

## **CHAPTER 5. EMERGENCY MEDICAL SERVICES AND EMERGENCY PREPAREDNESS**

Article 1. DEPARTMENT AND DIVISIONS.....	1
Article 2. EMERGENCY MEDICAL SERVICE RATES .....	4
Article 3. RECOVERY OF EXPENSES FOR RELEASE OF HAZARDOUS MATERIAL .....	6
Article 4. LOCAL EMERGENCY MANAGEMENT PLANNING .....	8
Article 5. AMBULANCE SERVICE LICENSE REQUIREMENTS AND REGULATIONS .....	16

### **ARTICLE 1. DEPARTMENT AND DIVISIONS**

- 5-101 DEPARTMENT OF EMERGENCY MEDICAL SERVICES AND EMERGENCY MANAGEMENT ESTABLISHED. In order to consolidate and coordinate the administration, planning and execution of emergency medical services and emergency preparedness activities in Douglas County, there is hereby established a Department of Emergency Medical Services and Emergency Management, consisting of an ambulance service division and an emergency management division. The department shall be under the administrative supervision of a director who shall be appointed by the county commission upon the recommendation of the county administrator. (Res. 86-15, Sec. 1) (Res. 95-53, §1,2)
- 5-102 AMBULANCE SERVICE DIVISION.
- a) The ambulance service division shall be responsible for the operation of the Douglas County ambulance service under the authority of K.S.A. 65-4301, et seq., and amendments thereto, other applicable state and local laws, and such policies as shall be adopted by the county commission. The division also shall be responsible for such other duties as shall be assigned by the director of the department of emergency medical services and emergency management. Responsibility for administration of additional or new programs shall be approved by the county commission.
  - b) All of the powers, duties, functions and budget authority of the existing Douglas County ambulance service are hereby transferred to and conferred upon the department of emergency medical services and emergency management and the ambulance service division thereof. Such powers shall be exercised under the direction and supervision of

the director of the department of emergency medical services and emergency management.

- c) Whenever the Ambulance Service Operations Director, or words of like effect, are referred to or designated by statute, resolution, contract or other document, such references or designations shall be deemed to apply to the Director of the Department of Emergency Medical Services and Emergency Management. (Res. 86-15, Sec. 2) (Res. 95-53, §1,2)

5-103 EMERGENCY MANAGEMENT DIVISION.

- a) The emergency management division shall be administered by the emergency management coordinator, who shall be appointed by the director of the department of emergency medical services and emergency management, with the approval of the county administrator. The emergency management coordinator shall be in the classified-exempt service under the Douglas County personnel policy, and shall be subject to removal only with the approval of the county administrator.
- b) The Division of Emergency Management shall be granted the authority necessary to carry out the functions enumerated in Section 5-103(c) of this Code.
- c) The Division of Emergency Management shall be the Douglas County Disaster Agency required by K.S.A. 48-929(a). The emergency management division shall be responsible for the administration of all state and county laws concerning emergency preparedness. The division also shall be responsible for such other duties as shall be assigned by the director of the department of emergency medical services and emergency management. Responsibility for administration of additional or new programs shall be approved by the county commission. The division shall coordinate its activities with all local, state and federal agencies as required to effectuate the laws of Douglas County and the State of Kansas. The duties and responsibilities of the Division of Emergency Management as carried out under the direction of the Coordinator shall include the following:
  - 1) Coordination of response and recovery activities during and following disaster emergency;
  - 2) Development and maintenance of a county hazard analysis;
  - 3) Development of a local emergency planning program and maintenance of an all-hazard emergency operations plan for the county;
  - 4) Implementation of a local technological hazards program which includes participation on the local emergency planning committee

- as provided for in K.S.A. 65-5703 and the development and coordination of a radiological protection system for the county;
- 5) Development and maintenance of an active public education program, both through direct public presentations and contacts with the local news media;
  - 6) Development of an emergency exercise program to test the capability of the county to implement the emergency operations plan;
  - 7) Development and coordination of a county emergency management training program;
  - 8) Development and coordination of county hazard warning and notification systems;
  - 9) Coordination of all requests by the county for assistance from other jurisdictions and the state and federal governments during a disaster emergency;
  - 10) Identification of mitigation actions necessary within the county to prevent hazards or to lessen their impact; and
  - 11) Provide advice and assistance to the County Commission in preparation of emergency declarations under K.S.A. 48-932.
- d) All of the powers, duties, functions and budget authority of the existing department of emergency preparedness are hereby transferred to and conferred upon the department of emergency medical services and emergency management and the emergency management division thereof. Such powers shall be exercised by the emergency preparedness coordinator of such division, under the direction and supervision of the director of the department of emergency medical services and emergency management.
- e) Douglas County will provide support to the Division of Emergency Management including:
- 1) Office space and clerical support sufficient to perform the required emergency preparedness functions;
  - 2) Transportation or reimbursement for private transportation used of official duties;
  - 3) Communication arrangements that allows for 24-hour a day notification to the Division of Emergency Management;
  - 4) The identification of at least one person to serve as an alternate coordinator when the Coordinator is not available.

