

Bob Mollette

3rd Ward Councilman

1705 Franklin Blvd.
Portsmouth, Ohio 45662

Phone: 740-353-0099
email: mollette@mollette.info
website: www.mollette.info

Correspondence#: 09-026

October 26, 2009

Honorable Council Members
Jim Kalb, Mayor
Peggy Burton, Health Commissioner
Bill Raison, Fire Chief
Charles Horner, Police Chief
Michael Jones, Solicitor
728 Second Street
Portsmouth, Ohio 45662


Re: City of Portsmouth 911 Emergency Service

I enclosed Chapter 175 of the City of Zanesville, Ohio Codified Ordinances for comparison and discussion for improvements to our City 911 Emergency Service. Some noteworthy differences from the City of Findlay, Ohio, correspondence (#09-022) dated September 22, 2009, was the creation of an Emergency Medical Services Board (Section 175.01) which by an affirmative vote adopts rules for operation and the coordinating of emergency medical service providers in the community.

I encourage we take advantage of the experience and lessons learned from similar municipalities and our ability as a Charter City to legislate improvements. I encourage your input. I look forward to any fact finding and open discussion at the November 9, 2009 Work Conference Session.

If you should have any questions or comments contact me.

Respectfully,



Bob Mollette, 3rd Ward Advocate and Representative on City Council

rwm

Clemmy & Maxine Womack @ 1227 Albert Street Portsmouth, Ohio 45662
Eugene E. Collins Sr. @ 1423 Findlay Street Portsmouth, Ohio 45662
Jamey Baker; Community Ambulance/Kings Daughter Medical Transport (KDMT) @ 952 Linden Avenue, Zanesville, Ohio 43701 (JBaker@parastar.net)
Joe Gaines; Able Medical Transport @ 8039 Chester Street, Wheelersburg, Ohio 45694 (joe.gaines@ableemsonline.com)
Stephanie Rayburn; Life Ambulance Service @ 613 Chillicothe Street, Portsmouth, Ohio 45662 (stephanierayburn@lifeambulance.net)
Jo Ann Aeh, Clerk (Record)

CHAPTER 175

Emergency Medical Services Board

<u>175.01</u>	Creation
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CROSS REFERENCES

Joint ambulance districts -see Ohio R.C. 505.71 et seq.
Emergency medical service training - see Ohio R.C. 3303.08 et seq.
Ambulance Licensing Board - see Ohio R.C. 3303.51 et seq.

175.01 CREATION

(a) There is hereby created the Zanesville Emergency Medical Services Board, consisting of the following members appointed annually by the Mayor of the City of Zanesville.

- (1) The Director of the Department of Public Safety who shall act as Chairperson.
- (2) A member of City Council to be appointed by President of Council.
- (3) The Chief of the Zanesville Fire Department, or his\her designee.
- (4) The Chief of the Zanesville Police Department or his\her designee.
- (5) The Sheriff of Muskingum County or his\her designee.
- (6) The Traffic Signal Technician of the City of Zanesville.
- (7) A citizen of the City of Zanesville, appointed by the Mayor.
- (8) A physician practicing medicine and on the staff of a Zanesville hospital, to be appointed annually by the President of the Muskingum County Medical Association.
- (9) An administrative representative from Genesis Hospital.
- (10) The Trauma Medical Director from Genesis Hospital or his\her designee.
- (11) The Zanesville Law Director.

(b) Seven members shall constitute a quorum for the transaction of business and the affirmative vote of seven members is required for the Board to take any official action. (c) Members of the board shall disclose any ownership in an entity governed by the Board.

(Ord. 00-157. Passed 10-23-00.)

