall, after conducting a public hearing and review, find that another ambulance service is in the public interest, for the public convenience

and necessity, and that the ambulance service provider is fit, willing and able to perform such public service, and to operate in compliance with Montana state law, the Administrative Rules of Montana, and the provisions of this Chapter.

- E. No unauthorized ambulance service shall be dispatched to 911 emergency calls or allowed to transport patients within the City except during a catastrophic incident or disaster if demand for resources overwhelms the EMS system.
- F. Nothing in this Chapter shall be construed to modify or in any way affect existing state laws concerning ambulance services.

8.9.315 Issuance of ambulance service performance contract.

An ambulance service performance contract can only be issued by the City Commission by “grandfathering” or completion of a competitive process in accordance with Montana state law. The City reserves the right to issue an interim contract to any ambulance service provider for the City under emergency circumstances such as when the contracted ambulance service provider fails to perform the services they had agreed to under the performance contract and this ordinance. If during an exceptional event as judged by the City Manager that the health and safety of the residents of the City is threatened or jeopardized, he or she shall take such actions necessary to alleviate that threat. Such action may include, but is not limited to, temporary assignment of an ambulance service provider to provide services in the City. Emergency action taken by the City Manager must be ratified and approved by the City Commission within 30 calendar days to remain valid. The City Commission will determine the term of the action, and the City Commission may issue an interim ambulance service performance contract for a specified term.

8.9.320 Transferability of ambulance service performance contract.

- A. An ambulance service performance contract shall not be transferable by the ambulance service provider to another person, party or business, for the purpose of providing ambulance service within the City unless formally approved by the City Commission.
- B. The City Manager, at his/her discretion, may allow the contracted ambulance service provider to subcontract for ambulance services. Any subcontractor must comply with the provisions of this Chapter and all other appropriate City Codes.
- C. If the City approves the use of a subcontractor, the primary contractor shall retain accountability for delivering the required contract performance. The inability or failure of any subcontractor to perform any duty or deliver contracted performance will not excuse the primary contractor from any responsibility in this Chapter or in the ambulance service performance contract.

8.9.325 Extension of ambulance service performance contract.

The City Commission will determine the length of an ambulance service performance contract. At the discretion of the City Commission, contract extensions may be granted, or the contract may provide for automatic annual renewals based on achievement of performance measures and customer service requirements specified by the City.

8.9.330 Breach of contract and default.

- A. An ambulance service performance contract issued by the City Commission may be suspended or terminated by the City Commission for non-compliance with this Chapter, the terms of the ambulance service performance contract, or the performance standards specified in the ambulance service performance contract as agreed to by both parties.
- B. An ambulance service performance contract shall contain performance criteria and provisions for the suspension or termination of the contract for failure to meet the performance criteria or other provisions, including response time standards.
- C. The ambulance service performance contract shall contain provisions defining major and minor breach of contract infractions and specified time periods for correcting infractions.

- D. An ambulance service performance contract shall contain provisions designed to assure continuity of ambulance service in the event of default or breach of contract by the ambulance service provider and any subsequent suspension or termination by the City.

8.9.335 Criteria for ambulance service performance contract.

Any person desiring to obtain an ambulance service performance contract with the City as required by this Chapter shall demonstrate the ability to meet the following requirements:

