

ORDINANCE 3263

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS AMENDING TITLE 8, CHAPTER 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO EMERGENCY MEDICAL SERVICES

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

WHEREAS, Mont. Code Ann. § 7-34-103 sets forth the manner in which the City of Great Falls may provide for ambulance services; and

WHEREAS, on January 8, 2008, the City Commission adopted Ordinance 2993 creating the provisions for Emergency Medical Services (EMS) in Title 8 of the OCCGF; and

WHEREAS, the foundational strength of any EMS system is based on strong collaboration and coordination among system components – City/County 911 Dispatch Center, Great Falls Fire Rescue, contracted transport service, and the receiving hospital emergency departments; and

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

WHEREAS, Great Falls Fire Rescue has managed the EMS performance contract since 2008, and has provided justification for amending the OCCGF affecting the framework of the EMS performance contract, and clarifying services and transport responsibilities.

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

Section 1. That Title 8, Chapter 5 of the OCCGF is hereby amended as depicted in Exhibit “A” attached hereto, which removes any language indicated by a ~~strike-out~~ and adds language which is **bolded**.

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2023.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2023.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3263 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Lisa Kunz, City Clerk

Chapter 5 EMERGENCY MEDICAL SERVICES

Sections:

8.5.010 Purpose.

The purpose of this Chapter is:

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

(Ord. 3181, 2018)

8.5.020 Authority.

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

(Ord. 3181, 2018)

8.5.030 Definitions.

Unless otherwise specified, for the purpose of this Chapter the following definitions shall apply.

- A. "Advanced Life Support (ALS)" means an advanced life support provider as defined in the Administrative Rules of Montana (ARM).
- B. "Advanced Life Support Service" means an ambulance service or non-transporting medical unit that has the capacity, and is licensed by the State of Montana, to provide care at the EMT-Paramedic equivalent level twenty-four (24) hours a day, seven (7) days a week.
- C. "Ambulance" means a privately or publicly owned motor vehicle that is maintained and used for the transportation of patients and that meets all Montana ambulance licensure requirements.
- D. "Ambulance Service" means an emergency medical service that utilizes an ambulance to respond to 911 emergency calls.
- E. "Ambulance Service Performance Contract" means an agreement between the City and an ambulance service provider used as an instrument to authorize and regulate ambulance service in the City.
- F. "Ambulance Service Provider" means the business of, or a person owning, operating, managing, or maintaining as principal or agent of one (1) or more ambulances for the purpose of providing 911

emergency ambulance services within the City Emergency Medical Services System. The ambulance service provider may be a public or private entity.

- G. "Ambulance Service Rates" means any monetary charge, fare, fee, rate, or other consideration or compensation for ambulance service.
- H. "Approved" means acceptable to the authority having jurisdiction.
- I. **"Basic Life Support (BLS)" means basic life support level of care as defined in the Administrative Rules of Montana (ARM).**
- J. **"Basic Life Support Service" means an ambulance service or non-transporting medical unit that has the capacity, and is licensed by the State of Montana, to provide basic life support care twenty-four (24) hours a day, seven (7) days a week.**
- HK. "City" means the incorporated area of the City of Great Falls and the Fire Districts served by the Great Falls Fire Rescue Department.
- JL. "Emergency Medical Services" or EMS means the services, personnel, resources, equipment, and supporting administration and infrastructure used in responding to medical emergencies, providing emergency medical care, first response services, and the transporting of patients, while rendering emergency medical treatments.
- KM. "EMS Call" means first responder and ambulance service provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled care is required.
- LN. "EMS System" means the interrelated but separate public and private entities including, but not limited to, ambulance service providers and fire departments which optimally work together in the timely and appropriate provision of emergency medical services to the citizens and visitors of the City.
- MO. "Fire Department" means the Great Falls Fire Rescue Department (GFFR).
- NP. "First Response Service" means the provision of EMS provided by a responder prior to the arrival of the ambulance service.
- ~~O. "Grandfathering" means the City Commission may contract with an existing ambulance service provider without conducting a competitive process for ambulance service providers.~~
- PQ. "Patient" means any person in need of, or in the process of receiving, emergency medical care.
- QR. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals, or other entity acting together for a common purpose.
- RS. "Public convenience and necessity" means qualified, fit, able, and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.040 EMS system.

