

EL PASO COUNTY, STATE OF COLORADO
RULES AND REGULATIONS CONCERNING AMBULANCE SERVICE

I. AUTHORITY, PURPOSE AND INTENT

These Rules and Regulations are adopted pursuant to the authority granted to the Board of County Commissioners of El Paso County, Colorado, under the Colorado Emergency Medical and Trauma Services Act, C.R.S. § 25-3.5-101, *et seq.* The Board of County Commissioners finds that the emergency transportation of sick, disabled or injured persons is a matter closely affecting the public interest and welfare and declares that it is in the best interest of the public health, safety and welfare, and in accordance with the law, that these Rules and Regulations be adopted.

The purpose of these Rules and Regulations is to set forth the requirements for the inspection, licensure and operation of ambulance services and ambulance vehicles operating in El Paso County pursuant to the Colorado Emergency Medical and Trauma Services Act; establish the structure and authority for regulatory oversight; and provide for the development, implementation and monitoring of high-quality ambulance services for the County.

It is the intent of the Board of County Commissioners, through these Rules and Regulations, to ensure that all persons requiring emergency and non-emergency medical transportation services will receive such services, and that such services are reasonably available and accessible to persons within all areas of the County; maintain or improve the level of ambulance services available throughout the County; and plan, coordinate, monitor and evaluate the implementation of ambulance services in accordance with State laws, rules and regulations with input from Emergency Medical Services (“EMS”) system participants.

II. DEFINITIONS

As used in these Rules and Regulations, unless the context otherwise requires:

1. “Ambulance”: any public or privately owned land vehicle especially constructed or modified and equipped, intended to be used and maintained or operated by, ambulance services for the transportation, upon the roads, streets and highways, of individuals who are sick, injured, or otherwise incapacitated or helpless.

2. “Ambulance – advanced life support”: a vehicle equipped to provide advanced life support services, as established by these Rules and Regulations, operated by an ambulance service pursuant to a County-issued permit authorizing the vehicle to be used to provide ambulance service, and staffed by EMS providers meeting requirements established by the State of Colorado for provision of advanced life support services. Only ambulances meeting equipment and staffing requirements may display or advertise “Advanced Life Support” or “ALS” services.

3. "Ambulance – basic life support": means an ambulance equipped to provide basic life support services, as established by these Rules and Regulations, operated by an ambulance service pursuant to a County-issued permit authorizing the vehicle to be used to provide ambulance service, and staffed by, and limited to the scope of practice, of the EMT as defined by state regulations and these Rules and Regulations.
4. "Ambulance Service": means the furnishing, operating, conducting, maintaining, advertising or otherwise engaging in, or professing to be engaged in, the transportation of patients by ambulance. Taken in context, it also means the person, firm, partnership, corporation, municipality, government agency or other organization so engaged or professing to be so engaged. The person so engaged and the vehicles used for the emergency transportation of persons injured at a mine are excluded from this definition when the personnel utilized in the operation of said vehicles are subject to the mandatory safety standards of the Federal Mine Safety and Health Administration, or its successor agency.
5. "Ambulance service license": a legal document issued to an ambulance service by the County as evidence that the applicant meets the requirements for licensure to operate an ambulance service as defined by these Rules and Regulations.
6. "Ambulance Transport": the transportation and emergency medical care of patients originating in the County.
7. "Applicant": a public or private entity or individual that has submitted an initial license application or an application for license renewal.
8. "Automated Vehicle Locator System" (AVL): an automated system capable of determining the location of an emergency vehicle. AVL is normally used in conjunction with a computer-aided dispatch system for the purpose of dynamically positioning vehicles to minimize response time.
9. "Based": an ambulance service headquartered, having a substation, office, ambulance post or other permanent or regularly utilized location in the County.
10. "BME": means the Colorado State Board of Medical Examiners, or its successor.
11. "BoCC": the Board of County Commissioners for the County of El Paso, State of Colorado.
12. "Call Jumping": a willful and deliberate response to a call for ambulance service by an ambulance service with the knowledge that another ambulance service has been notified to respond or is responding to the call.
13. "County": means the County of El Paso, State of Colorado.