- f) Whenever the emergency management director and the department of emergency management, or words of like effect, are referred to or designated by statute, resolution, contract or other document, such references or designations shall be deemed to apply to the department of emergency medical services and emergency management and the director thereof, respectively, and the emergency management division and, where applicable, the coordinator thereof, established by this article.
- g) All agencies and employees of Douglas County will cooperate with the Division of Emergency Management in all matters pertaining to emergency preparedness. (Res. 86-15, Sec. 3) (Res. 95-53, Sec. 1,2)

## **ARTICLE 2. EMERGENCY MEDICAL SERVICE RATES**

5-201 EMERGENCY MEDICAL SERVICE RATES. The rates for ambulance service in Douglas County shall be as follows:

- a) ALS 2: All inclusive advanced life support emergency and routine service provided where at least three medications are administered by intravenous push/bolus or by continuous infusion excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate) or one ALS procedure (e.g. Manual defibrillation/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, intraosseous line) is provided:
  - 1) January 1, 2016 to December 31, 2016: base rate \$712.00 plus \$8.49 per loaded mile.
  - 2) January 1, 2017 to December 31, 2017: base rate \$743.00 Plus \$8.86 per loaded mile.
  - 3) January 1, 2018 to December 31, 2018: base rate \$774.00 plus \$9.23 per loaded mile.
- b) Emergency ALS: All inclusive advanced life support emergency and routine service where specialized services are provided:
  - 1) January 1, 2016 to December 31, 2016: base rate \$643.00 plus \$8.49 per loaded mile.
  - 2) January 1, 2017 to December 31, 2017: base rate \$671.00 plus \$8.86 per loaded mile.
  - 3) January 1, 2018 to December 31, 2018: base rate \$699.00 plus \$9.23 per loaded mile

- c) Emergency: All inclusive advanced life support emergency and routine service where no specialized services are provided
  - 1) January 1, 2016 to December 31, 2016: base rate \$547.00 plus \$8.49 per loaded mile.
  - 2) January 1, 2017 to December 31, 2017: base rate \$571.00 plus \$8.86 per loaded mile.
  - 3) January 1, 2018 to December 31, 2018: base rate \$595.00 plus \$9.23 per loaded mile.
- d) Non-Emergency ALS – Level 1: All inclusive advanced life support routine scheduled service with specialized services provided:
  - 1) January 1, 2016 to December 31, 2016: base rate \$643.00 plus \$8.49 per loaded mile.
  - 2) January 1, 2017 to December 31, 2017: base rate \$671.00 plus \$8.86 per loaded mile.
  - 3) January 1, 2018 to December 31, 2018: base rate \$699.00 plus \$9.23 per loaded mile.
- e) Non-Emergency BLS: All inclusive advanced life support routine scheduled service with no specialized services provided
  - 1) January 1, 2016 to December 31, 2016: base rate \$547.00 plus \$8.49 per loaded mile.
  - 2) January 1, 2017 to December 31, 2017: base rate \$571.00 plus \$8.86 per loaded mile.
  - 3) January 1, 2018 to December 31, 2018: base rate \$595.00 plus \$9.23 per loaded mile.
- f) Standby Time:
  - 1) High School Events, per quarter hour: \$13.00
  - 2) All other events exclusive of High School Events shall be determined by an agreement that has been properly executed for actual employee costs plus a 15% administrative fee.
- g) [omitted]
- h) Medical Equipment: Medical equipment will be part of the all inclusive advanced life support base rate.
- i) Additional Service Policies:
  - 1) Specialized services for purposes of this section shall be defined as services, which include either electrocardiogram monitoring,

intravenous solutions administration or advanced airway establishment.

- 2) The all-inclusive base rates will consist of all disposable supplies including pharmaceuticals and solutions.
- 3) When a helicopter is used instead of an ambulance to transport the patient from the scene, the patient will be charged the applicable base rate.
- 4) When a patient receives specialized services and is not transported, the patient will be charge the applicable base rate.
- 5) When service is rendered and either the City of Lawrence or Douglas County would be responsible for the fee, the all fees will be waived.
- 6) When service is provided for emergency service personnel while performing their official duties the fee(s) will be waived.
- 7) Lawrence-Douglas County Fire Medical shall accept assignment on all Medicare or Medicaid claims or when Medicare/Medicaid benefits have been waived by a beneficiary in conjunction with a managed care plan. In addition, Lawrence-Douglas County Fire and Medical shall accept allowable amounts from the State Crime Victims Fund, the Veterans Administration, Tricare/Champus and Worker Compensation claims.
- 8) Lawrence-Douglas County Fire Medical shall be a contracting provider of ambulance services for Blue Shield of Kansas.
- 9) All ambulance services must be provided by a Kansas licensed advanced life support capable ambulance. (Res. 16-01, Sec. 1)

### **ARTICLE 3. RECOVERY OF EXPENSES FOR RELEASE OF HAZARDOUS MATERIAL**

#### **5-301 DEFINITIONS.**

- a) Emergency action shall mean all of the concerted activities conducted in order to prevent or mitigate injury to human health or the environment from a release or threatened release of an hazardous material into or upon the environment.
- b) Governmental entities shall mean the University of Kansas; the Cities of Baldwin City, Eudora, Lawrence, and Lecompton; Douglas County; rural fire districts; townships; and any entity responding under a mutual aid agreement with any of these entities.
- c) Person shall mean any individual, corporation, association, partnership, firm, trustee, or legal representative.