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

(Ord. 3181, 2018)

8.5.050 EMS System Administrator.

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

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

(Ord. 3181, 2018)

8.5.060 EMS system components.

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

- A. Great Falls 911 Center;
- B. The GFFR;
- C. Ambulance service provider;
- D. Air ambulance service provider;
- E. Local and regional medical facilities;
- F. Any other entity or agency that may be required for the safe, stable, and effective delivery of EMS in the City as identified by the EMS system administrator; and
- G. The public at large.

(Ord. 3181, 2018)

8.5.070 EMS System Medical Director.

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

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

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.080 Establishment of an EMS Advisory Board.

- A. The City Commission shall establish an EMS Advisory Board which is representative of the EMS system participants.
- B. The City Commission shall appoint the members of the EMS Advisory Board. Members of the EMS Advisory Board should include, but not be limited to, the following representatives:
 1. EMS System Administrator (chair);
 2. EMS System Medical Director (vice-chair);
 3. **City of Great Falls** Emergency Manager;
 4. Neighborhood Council Coordinator;
 5. Emergency Operations Center or 911 Center Supervisor;
 6. GFFR EMS Coordinator;
 7. Ambulance service provider administrator or manager;
 8. GFFR EMT or paramedic; and
 9. Ambulance service EMT or paramedic.

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- C. Other EMS advisory members may be appointed by the City Commission as needed to ensure all EMS system participants affected by the decisions of the EMS Advisory Board are represented.
 - D. The EMS Advisory Board will provide input and discuss issues related to the City's EMS system and serve in an advisory capacity to the City's EMS Administrator.
 - E. The EMS Administrator will have the authority regarding EMS system operational issues on behalf of the City and the EMS System Medical Director will have the final authority regarding medical procedures, protocols, or practices.
 - F. The City Commission will have oversight responsibility for the EMS Administrator and the EMS Advisory Board.
 - G. The EMS Advisory Board will meet on a regular basis, not less than four (4) times a year, to address issues affecting the EMS system and ensure that the performance of the EMS system is safe, stable, and effective.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.090 City of Great Falls EMS responsibilities.

- A. The City Manager has the primary responsibility to ensure that effective, safe, and reliable EMS is provided to the City.
- B. GFFR shall **be the Authority having jurisdiction over the provision of Emergency Medical Services within** ~~provide EMS first response services to all EMS calls within~~ the City and to other areas and locations where they may respond.
- C. GFFR may transport patients when **deemed necessary**. ~~it is in the interest of the patient's health and safety. Standard operating guidelines or protocols shall be established by the EMS System Medical Director in conjunction with the EMS Advisory Board to determine when this is appropriate. GFFR may transport when time is critical to patient care, when the patient is packaged and ready for transport, and when an ambulance is not immediately available or is delayed.~~

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.100 Replacement of GFFR items.

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

(Ord. 3181, 2018)

8.5.110 Emergency medical services license required.

- A. No person shall conduct or operate an ambulance service within the City without first obtaining a license as required by ~~OCCGF Title 5, Chapter 3, Article 7 state law~~.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.120 Ambulance service performance contract required.

- A. All persons who wish to operate, conduct, advertise, engage in, or profess to be engaged in the 911 emergency ambulance business ~~or service of the transportation of any patient by ambulance upon the streets or any public way or place within the City,~~ shall only do so upon the execution of an ambulance service performance contract issued by the City.
- B. Any City ambulance service contractor is required by this Chapter to obtain an ambulance service performance contract from the City to provide 911 emergency ambulance services within the City's jurisdiction.
- C. Upon recommendation of the City Manager, the City Commission shall make the final determination to execute an ambulance service performance contract with an ambulance service provider for ambulance service to City 911 emergency calls.
- D. No ambulance service performance contract will be approved under this Chapter to any new ambulance service unless the City Commission, after conducting a public hearing and review, finds that another ambulance service is in the public interest, for the public convenience and necessity, and that the ambulance service provider is fit, willing, and able to perform such public service and to operate in compliance with Montana state law, the ARM, and the OCCGF.
- E. No unauthorized ambulance service shall be dispatched to 911 emergency calls or allowed to transport patients within the City except during a catastrophic incident or disaster, if demand for resources overwhelms the EMS system.
- F. Nothing in this Chapter shall be construed to modify, or in any way affect, existing state laws concerning ambulance services.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.130 Issuance of ambulance service performance contract.