14. "Emergency": an unforeseen condition of a pathophysiological or psychological nature in which a prudent layperson, possessing an average knowledge of health and medicine, would judge to require urgent and unscheduled medical attention.
15. "Emergency Call": means an event in which the EMS system is accessed through the 911 emergency access number, its local equivalent, or direct seven-digit telephone access to a licensed emergency ambulance service that results in either an immediate non-lights and sirens or emergency lights and sirens response.
16. "EMS Provider": refers to all levels of Emergency Medical Technician certification issued by the Colorado Department of Public Health and Environment (CDPHE) or its successor agency.
17. "License": means the written authorization issued by the BoCC to an ambulance service allowing them to operate in the County as specified.
18. "Licensee": means the ambulance service that has been issued a license allowing them to operate in the County as specified.
19. "Licensing Official": the person designated by the BoCC to administer ambulance licensing in the County. References to the Licensing Official may include designees or contractors acting on behalf of the Licensing Official. The BoCC may designate the Licensing Official within its discretion.
20. "Medical Base Station": means the source of direct medical communications with EMS providers.
21. "Medical Director": means a physician, actively engaged in pre-hospital emergency medical care and meeting the qualifications established by state regulation, who is specifically designated and has accepted responsibility for establishing protocols and standing orders, authorizing medical acts, evaluating the performance, assuring competency of the performance of medical acts, and otherwise directing the conduct of all pre-hospital personnel with an ambulance service involved in the provision of emergency care.
22. "Non-Emergency": means an ambulance call for a purpose other than an emergency which does not require an immediate response, including, but not limited to, transportation between skilled nursing facilities, convalescent homes, hospitals, and other health care facilities.
23. "Operate": means to render medical care, transport or otherwise provide emergency medical services to any patient on a call originating in the County.

24. "Patient": means any individual who is sick, injured or otherwise incapacitated or helpless.
25. "Permit": means the written authorization issued by the BoCC to an ambulance used or to be used to provide ambulance service in the County.
26. "Physician": means an individual holding a valid license as a Doctor of Medicine (MD) or Doctor of Osteopathy (DO) issued by the State of Colorado pursuant to the Colorado Medical Practice Act.
27. "Protocol": means a written standard for patient medical assessment and management.
28. "Public Safety Answering Point" (PSAP): means a public safety communications center capable of receiving calls via the 911 emergency access number or its local equivalent.
29. "Public Safety Standby": means the dispatch of an emergency ambulance by any PSAP Emergency Dispatch Center authorized by the Licensing Official at the specific request of a public safety agency to a position of immediate availability.
30. "Safe Tires": means a tire complying with State of Colorado, Department of Revenue, Motor Vehicle Division rules, regulations and requirements, and of a size and load range rating specified or approved for use by the ambulance chassis manufacturer.
31. "Service Area": means a geographically defined area in which an ambulance service has assumed the responsibility for providing ambulance transport services for calls originating therein.
32. "Special Event", "Standby Service" or "Medical Standby": means any situation where a previously announced event, including, but not limited to, concerts, sporting events or contests, and other events that place a grouping or gathering of people in one general locale sufficient in number, or subject to activity that creates the need to have one or more ambulances prepositioned at the event.
33. "Standing Order" or "Medical Protocols": means the written authorization by a Medical Director for the performance of specific medical acts by emergency medical technicians prior to their establishing communications, or in the event of communications malfunctions, with the supervising medical base station.
34. "State EMS Rules": means the "Board of Health Rules Pertaining to Emergency Medical Services" or other rules promulgated by CDPHE pursuant to the Colorado Emergency Medical Services Act, the Statewide Trauma Care System Act, or other pertinent sections of the Colorado Revised Statutes, and as may be amended or subsequently enacted by the State legislature.

III. LICENSING

1. License and Permit Required. No person or agency, private or public, shall provide ambulance services within the County unless that person or agency holds a valid license and permit issued by the BoCC, except as specifically exempted in Section III(2) below or otherwise exempted by statute or state regulation.

2. Exemptions from License or Permit Requirements. These Rules and Regulations shall not apply to the following:

(a) Vehicles used for the transportation of persons injured at a mine when the personnel used on the vehicles are subject to the mandatory safety standards of the Federal Mine Safety and Health Administration, or its successor agency.

(b) Vehicles used by other agencies, including quick response teams and rescue units, that do not routinely transport patients or are used to transport patients for extrication from areas inaccessible to a permitted ambulance. Vehicles used in this capacity may only transport patients to the closest practical point for access to a permitted ambulance or hospital.

(c) Other vehicles rendering services, including but not limited to ambulances from another state, ambulance type vehicles used during disaster, major catastrophe, mass casualty incidents, and other non-routine circumstances rendering permitted ambulances insufficient, or when their use is in the best interest of patient care.