- d) Recoverable expenses are all those expenses that are reasonable and necessary for the emergency action. Recoverable expenses include, but are not limited to:
- 1) Disposable materials and supplies acquired, consumed, and expended specifically for the purpose of the emergency action.
  - 2) Any additional compensation payment to employees, consultants and contracts for the time and efforts devoted to the emergency action beyond the usual compensation of those employees normally on duty. There must be an explicit request for mutual or outside aid from the agency with jurisdiction for these additional expenses to be recoverable. (The usual compensation of employees normally on duty is not intended to be a recoverable expense.)
  - 3) Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment.)
  - 4) Replacement costs for equipment that is contaminated beyond reuse or repair that is owned by the governmental entity.
  - 5) Decontamination of equipment contaminated during the emergency action.
  - 6) Other special services specifically required for the emergency action.
  - 7) Laboratory costs of analyzing samples taken during the emergency action.
  - 8) Any costs of clean-up, storage, or disposal of the release material.
  - 9) Costs associated with the services, supplies and equipment procured for a specific evacuation.
  - 10) Medical expenses incurred as a result of emergency action.
  - 11) Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this resolution.
- e) Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping, or disposing into or upon the environment.
- f) Threatened Release shall mean a condition which exists when a release is likely to occur unless preventive measures are immediately taken to prevent such release. (Res. 94-5, Sec. 2)

5-302 LIABILITY. Any and all persons responsible for a release or threatened release which results in an emergency action shall be liable to the governmental entities for the recoverable expenses resulting from the emergency action. (Res. 94-5, Sec. 3)

5-303 RECOVERY OF EXPENSES.

- a) The staffs of the governmental entities involved in the emergency action shall keep a detailed record of its recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, the staffs shall certify these expenses to the Director of Emergency Medical Services and Emergency Management. The Director of Emergency Medical Services and Emergency Management, or his or her designee, shall give any and all persons responsible for the emergency action a written itemized claim for the total certified expenses incurred by the governmental entity as part of the emergency action. The claim shall specify that if not paid in full within thirty (30) days, the County may initiate a civil action for the collection of the claim. Moneys recovered under this resolution shall be credited to the appropriate funds of the governmental entity from which moneys were expended in performing the emergency action.
- b) The Douglas County Administrator is hereby authorized to have a legal action brought on behalf of the County to recover any such claim which has not been paid within the specified thirty (30) days.
- c) This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution or penalty. (Res. 94-5, Sec. 4)

5-304 This remedy shall be in addition to any other remedies the governmental entities have at law. This remedy shall not preclude the Ambulance Service Division from either participating in this claim or assessing fees for service in accordance with the adopted fee schedule. (Res. 94-5, Sec. 5)

#### **ARTICLE 4. LOCAL EMERGENCY MANAGEMENT PLANNING**

5-401 PURPOSES.

- a) To provide for the preparation and execution of the disaster management plans for the protection of persons and property within Douglas County in accordance with the provisions and requirements of Kansas Statutes Annotated 48-904 through 48-939, and K.A.R. 56-2-1 et seq. specifying the standards for local disaster agencies.
- b) To provide for carrying out the requirements of both Kansas and Federal laws as they relate to the responsibilities of the local emergency



planning committee, and as specified in K.S.A. 65-5701 through 65-5710 as amended by the 1991 Kansas Session Laws and the Federal Emergency Planning and Community Right-to-Know Act of 1986.

- c) To create a single body that will serve the function of both an advisory body to the Douglas County Commission and to the governing bodies of the Cities on emergency management concerns and as the Local Emergency Planning Committee for Douglas County. (Res. 06-38)

5-402 DEFINITIONS.

- a) Emergency Management means the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to mitigate or prevent, to prepare for, to respond to and to recover from disasters.
- b) Director means the chief operational officer of the Department of Emergency Management.
- c) Board means the Emergency Management Board of Douglas County. (Res. 06-38)

5-403 ORGANIZATION OF THE BOARD.

- a) There is hereby created a Douglas County Emergency Management Board, hereinafter referred to as the "Board", which shall consist of members to be selected as follows:

Appointed by the Board of Commissioners of Douglas County:

- 1) A member of the Board of Commissioners of Douglas County or their designee for a term of one (1) year.