- A. An ambulance service performance contract can only be issued by the City Commission by ~~"grandfathering"~~ ~~or~~ completion of a competitive process in accordance with Montana state law, **or by automatic renewals as provided in this Chapter**. The City reserves the right to issue an interim contract to any ambulance service provider for the City under emergency circumstances such as when the contracted ambulance service provider fails to perform the services under its performance contract and this Chapter.
- B. If during an exceptional event, as determined by the City Manager, the health or safety of the residents of the City is threatened or jeopardized, the City Manager shall take such actions necessary to alleviate that threat. Such action may include, but is not limited to, temporary assignment of an ambulance service provider to provide services in the City. Such action shall comply with Mont. Code Ann. Title 10.

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- C. Emergency action taken by the City Manager must be ratified and approved by the City Commission within thirty (30) calendar days to remain valid. The City Commission may issue an interim ambulance service performance contract for a specified term.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.140 Transferability of ambulance service performance contract.

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

(Ord. 3181, 2018)

8.5.150 Extension of ambulance service performance contract.

The City Commission will determine the length of an ambulance service performance contract, by resolution or approval of a contract. **Upon recommendation from the City Manager and/or designee a**At the discretion of the City Commission, contract extensions may be granted, or the contract may provide for automatic annual renewals based on achievement of performance measures and customer service requirements specified by the City.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.160 Breach of contract and default.

- A. An ambulance service performance contract issued by the City Commission may be suspended or terminated by the City Commission for:
 - 1. Non-compliance with this Chapter;
 - 2. Violations of applicable Montana Code Annotated provisions;
 - 3. Violations of applicable ARM regulations;
 - 4. Violations of applicable federal regulations;
 - 5. Violations of the terms of the ambulance service performance contract, or
 - 6. Violations of the performance standards specified in the ambulance service performance contract as agreed to by both parties.
- B. An ambulance service performance contract shall contain performance criteria and provisions for the suspension or termination of the contract for failure to meet the performance criteria or other provisions, including response time standards.

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- C. The ambulance service performance contract shall contain provisions defining major and minor breaches of contract infractions and specified time periods for correcting infractions.
 - D. An ambulance service performance contract shall contain provisions designed to assure continuity of ambulance service in the event of default or breach of contract by the ambulance service provider and any subsequent suspension or termination by the City.

(Ord. 3181, 2018)

8.5.170 Criteria for ambulance service performance contract.

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

- A. The ambulance service provider must possess a current license from the State of Montana, Department of Health and Human Services to provide emergency medical services, both transport and treatment at the Advanced Life Support (ALS) level;
- B. The ambulance service provider must provide **adequately staffed ambulances made up of Advanced Life Support and Basic Life Support ambulances as outlined in the performance contract** ~~emergency medical services at the ALS level,~~ throughout the City, twenty-four (24) hours per day, and seven (7) days per week;
- C. Each **ALS** responding ambulance shall be staffed with a minimum of one (1) **Nationally Registered Emergency Medical Technician- Montana Certified Paramedic (NREMT-P)** and one (1) **NREMT-Basic Montana Certified Emergency Medical Technician (EMT)**. **Each BLS ambulance shall be staffed with, at a minimum, two (2) NREMT-Basics (EMTs). All Paramedics and EMT's must be licensed by the State of Montana. The driver of the ALS or BLS responding ambulance must possess a valid Montana driver's license;**
- D. **The ambulance service provider shall comply with all protocols and procedures implemented by the City of Great Falls and the EMS system administrator pertaining to the delivery of service in the 911 EMS system;**
- ~~DE.~~ The ambulance service provider must have adequate personnel, vehicles, equipment, and facilities to respond to all locations within the City to meet the response time standards specified in the ambulance service performance contract;
- ~~EF.~~ The ambulance service provider must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services, and the Board of Medical Examiners as specified in the ARM;
- ~~FG.~~ The emergency medical providers, to include the contracted ambulance service, will use the Great Falls 911 Center, and they shall abide by the rules and procedures as outlined in the 911 Center policy manual;
- ~~GH.~~ The ambulance service provider must have a commercial general liability insurance policy, including automobile coverage, in a form set by Commission resolution;
- ~~HI.~~ All policies of insurance under this Chapter shall be issued by insurance companies licensed to do business in the State of Montana;
- ~~IJ.~~ Proof or coverage shall be evidenced by submitting an insurance certificate, or certificates, to the City which names the City as an additional insured and indicates that the City will be notified not less than thirty (30) days prior to alteration, cancellation, termination, or non-renewal of coverage;

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- ~~J~~K. The ambulance service provider shall provide the City a list of the full names of all ambulance drivers and attendants, identifying each person's:
 1. EMS certification level;
 2. Certification number or paramedic license number;
 3. Issuing jurisdiction;
 4. CPR certification;
 5. Montana Driver's License number; and
 6. Ambulance Driver Certificate, as well as the expiration dates for each;
 - ~~K~~L. The above described list shall be updated and provided to the City on an annual basis and any changes (including additions or deletions) will be provided on a quarterly basis or as requested by the City; and
 - ~~L~~M. The City shall take reasonable steps to protect confidentiality of private personal ambulance staff information.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.180 Ambulance service performance requirements.