175.02 POWERS AND DUTIES

(a) The Zanesville Medical Services Board shall adopt rules pursuant to Chapter 149 of the Codified Ordinances of the City of Zanesville. The rules shall include, but not be limited to, provisions relating to:

- (1) Ambulances, equipment, non-transport vehicles, personnel, and communications equipment requirements for licensees;
- (2) Licensure requirements for basic life-support, intermediate life-support, advanced life-support, and invalid transport services;
- (3) Forms for applications and renewal for licenses;
- (4) Requirements for record keeping of service responses made by licensees and permit holders;

- (5) Fee amounts for licenses, and renewals thereof;
- (6) Inspection requirements for licensees' vehicles, records, and physical facilities;
- (7) Fee amounts for inspection of ambulances and non-transport vehicles;
- (8) Any other rules that the Board determines necessary for the implementation and enforcement of Sections 4765.01 to 4766.99 of the Revised Code.

All rules adopted pursuant to this section shall, at a minimum comply with the requirements specified in Sections 4765.01 through 4766.99 of the Revised Code and rules adopted by the Ohio Ambulance Licensing Board. The Board may adopt stricter rules as permitted by O.R.C. Section 4766.10.

(b) The Zanesville Emergency Medical Services Board shall adopt rules pursuant to Chapter 149 of the Codified Ordinances of the City of Zanesville regarding the referral of calls for emergency medical services received by the City through the 911 system, consistent with the Final Muskingum County Enhanced 911 Plan approved by Zanesville City Council on May 28, 1986.

(c) The Zanesville Emergency Medical Services Board shall coordinate planning for disaster services within the City of Zanesville with the Muskingum County Disaster Services Agency and make recommendations to City Council and the City Administration regarding such plans.

(d) The Zanesville Emergency Medical Services Board shall coordinate the operation of the First Response Unit of the Zanesville Fire Department with the emergency medical service providers in the community.

(Ord. 00-157. Passed 10-23-00.)

175.03 DEFINITIONS

As used in this chapter:

(a) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.

(b) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the transportation upon the streets or highways of this State of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether hospitalized or handicapped or whether ambulatory or confined to a wheelchair.

(c) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an EMT-basic is certified to perform.

(d) "Disaster situation" means any condition or situation described by rule of the Ohio Ambulance Licensing Board as a mass casualty, major emergency, natural disaster, or national emergency.

(e) "Emergency medical service organization" means an organization that uses EMTs- basic, EMTs-I, or paramedics, or a combination thereof, to provide medical care to victims of illness or injury. An emergency medical service organization includes, but is not limited to a commercial ambulance service organization, a hospital, and a funeral home.

(f) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(g) "Intermediate life support" means treatment described in section 4765.38 of the Revised Code that an EMT-I is certified to perform.

(h) "Major emergency" means any emergency event that cannot be resolved through the use of locally available emergency resources.

(i) "Mass casualty" means an emergency event that results in ten or more persons being injured, incapacitated, made ill, or killed.

- (j) "Medical emergency" means an unforeseen event affecting an individual in such a manner that a need for immediate care is created.
- (k) "Mobile intensive care unit" means an ambulance used only for maintaining specialized or intensive care treatment and used primarily for interhospital transports.
- (l) "Nontransport vehicle" means a motor vehicle operated by a licensed emergency medical service organization not as an ambulance, but as a vehicle for providing services in conjunction with the ambulances operated by the organization or other emergency medical service organizations.
- (m) "Patient" means any individual who as a result of illness or injury needs medical attention, whose physical or mental condition is such that there is imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition.
- (Ord. 00-157. Passed 10-23-00.)