(d) An ambulance service that does not transport patients from points originating in the County, or is transporting a patient originating outside the borders of El Paso County.

(e) An ambulance service licensed in another jurisdiction transporting a patient from a County facility to the jurisdiction in which the ambulance service is licensed. In order for this exemption to apply, such transport must be conducted on an exceptional, non-routine basis.

(f) Vehicles used or designed for the scheduled transportation of convalescent patients, individuals with disabilities, or persons who would not be expected to require skilled treatment or care while in the vehicle.

(g) Vehicles used solely for the transportation of intoxicated persons or persons incapacitated by alcohol or other legal intoxicants as defined in C.R.S. § 27-81-302, who are not otherwise disabled or seriously injured and who would not be expected to require skilled treatment or care while in the vehicle.

(h) Ambulances operated by a department or an agency of the federal government, originating from a federal reservation for the purpose or responding to or transporting patients under federal responsibility.

(i) Ambulances duly licensed by another jurisdiction providing services in the County pursuant to an approved mutual aid or automatic aid agreement with an ambulance service licensed in the County or otherwise summoned to assist by an ambulance service licensed in the County.

3. License and Permit Types.

(a) Any ambulance service license issued by the BoCC shall describe the maximum level of ambulance service that could be provided at any time by the service. The BoCC has the authority to issue the following types of ambulance service licenses: Ambulance Service – Advanced Life Support and Ambulance Service – Basic Life Support.

(b) Any ambulance permit issued by the BoCC shall describe the maximum level of service that could be provided at any time by that vehicle and appropriate staff. The BoCC has the authority to issue the following types of ambulance permits: Ambulance – Advanced Life Support and Ambulance – Basic Life Support.

4. Application for License and Permits. Prior to beginning operations and upon change of ownership of an ambulance service, the new owner or operator must file for and obtain an ambulance license and ambulance permit(s).

An application for an ambulance service license and ambulance permits(s) shall be submitted to the Licensing Official and shall include the following:

(a) A completed application, including all required attachments and documentation.

(b) Cash or check in the amount of one two hundred dollars (\$200.00); provided, however, that no fee shall be required for the licensing of any ambulance service or granting of any ambulance permit to municipalities, special districts, or volunteer or not-for-profit corporations with gross revenues less than five hundred thousand dollars (\$500,000.00).

(c) A copy of the ambulance service’s written policy and procedure manual.

(d) Copies of any standing orders.

(e) A copy of the ambulance service’s operational and medical protocols.

(f) Documentation of minimum vehicle insurance coverage as defined by C.R.S. §§ 10-4-609 and 42-7-103(2), with the County identified as the certificate holder.

(g) Documentation of professional liability insurance carried by the ambulance service has been provided to employees.

(h) Documentation of at least a minimum level of worker's compensation insurance consistent with C.R.S. Title 8, Articles 40-47.

(i) Attestation by the ambulance service's Medical Director of willingness to provide medical oversight and a medical continuous quality improvement program for the ambulance service.

5. Inspections. The Licensing Officer will inspect or arrange for inspection of each ambulance permitted pursuant to these Rules and Regulations annually, or more often in the discretion of the Licensing Official, to determine that each ambulance is being properly maintained, contains the required equipment, and is being operated in compliance with these Rules and Regulations. All records necessary to ensure compliance shall be made immediately available to the Licensing Official upon request. Such inspections shall be in addition to other safety or motor vehicle inspections required under Colorado law and shall not excuse compliance with any other legal requirements. In the event of non-compliance with any provision of these Rules and Regulations, the Licensing Officer may suspend the ambulance permit until compliance is achieved. The ambulance service may petition the BoCC for a hearing on the matter of non-compliance and suspension. The Licensing Officer may have ambulances inspected for safety and compliance with mechanical standards by County staff or third party qualified mechanics of the Licensing Official's choosing, at the County's expense.

6. Issuance of Ambulance Service License and Permits. Upon receipt of a completed application and all required documentation and fees, and after inspection of all ambulances for which permit applications have been submitted, the application will be scheduled for a hearing before the BoCC. The BoCC shall issue a license to the applicant to provide ambulance service and a permit for each ambulance used upon a finding that:

(a) The ambulance service vehicles, equipment and locations(s) comply with the requirements of these Rules and Regulations and state regulations.

(b) The personnel to be employed or utilized in the provision of ambulance service meet the training requirements and hold valid certificates and/or licenses as required by these Rules and Regulations and state regulations.