Appointed by the Douglas County Emergency Management Board:

- 2) An appointee of an individual to represent an emergency management organization or emergency support function to serve a term of 3 years.
- 3) An appointee to represent the disaster mass care function to serve for a term of 3 years.
- 4) An appointee to represent the public information function to serve for a term of 3 years.
- 5) An appointee to represent a community group or social service agency with an interest in emergency preparedness for a term of 3 years.

- 6) An appointee to represent a transportation organization to serve for a term of 3 years.
- 7) An appointee to represent owners and operators of facilities subject to the provisions of the Emergency Planning and Community Right-to-Know Act of 1986. Such appointment to last for a term of 3 years.
- 8) An appointee of an individual with a background in chemistry and an interest in chemical emergency preparedness for a term of 3 years.

Appointed by other entities:

- 9) A member from each of the governing bodies of Baldwin, Eudora, Lawrence and LeCompton or a designee from each for a term of one (1) year.
- 10) A fire chief from one of the County township fire departments or the fire departments of Baldwin or Eudora selected by the Douglas County Fire Chief's Association for a term of 3 years.
- 11) The chief administrative officer of Lawrence Memorial Hospital or his/her designee.
- 12) The Director of the Douglas County Health Department or his/her designee.
- 13) An appointee by the Provost of the Lawrence Campus of the University of Kansas of a university official with an interest in emergency preparedness. Such appointment to last for a term of 3 years.
- 14) An appointee by the Superintendent from the Lawrence, Baldwin and Eudora public school districts in Douglas County. Such appointments to last for a term of 3 years.
- 15) An appointee by the President of Haskell Indian Nations University with an interest in emergency preparedness. Such appointment to last for a term of 3 years.
- 16) An appointee of the Douglas County Veterinary Medical Association for a term of 3 years.
- 17) An appointee of a private, local utility provider for a term of 3 years.

Permanent Members:

- 18) The Douglas County Sheriff.
- 19) The Lawrence Police Chief or his/her designee.

- 20) The Baldwin Police Chief during even numbered years and the Eudora Police Chief during odd numbered years.
  - 21) The University of Kansas Police Chief or his/her designee.
  - 22) The Director of Lawrence-Douglas County Fire Medical Department or his/her designee.
  - 23) The Director of the Douglas County Emergency Communications Center.
  - 24) The Douglas County Public Works Director during even numbered years and the Lawrence Public Works Director during odd numbered years.
- b) By July 31 each year the County Commission shall submit the current membership of the Board to the state emergency response commission as the County Commission nominees to the Douglas County Local Emergency Planning Committee. In addition, when the membership changes for whatever reason, the change will be forwarded to the state emergency response commission by the County Commission as nominations to the Local Emergency Planning Committee.
  - c) When appointed by the state emergency response commission as members of the Douglas County Emergency Management Board the members will serve on the Board and as the Local Emergency Planning Committee. If the state emergency response commission refuses to appoint a County Commission nominee the original appointing body will appoint an alternate person to the Board for nomination to the local emergency planning committee.
  - d) In the event of resignation, death, or incapacity to serve of any member of the Board, the original appointing body will fill the position.
  - e) The Board shall organize annually on or before June 30th of each year and elect officers including a Chairman, Vice Chairman and 3 Executive Committee Members. The Executive Committee shall consist of these 5 officers.
  - f) The members of the Board shall serve without compensation.
  - g) The Board shall be provided with appropriate office space, supplies and equipment in the Emergency Operations Center, but it shall incur no expense until the same has been authorized by the County Commission, and such funds from which such expenses shall be payable have been designated. Nothing herein shall be construed as requiring such authorization or designation where work is done for the benefit of the Board by a regular officer, office, department, board, or other agency of the County. (Res. 06-38)

5-404 POWERS AND DUTIES OF THE BOARD.

- a) To adopt, amend and repeal rules and regulations and bylaws governing its procedure and activities.
- b) To serve as an advisory board to the Douglas County Commission, the Cities of Baldwin, Eudora, Lawrence and Lecompton in Douglas County, the Director and to cooperate with any Federal and State agencies created and existing from time to time for the purposes of effectuating emergency management.
- c) To act jointly and cooperate with other emergency management organizations and local emergency planning committees and the state emergency response commission.
- d) To create committees, either within or without its membership, and to enroll volunteer organizations to aid in the discharge of its power and duties.
- e) To serve as an advisory board in investigations and report to the Governing Body of Cities and/or County Commission with recommendations for ordinances, resolutions or other appropriate actions as it may deem necessary with respect to the type of activity of matters of public concern of welfare, in so far as the same shall or may be related to defense and relief from the effects of manmade or natural disasters. Such investigations, reports, and recommendations shall be made available to the Adjutant General when and as required by law.
- f) To request the cooperation and assistance of the agencies and officials of the Cities of Baldwin, Eudora, Lawrence and Lecompton, the County of Douglas and the State of Kansas for the purposes of effectuating emergency management.
- g) To advise the County Commission and the Director concerning the annual budget of the Department of Emergency Management, purchase of new equipment, hiring of personnel and adoption of the Douglas County, Kansas Disaster Management Plan.
- h) To Approve and recommend to the Douglas County Commission an all-hazards Disaster Management Plan including a chemical emergency plan in accordance with the requirements of the federal Emergency Planning and Community Right-to-Know Act of 1986.
- i) After being appointed by the state emergency response commission, to serve as the Local Emergency Planning Committee for Douglas County. (Res. 06-38)

5-405 AUTHORITY AND DUTIES OF THE EXECUTIVE COMMITTEE.