175.04 LICENSING REQUIREMENTS

- (a) Except as otherwise provided by this chapter, no person shall furnish, operate, conduct, maintain, advertise, engage in, or propose or profess to engage in the business or service of transporting persons who are seriously ill, injured, or otherwise incapacitated or in the business of invalid transport services in this City unless he is licensed pursuant to this section.
- (b) To qualify for a license as a basic life-support, intermediate life-support, advanced life support service, or invalid transport service a person shall do all of the following:
- (1) Apply for a permit for each ambulance and non-transport vehicle owned or leased as provided in Section 4766.07 of the Revised Code;
 - (2) Meet all requirements of the rules of the Zanesville Emergency Medical Services Board regarding ambulances, equipment, non-transport vehicles, personnel, communications systems, and medical treatments the particular service is permitted to render;
 - (3) Maintain the approximate type and amount of insurance or self-insurance as specified in Section 175.06;
 - (4) Meet all other requirements set by the Board, by rule, for the particular service license.
- (c) To apply for a license as a basic life-support, intermediate life-support, or advanced life-support service or invalid transport service, a person shall submit a completed application to the Board, on a form provided by the Board for each particular license, together with the appropriate fees established under Section 175.05. The application form shall include all of the following:
- (1) The name and business address of the provider of the service for which licensure is sought and the name, address and business and residential phone number of the person who shall serve as its legal representative;
 - (2) The name under which the applicant will operate the service;
 - (3) A list of the names and addresses of all officers and directors of the service and all individuals having at least 10% of the ownership of the service;
 - (4) A description of each vehicle to be used, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle,
 - (5) The location and description of each place from which the service will operate;
 - (6) A description of the geographic area to be served by the applicant;
 - (7) Any other information the Board, by rule, determines necessary;
- (d) Within sixty (60) days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support service license, or invalid transport service, the Board shall approve or deny the application. The Board shall deny an application if it

determines that the applicant does not meet the requirements of this Chapter or any rules adopted pursuant thereto. The Board shall send the denial of an application by certified mail to the applicant. The applicant may request a hearing within ten (10) days after receipt of the certified mail. If the Board receives a timely request, it shall hold a hearing thereon.

(e) Each license issued under this section expires one (1) year after the date of issue, but each licensee may apply to the Board for the extension of his license provided that the licensee meets the requirements for licensure. In addition, each licensee shall submit a copy of its current permit for each vehicle, issued pursuant to O.R.C. Section 4766.077 and a copy of the annual inspection report required by said section. The license shall send the renewal fee established under Section **175.05** with his application for renewal.

(f) Each license shall maintain accurate records of all service responses conducted, on forms and containing information as specified by rule by the Board and shall make such information available to the Board as provided by the Board's rule.

(Ord. 00-157. Passed 10-23-00.)

175.05 LICENSE FEES

The Zanesville Medical Services Board shall establish by rule a license fee and fees for renewal of licenses, taking into account the actual costs incurred by the Board and the City in carrying out their duties under this Chapter.

(Ord. 00-157. Passed 10-23-00.)

175.06 INSURANCE

(a) (1) Every license under this chapter shall furnish adequate evidence of liability insurance coverage, in the amount of not less than one million dollars (\$1,000,000) per occurrence and not less than one million dollars (\$1,000,000) in the aggregate, for any cause which the license would be liable.

(2) In lieu of insurance coverage as provided in division (a) of this section, a licensee may furnish a certificate of self-insurance evidencing that he has established a self-insurance plan approved by the Ohio Superintendent of Insurance that is equivalent to or greater than the insurance coverage required in division (a) of this section.

(b) (1) In addition to this insurance requirement of subsection (a) hereof, every license shall carry bodily injury and property damage insurance with solvent and responsible insurers licensed to do business in this State for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any ambulance or non-transport vehicle. The insurance shall insure each vehicle for the sum of not any less than one million dollars (\$1,000,000) for bodily injury to or death of any one person arising out of any one accident and the sum of not any less than one million dollars (\$1,000,000) for bodily injury to or death of any one person in any one accident and for the sum of fifty thousand dollars (\$50,000) for damage to property arising from any one accident.

(2) In lieu of the insurance coverage as provided in subsection (b) (1) hereof, a licensee may furnish a certificate of self-insurance evidencing that he has established a self-insurance plan approved by the Superintendent that provides the same or more comprehensive coverage than required in subsection (b)(1) hereof.

(c) Each policy or contract of insurance issued may provide a payment for the satisfaction of any financial judgement entered against the licensee and any person operating the vehicle and for a thirty (30) day cancellation notice to the Board. A certificate of insurance shall be provided to the City Public Safety Director for each term, six (6) months or annually, of insurance policy.

(Ord. 00-157. Passed 10-23-00.)