- A. The ambulance service provider must possess a current license from the State of Montana, Department of Health and Human Services to provide emergency medical services, both transport and treatment at the advanced life support (ALS) level.
- B. The ambulance service provider must provide emergency medical services at the ALS level, throughout the City, 24 hours per day, and seven days per week.
- C. Each responding ambulance shall be staffed with a minimum of one Montana Certified Paramedic and one Montana certified Emergency Medical Technician (EMT).
- D. The ambulance service provider must have adequate personnel, vehicles, equipment, and facilities to respond to all locations within the City to meet the response time standards specified in the ambulance service performance contract.
- E. The ambulance service provider must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services and the Board of Medical Examiners as specified in the Administrative Rules of Montana.
- F. The emergency medical providers to include the contracted ambulance service will use the Cascade County Consolidated Dispatch Center. They shall abide by the rules and procedures as outlined in the CCCDC policy manual.
- G. The ambulance service provider must have a commercial general liability insurance policy, including automobile coverage, in a form acceptable to the City, insuring the ambulance service provider for not less than \$2,000,000.00 per occurrence for bodily injury or death, and \$2,000,000.00 per occurrence for loss or damage to property; and \$4,000,000.00 aggregate. All policies of insurance under this chapter shall be issued by insurance companies licensed to do business in the State of Montana. Proof of coverage shall be evidenced by submitting an insurance certificate, or certificates, to the City, which names the City as an additional insured and indicates that the City will be notified no less than 30 days prior to alteration, cancellation, termination, or non-renewal of coverage.
- H. The ambulance service provider shall provide the City a list of the full names of all ambulance drivers and attendants, identifying each person's EMS certification level; certification number or paramedic license number; issuing jurisdiction; CPR certification, Montana Drivers License number, and Ambulance Driver Certificate, as well as the expiration dates for each. The list shall be updated and provided to the City on an annual basis and any changes (including additions or deletions) will be provided on a quarterly basis or as requested by the City. The City shall take reasonable steps to protect confidentiality and security of the individual certification and license number of the contracted ambulance staff.

8.9.340 Ambulance service performance requirements.

- A. The ambulance service performance contract shall include specific response time standards for 911 EMS calls.
- B. Additional performance requirements related to personnel, vehicles, equipment, and patient care shall also be included in the ambulance service performance contract.

8.9.345 Conflict Resolution.

Conflicts or disputes related to the operation of emergency services involving the Great Falls 911 Emergency Services System will be resolved between the system participants as expeditiously and as cooperatively as possible. The conflict/issue should be resolved at the lowest level possible. Conflict resolution will follow this general format wherever possible:

If the issue cannot be resolved at this initial level, the issue should be submitted in writing by either party to the EMS Administrator within five (5) business days (Monday – Friday) of first occurrence or first knowledge. The party carrying the issue forward must include their requested remedy.

The EMS Administrator has ten (10) business days from receipt of the written conflict/issue to investigate the matter, take the appropriate corrective action, if any, and provide a written response to the parties involved.

If the EMS Administrator's decision does not resolve the issue, then either party may submit the issue in writing to the City Manager within five (5) business days of receipt of the EMS Administrator's decision. The City Manager, or designee, shall investigate the issue and render a decision within ten (10) business days.

If the City Manager's decision does not resolve the issue, then either party may submit the issue in writing to the City Commission within five (5) business days of receipt of the City Manager's decision.

The City Commission may choose to affirm the decision of the City Manager, further investigate the issue, or reject or modify the decision of the City Manager.

This last step in the conflict resolution process must be completed within thirty (30) calendar days from the time the written issue is presented to the City Commission.

Nothing in this conflict resolution procedure is intended as the waiver of any legal rights that either the City or the contracted ambulance provider may have or as an alternative to the right to sue or seek court action. It is not intended to be the exclusive remedy or the sole remedy for any dispute for which there may be a viable legal claim. This conflict resolution procedure is specifically not intended to be the final resolution of any disputes that may arise under the ambulance performance contract and the contracted ambulance provider does not relinquish any right to sue with respect to contract disputes.

8.9.350 Penalties.

- A. An ambulance service performance contract shall provide for penalties and remedies in the event the ambulance service provider fails to comply with personnel, equipment and reporting requirements of this Chapter and the ambulance service performance contract, including response time standards for 911 emergency responses.
- B. The penalties paid to the City shall be used to pay for EMS related expenses, including public education programs, and administrative oversight of ambulance service providers.