- a) The Executive Committee shall serve in an administrative capacity for the Board.
- b) The Committee shall review the annual budget and recommend action to the Board.
- c) The Committee shall participate in the hiring of and consult with the County Administrator on the performance evaluation of the Director.
- d) The Committee shall have the power to request an appointing body to replace a Board member who fails to attend a reasonable number of Board meetings.
- e) The Executive Committee shall have such duties and authority as specified and delegated by the Board. (Res. 06-38)

5-406 AUTHORITY AND DUTIES OF THE DIRECTOR OF DOUGLAS COUNTY EMERGENCY MANAGEMENT. The Department of Emergency Management shall be granted the authority necessary to carry out the functions of K.A.R. 56-2-2, and as enumerated in this resolution. The Director is hereby empowered:

- a) To request the Chairman of the County Commission, the Mayors of each of the cities, or the Governing Bodies of the Cities or the County Commission to proclaim a state of disaster emergency when a disaster has occurred or the threat of a disaster is imminent or to request the termination of a state of disaster emergency.
- b) To serve as the lead staff position to assist the Board in carrying out its duties and responsibilities.
- c) To provide the vision, direction and emergency management subject matter expertise to heighten a state of emergency readiness in Douglas County.
- d) To coordinate the mitigation, preparedness, response and recovery efforts of emergency management in the Cities and County for the accomplishment of the purpose of this resolution.
- e) To enhance emergency resources and capabilities through facilitating the coordination and the cooperation among governmental agencies, volunteers, citizens, private sector agencies, businesses and community organizations, services and staff in the emergency management efforts of the Cities and County.
- f) To exercise the emergency management responsibilities of the Department pursuant to programs and methods approved by the Board and the County Commission.

- g) To supervise the operational functions of the Douglas County Department of Emergency Management.
- h) To represent the Douglas County Department of Emergency Management in dealings with the public, private business and industry, and government agencies pertaining to emergency management functions.
- i) To coordinate the mitigation, preparedness, response and recovery activities before, during and following a disaster emergency.
- j) To develop and maintain a county hazard analysis, a mitigation plan, and a continuity of government plan.
- k) To develop a local emergency planning program and maintain an all-hazard emergency management plan that addresses natural hazards, chemical, biological, explosive, or nuclear events.
- l) To implement a local technological hazards program that includes participation on the local emergency planning committee as provided for in K.S.A. 65-5703, and the development and coordination of a radiological protection program.
- m) To develop and maintain an active public education program, both through direct public presentations and contacts with the local news media.
- n) To develop an exercise program to test the capability of the county, the cities, the public safety and support organizations and the citizens to implement the emergency management plan.
- o) To develop and coordinate an emergency management training program to enhance the readiness capability of governmental agencies, volunteers, citizens, private sector agencies, businesses, and first responders.
- p) To develop and coordinate a county emergency warning and notification system to notify the public of impending threats or other emergency information.
- q) To secure disaster assistance in support of local disaster emergency efforts through coordination with other jurisdictions, the state, and the federal government.
- r) To coordinate the recruitment, training, registration and identification of volunteer emergency workers necessary to support emergency response and recovery efforts. (Res. 06-38)

5-407 SUPPORT PROVIDED TO THE DEPARTMENT OF EMERGENCY MANAGEMENT.

Douglas County will provide, at a minimum, the support specified in K.A.R. 562-2 to the Department of Emergency Management including:

- a) Office space and clerical support sufficient to perform the required emergency management functions.
- b) Transportation or reimbursement for private transportation used for official duties.
- c) Communications arrangement that allows for 24-hour a day notification to the Department of Emergency Management staff.
- d) The identification of at least one person to serve as an alternate director when the Director is not available.
- e) The cooperation of all agencies and employees of Douglas County in all matters pertaining to emergency management. (Res. 06-38)

5-408 SUCCESSION. In normal operational circumstances when the Director is unavailable one of the appointed Assistant Directors shall assume the duties and responsibilities of the Coordinator. In a disaster or extreme emergency situation where the Director is unavailable, the Assistant Director or his/her designee shall assume the duties of the Director. If the Assistant Director is unavailable, the Douglas County Sheriff will assume the duties and responsibilities of the Director. (Res. 06-38)