(c) The applicant has in all respects complied with the requirements of these Rules and Regulations.

If the BoCC denies an application for a license or a permit, the reasons for the denial shall be provided to the applicant in writing.

The Licensing Official may issue a temporary non-renewable permit, valid for not more than thirty (30) days from date of issue, for new or replacement ambulances meeting all of the requirements in these Rules and Regulations, pending final action by the BoCC.

7. Ambulance Service License and Permit Renewal. All licenses and permits issued by the BoCC shall be valid for twelve (12) months following the date of issue. Unless revoked by the BoCC, any such license or permit may be renewed by filing an application meeting the requirements set forth above no less than thirty (30) days before the date the license or permit expires. Renewal applications filed less than thirty (30) days before the license or permit expiration date shall be subject to a (one-hundred and fifty dollar) \$150 late renewal fee.

8. Transfer of License or Permit. No license or permit issued by the BoCC shall be sold, assigned or otherwise transferred.

9. Change of Ownership. Any change of ownership shall require a new license and permit application. Any sale or exchange of stock in excess of fifty percent (50%) of the total outstanding stock of a corporation shall be deemed a change of ownership. For the purposes of these Rules and Regulations, any change of ownership or any change of stock ownership of ten percent (10%) or more shall be reported in writing to the Licensing Officer within ten (10) days.

10. Prior Revocation of License. No ambulance service license shall be issued to an ambulance service that has had a license revoked by any jurisdiction in Colorado within the three (3) years preceding the date of application.

IV. REGULATIONS

1. Medical Director Required. Each ambulance service shall have a single Medical Director practicing primarily in El Paso County and meeting the requirements established by CDPHE and the BME to supervise the medical acts of all personnel on the ambulance service. The BoCC shall be informed within fifteen (15) calendar days, in writing, of any changes in medical oversight or Medical Director during the term of the ambulance service license. The Medical Director shall attest to his or her willingness to provide medical oversight and a medical continuous quality improvement for the ambulance service in writing.

2. Quality Improvement Program Required. Each ambulance service shall have an ongoing medical continuous quality improvement program consistent with the requirements of CDPHE.

3. Insurance. No ambulance service or ambulance shall operate in the County unless it is covered by insurance furnished by an insurance carrier appropriately licensed to write such policies in Colorado as set forth in this Section.

(a) Each ambulance service shall maintain insurance coverage for each and every ambulance owned, operated or leased by the ambulance service, providing coverage for injury to or death of persons in accidents resulting from any cause for which the owner of said vehicle would be liable on account of any liability imposed by law, regardless of whether the ambulance was being driven by the owner, his or her agent or lessee, or any other person, and coverage as against damage to the property of another, including personal property, under like circumstances, in the following amounts:

<u>Type of Insurance</u>	<u>Amount of Coverage</u>
Worker's Compensation	Statutory Requirements
Motor Vehicle/Uninsured Motorists	Statutory Requirements
Public Liability and Property Damage	Bodily Injury Each person \$1,000,000 Each accident \$2,000,000
	Property Damage Each accident \$1,000,000
Professional Liability	Each person \$1,000,000 Each accident \$2,000,000

(b) Every insurance policy required shall provide that liability shall continue under its full amount notwithstanding any recovery thereon; the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured, and that until a policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premiums, failure to renew an ambulance service license, or any act of omission of the named insured.

(c) Every insurance policy required shall contain a provision that the Licensing Official shall be notified in writing at least thirty (30) days prior to any cancellation, termination, revocation or other material change in coverage. Notwithstanding the foregoing, an ambulance service shall notify the Licensing Official in writing within ten (10) days after any cancellation, termination, revocation or other material change in insurance coverage.

(d) Proof of insurance shall be filed with the Licensing Official along with the application for an ambulance service license. At any time said insurance is required to be renewed, proof of renewal shall be provided to the Licensing Official.

(e) A certificate of insurance, with the County named as certificate holder, shall indicate the vehicles covered by the policy, type of insurance, policy number(s),

policy effective date and expiration date, and amount of coverage. Notification of any changes in insurance, including vehicles covered under the policy, shall be made to the Licensing Officer in writing and a new certificate of insurance forwarded within thirty (30) days of the changes.

(f) Each ambulance service shall provide written notice to all employees regarding the amount of professional liability insurance carried. Each ambulance service must attest to and, if requested, provide documentation of the provision of such information to employees.