175.07 LICENSE SUSPENSION OR REVOCATION

(a) The Zanesville Emergency Services Board may, pursuant to an adjudication conducted in the manner described in Sections 119.06, 119.07, and 119.09 of the Revised Code, suspended or revoke any license issued under this chapter for any one or combination of the following causes:

- (1) Violations of this chapter or any rule adopted thereunder;
- (2) Refusal to permit the Board or its designee to inspect a vehicle, or the records, or the premises, or the equipment of a licensee;
- (3) Suspension of a license or permit by the Ohio Ambulance Licensing Board pursuant to Ohio R.C. Sections 4765.01 through 4766.99;
- (4) Failure to meet the ambulance and non-transport vehicle requirements specified in this chapter or the rule adopted thereunder;
- (5) Violation of an order issued by the Board;
- (6) Failure to comply with any of the terms of an agreement entered into with the Board regarding the suspension or revocation of a license or permit or the imposition of a penalty under this section. (Appeals from the decision of the Board may be had as provided in O.R.C. Chapter 2506.)

(b) If the Board determines that the records, record keeping procedures, or physical facilities of a licensee, or ambulance or non-transport vehicle do not meet the standards specified in this chapter and the rules adopted thereunder, the Board shall notify the licensee of any deficiencies within thirty (30) days of finding the deficiencies. If the Board determines that the deficiencies exist and they remain uncorrected after thirty (30) days, the Board may suspend the license. The licensee, notwithstanding the suspension under this section, may operate until all appeals have been exhausted.

(c) At the discretion of the Board, a licensee whose license has been suspended or revoked under this section may be ineligible to be licensed under this chapter for a period of not more than three (3) years from the date of the violation, provided that the Board shall make no determination on a period of ineligibility until all the licensee's appeals relating to the suspension or revocation have been exhausted.

(d) The Board may, in addition to the foregoing, declare a forfeiture of any Performance Bond secured by a licensee naming the City as beneficiary, as provided in rules adopted pursuant to Chapter 149 of the Codified Ordinances of the City of Zanesville.

(e) The Board may, in addition to any other action taken under this section and after a hearing, impose a penalty of not more than fifteen hundred dollars (\$1500) for any violation of this section. The Law Director may institute a civil action for the collection of any such penalty imposed. (Ord. 00-157. Passed 10-23-00.)

175.08 PROVISIONS NOT APPLICABLE

The provisions of this chapter do not apply to any of the following:

- (a) A person rendering services with an ambulance in the event of a disaster situation when licensee's vehicles based in the locality of the disaster situation are incapacitated or insufficient in number to render the services needed;
- (b) Any person operating an ambulance outside this City except that any person receiving a person within this City for transport to a location within this City shall comply with this chapter;
- (c) Any ambulance owned and operated by the federal government or the State of Ohio;
- (d) A publicly owned and operated Fire Department vehicle;
- (e) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;
- (f) Any ambulance, emergency medical service vehicle, or non-transport vehicle owned and operated by a municipal corporation or township or county government;
- (g) Any ambulance, emergency medical service vehicle or non-transport vehicle operating outside this City which receives a person outside the City and transports the person to a location

within the City or any non-emergency invalid transport service operating outside this City which receives a person inside the City and transports the person directly to a location outside the City;
(Ord. 00-157. Passed 10-23-00.)

(h) A Fire Department, rescue squad, or life squad comprised of volunteers, and which is subject to a mutual aid agreement with the City;

(Ord. 04-37. Passed 4-12-04.)

(i) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in Section 4765.01 of the Revised Code;

(j) A public emergency medical service organization;

(k) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code.

(Ord. 00-157. Passed 10-23-00.)

175.09 AUTHORITY TO SEEK INJUNCTION

In addition to the remedies provided, the Zanesville Emergency Medical Services Board may apply to the Court of Common Pleas in this County if a violation of any provisions of this chapter or any rule adopted pursuant thereto is occurring for a temporary or permanent injunction restraining any person from that violation.

(Ord. 00-157. Passed 10-23-00.)

175.99 PENALTY

Whoever violates Section 175.04 or the rules adopted thereunder, is guilty of a minor misdemeanor on a first offense; on each subsequent offense, such person is guilty of a misdemeanor of the fourth degree.

(Ord. 00-157. Passed 10-23-00.)