5-409 ORGANIZATION OF EMERGENCY MANAGEMENT. All officials and employees of the Cities and Counties, together with those volunteer forces enrolled to provide aid during a disaster, and all groups, organizations and persons who may by agreement or operation of law be charged with duties incidental to the protection of life and property in the Cities and County during such disaster shall constitute the Emergency Management organization of the Cities of Baldwin, Eudora, Lawrence, Lecompton and the County of Douglas, State of Kansas. (Res. 06-38)

5-410 BUDGET AND EXPENDITURES. The Department of Emergency Management shall prepare a proposed annual budget estimating the amount of funds necessary to carry out the programs of Emergency Management. After review and approval by the Board the annual budget shall be submitted to the County Commission. Special projects in the Cities of Douglas County may be funded by the individual city after approval of the City's Governing Body. (Res. 06-38)

- 5-411 HAZARDOUS MATERIALS. The Lawrence/Douglas County Fire and Medical Department is hereby designated the hazardous materials incident command agency for Douglas County and all cities therein. (Res. 06-38)
- 5-412 TERMINATION OF THE BOARD. The Douglas County Emergency Management Board shall terminate or cease activities whenever the Board is dissolved or suspended by action of the Governing Body of the Cities and/or the County Commission. If such dissolution or suspension takes place, the members of the Board shall continue to constitute the membership of the Local Emergency Planning committee, and the Committee shall function in that capacity unless dissolved by the state authority. (Res. 06-38)
- 5-413 DECLARATION OF NECESSITY. This resolution is hereby declared necessary for the preservation of the public peace, health and safety and shall become effective when adopted by the governing bodies of Douglas County and the Cities of Baldwin, Eudora, Lawrence and Lecompton, in the State of Kansas, and the Local Planning Committee of Douglas County, Kansas. (Res. 06-38)

#### **ARTICLE 5. AMBULANCE SERVICE LICENSE REQUIREMENTS AND REGULATIONS**

- 5-501 DEFINITIONS. As used in this Article, the following words and phrases shall have the meanings respectively ascribed to them herein:
- a) Ambulance means a vehicle or vehicles for hire, equipped or used for the transportation of wounded, injured, sick, invalid, or deceased persons. The term "ambulance" shall not include the vehicle or vehicles used for the purpose of transporting deceased persons for funeral or burial purposes. The term "ambulance" shall not include helicopters or airplanes.
  - b) Ambulance Service means the operation, provision, or the holding out to the public of such operation or provision, of an Ambulance or Ambulances.
  - c) Attendant means an emergency medical technician or a mobile intensive care technician, as said terms are defined in K.S.A. 65-4301, whose primary function is ministering to the needs of persons requiring emergency medical services.
  - d) Driver/Attendant means an individual who satisfies the criteria for an attendant and who also drives ambulance vehicles for an operator with a license issued pursuant to this Article.
  - e) City means the City of Lawrence, Douglas County, Kansas, having geographical limits as now existing or hereinafter altered.



- f) County means Douglas County, Kansas.
- g) EMS Board means the State of Kansas Emergency Medical Services Board.
- h) Health Officer means the Director of the Lawrence-Douglas County Health Department.
- i) Person means any individual, firm, partnership, corporation, municipal corporation or other association of persons.
- j) Type I, II, and III means that class of ambulance services and ambulances as defined by law and the regulations of the EMS Board.
- k) Rules and Regulations promulgated by the EMS Board means duly adopted regulations of the Emergency Medical Services Board as now existing or hereinafter adopted or amended.
- l) Operator means any person who has a license granted pursuant to this Article to operate an ambulance service within the County and the City.
- m) Regularly offers and provides means initiating ambulance service within either Lawrence or Douglas County.
- n) Shall is always mandatory and not merely directory.
- o) Termination means the involuntary withdrawal of the rights and duties conferred by the license for the unexpired term of such license by action of the City and the County, pursuant to the authority of this Article.
- p) Surrender means the voluntary relinquishment of the rights and duties conferred by a license for the unexpired term of such license by action of the operator.

5-502 LICENSE REQUIRED FOR OPERATION OF AMBULANCE SERVICE; PROHIBITION AND PENALTY. On and after March 15, 2000 no person except those awarded a joint City County license pursuant to this Article shall use the streets or other public ways of the City or the County to operate an ambulance service which regularly offers and provides such transportation to residents of the City or the County. No person shall regularly offer and provide an ambulance or ambulance service within Douglas County or Lawrence which is in violation of the provisions of this Article or which is not a Type I ambulance service. Either the City or the County shall have the authority to seek and obtain legal remedies to enforce the provisions of this Article, including the authority to seek and obtain an injunction to prohibit persons from providing an ambulance service in violation of the provisions of this Article. In addition to such legal remedies, it shall be a violation of the laws of the City of Lawrence to regularly offer and provide an ambulance

service within the City of Lawrence, and upon conviction of a violation of this Article such person shall be fined a minimum of \$1000.00 per day for each and every violation. Each day of a violation shall be a separate offense. (Res. 00-2)