4. Authorized Locations. Other than street corner posting locations; no ambulance service shall operate from locations other than those on file with the Licensing Official nor shall such ambulance service abandon any such location without prior notification to the Licensing Official.

5. Dispatch Services. Ambulance services may be required, as a condition of being provided with emergency dispatch information generated by the El Paso County-Teller County E911 Authority, to be dispatched by that system and to reimburse El Paso County, the City of Colorado Springs, or some other agency for dispatch services provided.

6. Dispatch Records. The dispatch center for each ambulance service must provide for the concurrent recording of voice and data transmissions to verify call times and other events. The dispatch center shall maintain the recordings for a minimum of one hundred eighty (180) days and permit the Licensing Official or designee to review the recordings at any time during regular business hours.

7. Patient Records. All records and documentation received with a patient must be transported and delivered to the receiving facility with the patient.

8. Compliance with Applicable Law. Each ambulance service shall at all times comply with applicable federal, state and local laws and regulations.

V. AMBULANCE CREWS

1. On-Duty Time for Stations Averaging Eighteen (18) or More Calls Per Shift. No EMS Provider or ambulance driver deploying from a station averaging eighteen (18) or more calls per shift, based on the previous thirty (30) day period, shall be required or allowed to be on duty in excess of forty-eight (48) total hours in any sixty (60) hour period, unless necessary to complete a call for service that began prior to the expiration of the 48-hour duty period. This 60-hour period shall commence at the time that the individual goes on duty. Each duty period of 48 total hours shall be followed by an off-duty period of at least twelve (12) hours. On-duty status means a condition under which an EMS Provider or ambulance driver is required to be in a location as directed by the ambulance service and to respond to ambulance calls from

that location. This requirement may be waived upon a determination by the Licensing Official that a disaster situation exists during which all available ambulance technicians must be on duty to preserve the public health, safety and welfare.

2. Advanced Life Support Services.

(a) No individual employed or utilized in connection with ambulance services shall provide or claim to provide advanced life support services unless that individual holds a valid Colorado EMS certification meeting at least minimum standards set by the State of Colorado for provision of advanced life support services.

(b) Display of certification level. EMS providers are required to visibly display their certification level on their uniforms when actively engaged in performing patient care on duty in order to identify the level of service they are authorized to provide.

VI. AMBULANCE SPECIFICATIONS AND EQUIPMENT

1. Ambulance Specifications.

(a) Ground vehicles obtained, granted a permit and placed in use as ambulances within the County after the effective date of these Rules and Regulations shall meet the functional requirements specified in Federal Specification KKK-A-1822 (e), 2003, or its duly adopted successor specification established by the United States General Services Administration.

(b) Ground vehicles obtained, granted a permit and placed in use as ambulances within the County before the effective date of these Rules and Regulations may continue to be used as ambulances provided that they continue to meet minimum standards for suitability, construction and general condition as established by CDPHE. Applicants may appeal adverse decisions by CDPHE as to suitability, construction and general condition of such vehicles to the BoCC.

(c) Each ambulance shall clearly display permanent marking on both sides and rear showing the name of the ambulance service under which it is permitted.

(d) Each ambulance shall clearly display the permitted level of service it may provide on the outside of the vehicle.

(e) Each ambulance shall be maintained at all times in a safe operating condition and in compliance with Colorado motor vehicle statutes, rules or regulations and be maintained in accordance with manufacturer specifications using original equipment or better replacement parts. At the time of permit application the

ambulance service shall submit to the Licensing Official a certificate prepared by a qualified mechanic certifying that the ambulance is in safe operating condition.

2. Ambulance Equipment. Each ambulance shall contain, in good working order, all applicable equipment required by the County, CDPHE through 6 CCR 1015-3, Chapter 4 as well as other state regulations. All equipment shall be properly secured, and all medications and supplies shall be maintained and stored according to the manufacturer's recommendations and any federal, state or local requirements. The following equipment shall also be required:

(a) Audible and visual warning devices and any special markings to designate it as an ambulance as required by statute for authorized emergency vehicles.

(b) Safe Tires and approved snow tires or chains when weather conditions demand.

(c) For Basic Life Support Ambulances, the minimum equipment required by the County and CDPHE.

(d) For Advanced Life Support Ambulances, the minimum equipment required by the County and CDPHE.

(e) Equipment to extricate patients entrapped as a result of motor vehicle crashes or other incidents reasonably likely to occur in their service area. In lieu of extrication equipment, the ambulance service may document that in all situations where entrapment is a possibility or the need for extrication is unknown, the ambulance service will obtain a contemporaneous response by a first response, fire or rescue agency equipped with the requisite extrication equipment.