8.9.355 Performance security.

- A. The 911 emergency ambulance service provider shall provide security in an amount equal to the City's reasonably anticipated operating costs for two months of 911 emergency ambulance services.
- B. Security shall be provided in the form of:

- 1) Cash,
 - 2) An irrevocable letter of credit issued by a financial institution rated at least “A” by Moody’s or Standard & Poor’s,
 - 3) An irrevocable guaranty issued by an entity rated at least “A” by Moody’s or Standard & Poor’s,
 - 4) A surety bond issued by an insurance company rated at least “A” by Moody’s, Standard & Poor’s or A.M. Best or,
 - 5) Such other forms of security as may be agreed to by the City and the ambulance service provider in writing.
- C. An ambulance service performance contract may include provisions that protect the interests of the City and provides for continued ambulance services in the event of a suspension or termination of the contract, the failure of any ambulance service provider and any takeover of services that may be enacted by the City.

8.9.360 Submittal of reports for requests for service.

- A. At the request of City, the ambulance service provider shall submit reports, records and other information regarding emergency transports that are necessary to verify the ambulance service provider’s compliance with this ordinance and the ambulance service performance contract executed pursuant to this Chapter. These reports, records, and information shall be submitted in the format and on the date requested by the City. The specific information that is to be provided in these reports will be clearly set forth in the performance contract, including when and how often such reports will be submitted to the City.
- B. The ambulance service provider may keep records using account numbers or patient numbers rather than names and addresses; provided that such records shall include the fire department incident number.

8.9.365 Release of information.

Upon receipt of a written request from any patient who has been transported by the ambulance service contractor, they shall provide to the patient all information related to the transport in question, to the extent permitted by the federal HIPAA Privacy Regulations or state law including but not limited to all of its billing records relating to patient and supported by the account number and/or patient number. Additionally at the City’s request and if so authorized by the patient, the ambulance service contractor shall provide all information related to the transport in question to the City.

8.9.370 Confidentiality of records.

- A. Except as otherwise provided in this Section, information provided by the ambulance service provider to the City for purposes of determining compliance with the requirements of this Chapter and the ambulance service performance contract shall be considered public records.
- B. An ambulance service provider may seek and the City shall provide confidential treatment to protect against the disclosure or public inspection of commercially valuable or proprietary information, such as commercially valuable or proprietary information related to performance.
- C. Any information provided to the City which contains a natural person’s name, address, medical condition or diagnosis, incident location, social security number, personal financial records, telephone number, home address, e-mail address, names of family members, or work history, or which otherwise constitutes “protected health information” as that term is applied in the Federal Health Insurance Portability and Accountability Act of 1996, and regulations under (“HIPAA”), shall be considered confidential. Such confidential information shall not be released by the City to the public unless the person to whom the information applies has first agreed in writing, in a format which complies with HIPAA requirements, to release of the information. To the extent permitted by HIPAA and other applicable law, reports containing confidential information and information deemed to be public may be released if such confidential information is first redacted.

8.9.375 Ambulance service rates.

- A. The contracted ambulance service shall submit to the EMS administrator a proposed ambulance fee schedule that will be approved by the City Commission if said fees are consistent with industry best practices, the market, and applicable federal and state laws.
- B. The ambulance service may not refuse transport based on the patient's inability to pay.

8.9.380 Right of property not granted.

Any ambulance service performance contract granted pursuant to this Chapter shall not impart to the ambulance service provider any right of property in any City rights-of-way or other City property. The ambulance service performance contract shall be construed to have granted nonexclusive permission and authority to operate within the City.

8.9.385 City to be held harmless.

The contracted ambulance service provider agrees to defend, indemnify, protect and hold the City, its officers, employees and agents harmless from and against any and all claims asserted, or liability established for injuries or damages to any person or property, or losses and causes of action which may arise from or in connection with the services provided under the ambulance service performance contract, except to the extent any such claims, liability, losses, or causes of action arise from the acts or omissions of the City.

8.9.390 Ambulance service provider bound by City, State, and Federal regulations.

The ambulance service provider shall be subject to all requirements of the City's ordinances, rules, regulations and specifications insofar as the regulations and specifications are not in violation of any applicable State or Federal regulations. The City reserves every right and power to exercise any requirement of the Great Falls Municipal Code, and the ambulance service provider, by its acceptance of the ambulance service performance contract, agrees to be bound thereby and to comply with any action under (or requirement) of the Great Falls Municipal Code, as it exists now or as amended in the future.