- 5-503 TYPE OF SERVICE REQUIRED FOR LICENSED OPERATION. Any ambulance service granted a license by the City and County shall provide Type I service as defined by rules and regulations of the EMS Board. All ambulances shall be Type I ambulances. All equipment, personnel, and services offered and provided by the operator shall conform to such regulations.
- 5-504 FINDING PREREQUISITE TO ISSUANCE OF AMBULANCE LICENSE. After February 1, 2000, no person shall engage in the operation of any ambulance service nor shall any license be granted to operate an ambulance service pursuant to this Article until (a) The Board of County Commissioners of Douglas County, Kansas approve the granting of license and (b) the governing body of the City of Lawrence, Kansas approve the granting of the license. For purposes of this Article, the license awarded shall be considered a joint non-exclusive license from both the City and the County, requiring the approval of the City and the County prior to issuance, suspension, removal, or conditioning. Both the City and the County shall first find that public convenience will be promoted and public necessity requires such ambulance service under the terms and provisions of this Article.
- 5-505 APPLICATION FOR LICENSE. Any person may apply for a license to operate an ambulance service by filing with the City Clerk an application for such license on such forms and containing such information as the Health Officer, City, and County, shall require, including, but without limitation, the following:
- a) The name and address of the applicant, or, if a firm, partnership, association, corporation, municipal corporation, company, or organization of any kind, the names and addresses of persons owning a financial interest therein.
  - b) The number and type of ambulances proposed to be operated by the applicant, together with a current state license for each vehicle.
  - c) The location, description, and zoning of the place or places from which such ambulances are intended to operate. In the event a special permit exists for any such location, the date special permit for such location was issued by the City or the County.

- d) A copy of the proposed liability insurance policy which complies with this Article.
- e) A verified financial statement of the operator at the time the application is submitted.
- f) A list of the proposed charges to be made by the applicant for services rendered to the public in the event a license is awarded under the provisions of this Article.
- g) A request for inspection of equipment as required by this Article.

5-506 RECOMMENDATION OF HEALTH OFFICER, DETERMINATION BY CITY AND COUNTY. After filing of an application for a license the Health Officer shall review the application to determine its sufficiency and compliance with the provisions of this Article. The Health Officer shall forward the application for review and approval or disapproval to both the City and the County. The City and the County shall determine whether the public convenience would be promoted and the public necessity would require such ambulance service. The City and the County shall after notice hold public hearings at a regularly scheduled or specially scheduled meetings of such governing bodies, but in no event shall more than forty-five (45) days elapse between the filing of an application and the holding of such hearing. The final decision of the City and the County shall be announced within a reasonable time thereafter, unless the applicant consents to an extension of the time for the announcement of the decision.

- a) In the consideration of whether the public convenience would be promoted and the public necessity would require such ambulance service, the City and the County shall consider, but shall not be limited to the following criteria:
  - 1) Whether the applicant's proposed ambulance service would be an unnecessary duplication of existing ambulance services, including whether existing services adequately serve public needs; and
  - 2) Whether the applicant's proposed ambulance service would harm the financial or operational integrity of existing ambulance services; including whether the proposed ambulance service would cause existing ambulance services to need public financial assistance, or additional public financial assistance, to continue operations which are viable, efficient and effective.

5-507 ISSUANCE; DENIAL. If the City and the County shall find that the application complies with the requirements of this Article, a joint non-exclusive license shall be granted by the City and the County, and kept on file in offices of the

City and the County. In the event the City or the County, or either entity acting separately finds that the application does not meet the requirements of this Article such license shall not be issued.

- 5-508 TERMS OF LICENSE. The term of each license shall be for five (5) years. Renewal of the license shall be through the same procedure used to obtain an initial license.
- 5-509 SERVICE REQUIREMENTS. The operator shall at all times during the term of license provide ambulance service to all residents of the City and the County without discrimination on the basis of insurability or economic status of the person or persons to receive ambulance service . The operator shall at all times during the term of the license provide ambulance service to all geographical areas of the City and the County.
- 5-510 COMPLIANCE WITH APPLICABLE LAWS; REGULATIONS. The operator shall comply with all applicable city, state, county, and federal laws and regulations.
- 5-511 RATES.
- a) The operator shall at all times comply with the maximum rates and fee schedules filed with the City Clerk and approved by the City and the County.
  - b) Any proposed change in maximum rates or the rate schedule shall be filed with the City Clerk at least thirty (30) days preceding the proposed effective date of such rates accompanied by financial statements and documents from which the reasonableness of such rates can be determined.
  - c) Any proposed change in maximum rates or the rate schedule shall be submitted to the County and the City for approval. The County and the City shall approve any proposed change if such proposal is found to be reasonable as defined in subsection "e."
  - d) The County and the City shall at no time take any action regarding approval of maximum rates or the rate schedule which shall prohibit the operator from earning a reasonable rate of return upon the value of the property used and useful in providing such ambulance service. A reasonable rate of return means receipt of revenues from patient charges and public funds, if any, equal to the sum of operating costs, depreciation reserves, and growth and development costs of the operator.