(f) For ambulances providing emergency services to a population base within the County in excess of one hundred thousand (100,000) persons, an AVL, a functionally equivalent system, or other system to locate and effectively position ambulances and response vehicles.

(g) Two-way mobile radio communications equipment enabling ambulance personnel to interface with a local emergency dispatch center operated by a governmental entity or authority. All radio traffic will be recorded and all recordings maintained for a minimum of ninety days as specified in VII(2), below.

(h) The Licensing Official shall ensure those locations from which the ambulance service operates are inspected at least annually to ensure compliance with applicable Colorado and local health and sanitation laws and regulations.

VII. ADDITIONAL REGULATIONS

(a) Other than government owned and maintained facilities housing other emergency vehicles, no licensed ambulance service shall operate from locations other than those approved by the BoCC, nor shall such licensed ambulance service abandon any approved locations without prior approval of the BoCC.

(b) Each ambulance service shall transmit uniform and standardized records concerning the transportation and treatment of patients in a form acceptable to the Licensing Official. In addition, all ambulances shall be dispatched through a dispatch center. The dispatch center for all licensed ambulance services must provide for the concurrent recording of voice and data transmissions to verify call times and other events.

(c) Licensed ambulance services may be required, as a condition of being provided with emergency dispatch information generated by the El Paso County-Teller County E911 Authority, to be dispatched by that system and to reimburse El Paso County, the City of Colorado Springs, Fountain, or any other agency for dispatch services provided.

(d) Responders to all emergency incidents, whether they are generated through a 911 call or other means of notification and located at a residence, facility, special event or any other location within the County must follow the procedures below:

(1) All ambulance services licensed or operating in the County are required to refer any emergency call received through seven-digit telephone lines, other private access lines or any other method to the appropriate PSAP for priority dispatching in accordance with established protocols. Ambulance services must record their seven-digit access lines or other private access lines, maintain the recordings for a minimum of ninety (90) days and permit the Licensing Official to audit, review or otherwise investigate the nature of incoming calls to ensure that emergency calls are properly referred to the appropriate PSAP for priority dispatching in accordance with established protocols. The Licensing Official may conduct audits of the calls received at any time during regular business hours.

(2) All ambulance services licensed or operating in the County are required to refer any witnessed emergency call, any emergency call presenting to their ambulance or any call dispatched as non-emergency but determined to be an emergency by the ambulance crew prior to initiating transport, to the appropriate PSAP for priority dispatching in accordance with established protocols. All ambulance services must keep complete records of these incidents, maintain the records for a minimum of ninety (90) days after the incident and permit the Licensing Official to audit, review or otherwise investigate the name of the emergency medical services activities provided at the incident to ensure that emergency calls are properly referred to the appropriate PSAP for priority dispatching of the exclusive area contractor in accordance with established protocols. The Licensing Official may conduct

audits of emergency medical services activities provided at an incident at any time during regular business hours.

(3) All ambulance services licensed or operating in the County providing services at special events are required to meet with the local fire agency having jurisdiction, in whose municipality or district the upcoming event is located to coordinate transport and mass casualty plans prior to the event. Furthermore, such ambulance services are required to refer any emergency call to the appropriate PSAP for priority dispatching in accordance with established protocols. All ambulance services must keep complete records of their emergency medical services activities at special events, maintain the records for a minimum of ninety (90) days after the event and permit the Licensing Official or their assigns, to audit, review or otherwise investigate the nature of the emergency medical services activities provided at the event to ensure that emergency calls are properly referred to the appropriate PSAP for priority dispatching of the exclusive area contractor in accordance with established protocols. The Licensing Official may conduct audits of emergency medical services activities provided at an event at any time during regular business hours.

(4) All ambulance services licensed or operating in the County are required to report any patient transported with a change from initial transport mode of non-emergent to emergent, to the Licensing Official within two business days to determine if the call was conducted in accordance with established protocols. All ambulance services must keep complete records of these incidents, maintain the records for a minimum of ninety (90) days after the incident and permit the Licensing Official to audit, review or otherwise investigate the nature of the request for service, dispatch information, communications between the ambulance and dispatch, and any other emergency medical services activities provided during the incident, to ensure that emergency calls are properly referred to the appropriate PSAP for priority dispatching of the exclusive area contractor in accordance with established protocols. The Licensing Official may conduct audits, reviews or otherwise investigate the nature of the request for service, dispatch information, communications between the ambulance and dispatch, and any other emergency medical services activities provided at the incident, at any time during regular business hours.

