

Ordinance No. 20-15-01-19

AN ORDINANCE OF THE NORTH JEFFERSON COUNTY AMBULANCE DISTRICT, JEFFERSON COUNTY, MISSOURI TO CLARIFY CONDITIONS FOR ROUTINE TRANSPORT OF PATIENTS TO HEALTH CARE FACILITIES LOCATED OUTSIDE OF THE DISTRICT

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NORTH JEFFERSON COUNTY AMBULANCE DISTRICT OF JEFFERSON COUNTY MISSOURI, AS FOLLOWS: BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE AMBULANCE DISTRICT AS FOLLOWS:

Section I. Recitals:

Whereas, North Jefferson County Ambulance District (“District”) is a political subdivision of the State of Missouri, duly formed and organized pursuant to Chapter 190 RSMo.

Whereas, section 190.100(4) RSMo. defines “Service Area” as where an ambulance is authorized to operate and the precise meaning of this provision is unclear and the District is committed to complying with all aspects of the Comprehensive EMS Act of 1998 and the District does not wish to appear to be claiming additional service areas for which it has not been authorized; and

Whereas, the Board has a specific non-delegable fiduciary duty to maintain the highest quality of patient care (see 190.060.1(7) RSMo.) and this duty would include having an acceptable complement of resources available for emergency calls within the District at acceptable response times which requires adequate number of ambulance vehicles be retained at all times within the District

Whereas, the District has fiduciary duties to protect the safety of the District’s personnel and to prevent unnecessary damage to the District’s vehicles and the District as a common carrier owes the highest duty of due care for the safety of its transported patients; therefore, bad weather conditions such as severe storms, ice, snow, or fog may require refusal or significant delay of an interfacility transport; and

Whereas, response time, patient care, and transportation standards are now conditions for licensure of the District as a ground ambulance service (see 190.109.6(11) RSMo.); and

Whereas, the District through its Board is empowered to set conditions and terms for service extraterritorial to the District (see 190.060.1(7) RSMo.); and

Whereas, the District has promulgation and regulatory authority to establish

reasonable terms and conditions for the use of the District's finite resources (see 190.060.1, 190.060.2, and 190.060.3 RSMo.); and

Whereas, although patients who are not severely injured generally are to be transported to a hospital of their choice, this patient right is not an absolute right and may be reasonably limited by local protocols (see 190.243.1 RSMo.); and

Whereas, the "Comprehensive Emergency Services Act" of 1998 significantly altered State and local responsibility for emergency services by clarifying that the State EMS law does not preempt local ordnancing authority (see 190.105.13 RSMo); and

Whereas, the District's ordinances have the full force weight and effect of law;

NOW THEREFORE, the District enacts the following:

Section II. Action:

A. The District reserves the right to refuse, reschedule, or reroute requests for routine ambulance transportation to health care facilities located outside of the District.

B. The District reserves the right to apply the refusal or rescheduling of routine ambulance transportation to health care facilities located outside of the District to both residents and nonresidents of the District alike.

C. In the exercise of these rights, the District shall employ only objective criteria that will impact the availability and response times for emergency calls. Examples of objective criteria are the number of available vehicles, staffing patterns, time of day, time of week, weather conditions, and distance to the out of District health care facility. A more detailed rendition of these criteria and their application to specific circumstances is set out as outlined within Medicare and Medicaid guidelines referring to closest appropriate Medical Facilities as attached.

D. In the exercise of this right, the District shall not apply any of the suspect criteria contained in section 190.105.12 RSMo. The prohibited suspect criteria include race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition, or ability to pay.

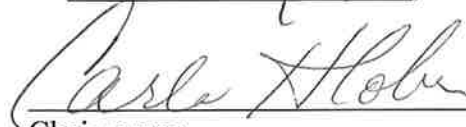
E. If the District should receive a request for an emergency transport from a health care facility located outside of the District, the District shall refer the call to the nearest emergency ambulance service as required by section 190.205.3 RSMo.

F. The District reserves all of its legal and equitable remedies to enforce the provisions of this Ordinance.

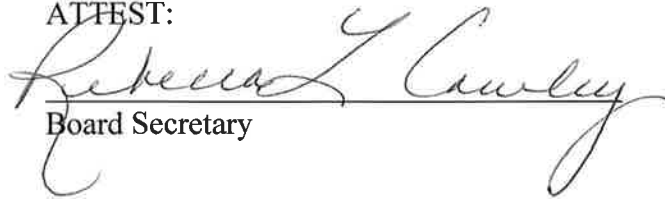
Section III. Effective Date:

This Ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Directors.

ADOPTED ON THIS 19 DAY OF January, 2015.


Chairperson

ATTEST:


Board Secretary