- e) "Reasonable rates" means maximum rates and a rate schedule which when used as the basis to project future revenues yields a projected reasonable rate of return as defined in subsection "d". If approved rates do not provide such a reasonable rate of return, subsequently proposed rates shall be approved so as to cure the deficit incurred, as well as provide a reasonable rate of return.
- f) The City and the County shall consider the proposed maximum rates and fee schedules within fifteen (15) days after the filing thereof, provided, however, that the County and the City shall make written approval or disapproval, in whole or in part, of said proposal within twenty (20) days after the filing thereof, unless the operator consents to a reasonable time for such action more than twenty (20) days after the filing of the proposed rate schedule.
- g) If the County and the City take no final action within forty-five (45) days after the filing of such proposal or within the reasonable time agreed to by the operator, the proposal shall be deemed approved and the operator may institute such rate change.

5-512 INSPECTIONS. Every ambulance service operator shall be subject to inspection at any time, at any place within the County, by either the Health Officer or his/her designated representative, in order to determine whether said service is complying with all applicable laws and regulations of the City, the County, and the State.

5-513 INSPECTION OF BOOKS AND RECORDS. Upon request of the City or County, the operator shall make the books and records of the operator available for inspection by the City or County or a certified public accountant designated by the City or County at the office of the operator during regular business hours.

5-514 LIABILITY INSURANCE STANDARDS.

- a) During the term of such license and during such time as the operator is providing service pursuant to such license, there shall be on file with the City Clerk an insurance policy, approved as to form and endorsed by the City providing liability coverage for each and every ambulance owned, operated, or leased by the operator.
- b) Minimum coverage of said insurance policy shall be in the amounts of three hundred thousand dollars (\$300,000.00) for any one person killed or injured in any one accident or occurrence and five hundred thousand dollars (\$500,000.00) for more than one person injured or killed in any one accident or occurrence with passenger or patient hazard included in

the policy. Such policy shall also provide one hundred thousand dollars (\$100,000.00) minimum coverage for all damage arising out of injury to or destruction of property.

- 5-515 INSPECTION PREREQUISITE TO ISSUANCE. Before the issuance of any license, the Health Officer or his or her designee shall inspect or cause to be inspected the ambulances, equipment, and premises designated in such application. No ambulance service license shall be issued until the Health Officer certifies to the City and the County that the applicant has complied with all state laws and regulations, local ordinances, and county resolutions relating to health, safety, sanitation, and emergency medical service. The licensee shall submit a copy of the annual State license update to the Health Officer.
- 5-516 RENEWAL OF LICENSE. At any time within ninety (90) days prior to the expiration of a license issued pursuant to this Article and at any time after such expiration, revocation, or surrender of a license issued pursuant to this Article, the operator may apply for a license for an additional term not to exceed five (5) years, subject to all the provisions of this Article.
- 5-517 REVOCATION OF LICENSE; PROCEDURE. Any ambulance service may have its license revoked or suspended for violation of the provisions of this Article. A suspension or revocation must be a joint action of the governing bodies of the City and the County. Before any license is suspended or revoked, the licensee shall be given written notice, to the address stated in the application for a license, of the public hearing to be conducted on the proposed license revocation or suspension. Such written notice shall be mailed, postage pre-paid, at least ten (10) days prior to the public hearing and shall contain the proposed grounds for the revocation or suspension. The licensee may appear and present such relevant evidence as appropriate at the public hearing. The City and the County shall issue a written order on the proposed suspension or revocation within thirty (30) days of the public hearing. The licensee shall have the authority to continue to operate pursuant to the license pending the determination of the proposed revocation or suspension, unless the Health Officer determines that the continued operation would endanger public health and safety in which case the licensee shall cease and desist from operation pending the determination of the City and County governing bodies on the proposed suspension or revocation.
- 5-518 VEHICLE SPECIFICATIONS. Each ambulance of the operator shall meet the ambulance specifications promulgated by the EMS Board. No ambulance service shall acquire an ambulance for use in the County unless the

ambulance complies with the required ambulance specifications for conforming ambulances.

- 5-519 VEHICLE EQUIPMENT. Every Type I ambulance of the operator shall be equipped at all times with that medical equipment required by the current EMS Board regulations to be carried in the ambulance except as may be specifically waived by the EMS Board. The Health Officer shall be notified of the application for any waiver presented, in advance of any presentment. The Health Officer shall recognize such waivers.
- 5-520 NUMBER OF OPERATION VEHICLES REQUIRED. No ambulance service shall operate within the City or County with less than four (4) fully staffed and operational ambulances, all of which shall contain all required equipment and meet all of the requirements of this Article and the regulations promulgated by the EMS Board applicable to Type I ambulances. (Res. 99-49)