(e) Any use of non-ambulance vehicles for the provision of ambulance level patient transport by a licensed ambulance provider shall be submitted to the Licensing Official within two business days.

VIII. COMPLAINTS/NOTICE OF ACTION

1. Origination of Complaints. Any complaint regarding an alleged violation of these Rules and Regulations or an ambulance service operating without a license may be

submitted to the Licensing Official in writing. An ambulance service must notify the Licensing Official in writing within ten (10) days of any legal action filed or judgment entered against it in any court, any adverse action taken on an ambulance license issued to the ambulance service by another jurisdiction, or any adverse action taken against the ambulance service or its EMS Providers by the State of Colorado.

2. Investigation of Complaints. All complaints and notices received pursuant to the previous paragraph shall be referred to the Licensing Official for investigation. Notice of any complaint not originating from the ambulance service itself shall be provided to the ambulance service's Medical Director in writing by the Licensing Official. The ambulance service against which the complaint is filed shall fully cooperate in the investigation and provide any information or documentation not otherwise protected by law at the request of the Licensing Official. At the completion of its investigation, the Licensing Official shall determine whether sufficient evidence exists to believe that a violation of these Rules and Regulations occurred and that the matter should therefore be referred to the BoCC for a hearing on suspension or revocation. Within five (5) business days of such determination, the complainant and the Medical Director shall be notified in writing either that sufficient evidence of a violation exists and that the matter will be referred to the BoCC for hearing, or that insufficient evidence of a violation exists and that no action will be taken.

3. Notification to Other Agencies. The Licensing Official shall provide notice of any complaint regarding an EMS Provider, Medical Director or other medical personnel associated with the ambulance service to the CDPHE and the BME.

IX. SUSPENSION AND REVOCATION PROCEDURES

1. Summary Suspension. Without prior notice to the ambulance service and upon determination that a violation that poses an immediate threat to the public health, safety and welfare has occurred, the BoCC may summarily suspend any license or permit. Such summary suspension shall be effective upon delivery of written notice to the ambulance service. No summary suspension shall be valid for more than ten (10) days or until a final decision by the BoCC concerning suspension or revocation, whichever period is shorter. Any written notice of temporary suspension shall also provide notice of the date, time and place of a hearing before the BoCC to consider the suspension or revocation of the license or permit, which hearing shall be held no more than ten (10) business days following the effective date of the temporary suspension.

2. Scheduling of Hearings. Upon a determination by the Licensing Official that sufficient evidence exists of a violation of these Rules and Regulations, the matter shall be scheduled before the BoCC for a public hearing on suspension or revocation of the applicable license or permit. The complainant and the Medical Director shall be notified in writing of the hearing date.

3. Hearing Procedures. The hearing shall be conducted according to the procedures set forth in the BoCC's Legislative and Parliamentary Rules and Procedures, except that no parties other than the Licensing Official, represented by the County Attorney's Office, and the licensee and his or her representative shall be allowed to present evidence or testify before the BoCC. The order of proceeding shall be the Licensing Official, followed by the licensee, followed by rebuttal and closing statements by Licensing Official, followed by rebuttal and concluding statements by the licensee. The burden of proof shall be the same as that in Colorado non-jury civil trials.
4. Evidence Presented. All documents referenced or submitted as evidence at the hearing shall be automatically admitted and received as exhibits unless the BoCC determines otherwise after an objection. Rules of evidence shall not be strictly applied unless otherwise determined by the BoCC, in its discretion.
5. Oaths and Subpoenas. The BoCC may administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any issue which the BoCC is authorized to consider.
6. Decision by the BoCC. The decision of the BoCC to suspend or revoke a license or permit shall be based solely on competent evidence presented at the hearing and a proper weighing thereof. The BoCC's decision shall be delivered in writing to the ambulance service and its Medical Director following the hearing.
7. Penalties. If the BoCC finds that a violation took place, the BoCC has discretion to suspend the license and/or permit for any period, it may revoke the license and/or permit, or it may deny renewal of the license and/or permit.