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

(Ord. 3181, 2018)

8.5.190 Conflict resolution.

- A. Conflicts or disputes related to the operation of emergency services involving the Great Falls 911 Emergency Services System will be resolved between the system participants as efficiently and as cooperatively as possible. The conflict or issue should be resolved at the lowest level possible. Conflict resolution will proceed as follows:
- B. If the issue cannot be resolved at this initial level, the issue should be submitted in writing by either party to the EMS Administrator within fifteen (15) calendar days of first occurrence or first knowledge, and the party carrying the conflict forward must include their requested remedy;
- C. The EMS Administrator shall have ten (10) calendar days from receipt of the written conflict to investigate the matter, take the appropriate corrective action, if any, and provide a written response to the parties involved;
- D. If the EMS Administrator's decision does not resolve the conflict, then either party may submit the conflict in writing to the City Manager within fifteen (15) calendar days of receipt of the EMS Administrator's decision, and the City Manager, or designee, shall investigate the issue and render a written decision within ten (10) calendar days after receipt of the written submission of the conflict;
- E. If the City Manager's decision does not resolve the conflict, then either party may submit the issue in writing to the City Commission within fifteen (15) calendar days of receipt of the City Manager's decision;

F. The City Commission may after conducting a hearing on the conflict, in a written pronouncement, choose to affirm the decision of the City Manager, further investigate the issue, or reject or modify the decision of the City Manager within thirty (30) calendar days of submittal; and

G. A party may appeal an adverse City Commission decision **to a court of competent jurisdiction.** ~~to the Montana Eighth Judicial District Court within thirty (30) calendar days of the Commission's pronouncement.~~

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.200 Penalties.

A. An ambulance service performance contract shall provide for penalties and remedies in the event the ambulance service provider fails to comply with the personnel, equipment, or reporting requirements of this Chapter or the ambulance service performance contract, including response time standards for 911 emergency responses.

B. The penalties paid to the City shall be used to pay for EMS related expenses, including public education programs and administrative oversight of ambulance service providers.

(Ord. 3181, 2018)

8.5.210 Performance security.

A. The 911 emergency ambulance service provider shall provide security in an amount equal to the City's reasonably anticipated operating costs for ~~two (2)~~ **three (3)** months of 911 emergency ambulance services.

B. Security shall be provided in the form of:

1. Cash;
2. An irrevocable letter of credit issued by a financial institution rated at least "A" by Moody's or Standard & Poor's;
3. An irrevocable guaranty issued by an entity rated at least "A" by Moody's or Standard & Poor's;
4. A surety bond issued by an insurance company rated at least "A" by Moody's, Standard & Poor's or A.M. Best; or
5. Such other forms of security as may be agreed to by the City and the ambulance service provider in writing.

C. An ambulance service performance contract may include provisions that protect the interests of the City, provide for continued ambulance services in the event of a suspension or termination of the contract, failure of any ambulance service provider, and any takeover of services that may be enacted by the City.

(Ord. 3263, 2023; Ord. 3181, 2018)

8.5.220 Submittal of reports for requests for service.

A. At the request of City, the ambulance service provider shall submit reports, records, and other information regarding emergency transports that are necessary to verify the ambulance service provider's compliance with this Chapter and the ambulance service performance contract executed pursuant to this Chapter.

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- B. These reports, records, and information shall be submitted in the format and on the date requested by the City. The specific information that is to be provided in these reports will be clearly set forth in the performance contract, including when and how often such reports will be submitted to the City.
 - C. The ambulance service provider may keep records using account numbers or patient numbers rather than names and addresses; provided that such records shall include the fire department incident number.

(Ord. 3181, 2018)

8.5.230 Release of information.

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

(Ord. 3181, 2018)

8.5.240 Confidentiality of records.

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

(Ord. 3181, 2018)

8.5.250 Ambulance service rates.

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

(Supp. No. 17)

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(Ord. 3181, 2018)

8.5.260 Right of property not granted.

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

(Ord. 3181, 2018)

8.5.270 City to be held harmless.

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

(Ord. 3181, 2018)

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

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

(Ord. 3181, 2018)