X. VIOLATIONS

The following practices shall be unlawful and may constitute grounds for the denial, non-renewal, suspension or revocation of a license or permit:

- (a) Non-compliance with any provision of these Rules and Regulations.
- (b) Call jumping.
- (c) Failure to respond to a call for service within the service area.
- (d) Administering unnecessary treatment or supplies to a patient for the purpose of increasing the patient's bill.
- (e) Performing any treatment or administering any medication or intravenous fluid except as permitted by law or regulations enacted thereunder.
- (f) Charging for treatment or supplies not actually provided to a patient.

- (g) A finding of non-compliance or any disciplinary or other adverse or corrective action by the BME with respect to any rule or regulation promulgated by that Board concerning the duties and responsibilities of EMS Providers.
- (h) A finding of non-compliance or any disciplinary or other adverse or corrective action by the Colorado Board of Health with respect to any rule or regulation promulgated by that Board concerning emergency medical services.
- (i) Unlawful use, possession, dispensing, administration or distribution of controlled substances.
- (j) Operating an emergency vehicle in a reckless manner or while under the influence of alcohol or other performance-altering drugs.
- (k) Deploying an ambulance that has been modified in a manner that diminishes its safety or reliability, or is otherwise unsafe.
- (l) Failure to notify the County of the conviction of, or a plea of no contest to, a felony or misdemeanor, or of the suspension or revocation of driving privileges.
- (m) Responding to calls or providing patient care while under the influence of alcohol or other performance-altering drugs prescribed or not.
- (n) Obtaining a license or permit by fraud, misrepresentation, deception or subterfuge.
- (o) Materially altering a license or permit or using or possessing any such altered license or permit.
- (p) Failure to report the revocation, suspension or other sanction against an ambulance license or permit issued by another jurisdiction.
- (q) Unlawfully discriminating in the provision of service based upon national origin, race, color, creed, religion, sex, age, physical or mental disability, sexual preference, infectious disease or economic status.
- (r) Representing qualifications at any level other than the person's current level of certification or licensure.
- (s) Failure to follow accepted standards of care in the management of a patient or in the response to a call for service.
- (t) Failure to administer medications or treatments in a responsible manner in accordance with the Medical Director's protocols and standing orders.

- (u) Failure to maintain confidentiality of patient information.
- (v) Failure to provide the Licensing Official with information regarding changes in personnel.
- (w) Providing medical care without medical direction or supervision of a Medical Director.
- (x) Performing medical acts not authorized by the BME.
- (y) Failure to provide care or discontinuing care when a duty to provide care has been established.
- (z) Appropriating or possessing, without authorization, medications, supplies, equipment or personal items of a patient or employer.
- (aa) Falsifying entries or failing to make essential entries in a patient care report or medical record.
- (bb) Violating CDPHE regulations contained in 6 CCR 1015-3, or any other local, state or federal rule or regulation that would jeopardize the health and safety of a patient or the public.
- (cc) Unprofessional conduct at the scene of a call for service which hinders, delays, eliminates or deters the provision of medical care to patients or endangers the safety of the public.
- (dd) Falsifying vehicle equipment in order to gain licensure of more ambulances than are available to be deployed.
- (ee) The use of non-ambulance vehicles/personnel when transporting patients who need ambulance transport, other than when transporting patients with functional needs beyond the capacity of an ambulance, or transporting patients to the ambulances due to road conditions or other access challenges.
- (ff) Routine deployment and or use of an ambulance that is unsafe or has not been maintained to the standards contained in these Rules and Regulations. This shall include routine deployment of vehicles upon which emergency warning devices such as fogged lenses on visual warning devices have been deficiently maintained, aged siren components have not been replaced, and failure to replace or utilization of with low quality/unreliable parts for safety items such as tires and brakes.

XI. SEVERABILITY

If any provision of these Rules and Regulations is found by a court of competent jurisdiction to be invalid, the remaining provisions of the Rules and Regulations shall continue in full force and effect.

XII. VARIANCES

The BoCC may grant a variance from the terms of these Rules and Regulations if the BoCC finds such action is necessary to protect the public health, safety, or welfare. Such action may include the issuance of temporary ambulance service licenses and permits. Such variance shall remain in effect for the period specified by the BoCC.

XIII. NO THIRD PARTY BENEFICIARY

Nothing in these Rules and Regulations shall be construed to create a cause of action and/or civil liability remedy in any person. These Rules and Regulations shall not be construed to create a duty to any third party where no such duty otherwise existed. It is the express intention of the BoCC that any third party receiving services or benefits under these Rules and Regulations shall be deemed to be an incidental beneficiary only.

XIV. EFFECTIVE DATE

This Resolution shall be effective immediately upon its approval by the BoCC.