

CHAPTER 33-11-04
NORTH DAKOTA AIR AMBULANCE SERVICES

Section	
33-11-04-01	Definitions
33-11-04-02	License Required - Fees
33-11-04-03	Application for License
33-11-04-04	Issuance and Renewal of Licenses
33-11-04-05	Availability of Air Ambulance Services
33-11-04-06	Number of Personnel Required
33-11-04-07	Out-of-State Operators
33-11-04-08	Required Certificate of Airworthiness
33-11-04-09	Securing of Equipment
33-11-04-10	Aircraft Doors
33-11-04-11	Required Lighting
33-11-04-12	Required Power Source
33-11-04-13	Required Radio Communication
33-11-04-14	Medical Direction
33-11-04-15	Other Requirements

33-11-04-01. Definitions.

1. "Air ambulance run" means the response of an aircraft and personnel to an emergency or nonemergency for the purpose of rendering medical care or transportation, or both, to someone who is sick or injured. Includes canceled calls, no transports, and standby events where medical care may be rendered.
2. "Aircraft" means either an airplane also known as a fixed-wing, or a helicopter also known as a rotor-wing.
3. "Commission on accreditation of medical transport systems" means a nationally recognized body for accreditation of air medical transportation systems.
4. "Department" means the department of health and human services.
5. "Equivalent" means qualifications reasonably comparable to those specifically listed as required for training, certification, licensure, credentialing, or recognition.
6. "Personnel" means an individual maintained on an air ambulance roster.

History: Effective August 1, 2003; amended effective January 1, 2006; January 1, 2008; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-02. License required - Fees.

1. No air ambulance service as defined in North Dakota Century Code chapter 23-27 shall be advertised or offered to the public or any person unless the operator of such air ambulance service is licensed by the department.
2. The license shall expire midnight on October thirty-first of the even year following issuance. The department shall relicense for a two-year period, expiring on October thirty-first, an air ambulance service successfully meeting the requirements of the North Dakota air ambulance licensure program.
3. A license is valid only for the service for which it is issued. A license may not be sold, assigned, or transferred.

4. The license shall be displayed in a conspicuous place inside the patient compartment of the aircraft. An operator operating more than one aircraft out of a town, city, or municipality will be issued duplicate licenses for each aircraft at no additional charge.
5. The biennial license fee shall be fifty dollars for each air ambulance service operated.

History: Effective August 1, 2003; amended effective January 1, 2008; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-03. Application for license.

An application for an air ambulance service license shall be submitted on a form or through an electronic process, as prescribed by the department. The application must contain the following information as well as additional information and documents that may be solicited by the application form:

1. Contact information:
 - a. The name, mailing address, and electronic mail address of the applicant.
 - b. A primary contact person, including telephone number, to be reached twenty-four hours per day seven days per week.
2. The name under which the applicant will be holding itself out to the public in conducting its emergency medical service operations and the address of its primary location in this state out of which it will be conducting its emergency medical service operations.
 - a. If the applicant seeks to conduct emergency medical service agency operations out of more than one location, the address of its primary operational headquarters and each other location out of which it intends to operate must also be provided.
 - b. If the applicant will be holding itself out to the public under different fictitious names for the emergency medical service operations it will conduct at different locations, the fictitious name under which it intends to operate at each location.
3. The manner in which the applicant is organized.
4. The tax status of the applicant.
5. An up-to-date roster of active personnel.
6. The number and types of aircraft to be operated by the applicant and identifying information for each aircraft.
7. The communication access and capabilities of the applicant.
8. A full description of the emergency medical service agency services that it intends to provide out of each location and how it intends to respond to flight transport requests.
9. The names, titles, and summary of responsibilities of individuals who will be staffing the emergency medical service operation as officers, directors, or other emergency medical service agency officials.
10. A statement attesting to the veracity of the application, which must be signed by the principal official of the applicant.

History: Effective August 1, 2003; amended effective January 1, 2006; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-04. Issuance and renewal of licenses.

1. The department or its authorized agent may inspect the air ambulance service. If minimum standards are met, the department shall issue a license.
2. A service may request that the department consider it in compliance with this chapter if it is fully accredited by the commission on accreditation of medical transport systems or its equivalent.
3. Services requesting their compliance with this chapter be verified through an accrediting agency shall submit to the department a copy of the entire accrediting agency survey report. Subsequent accreditation or revisit documentation must be submitted prior to license renewal.

History: Effective August 1, 2003; amended effective January 1, 2006; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-05. Availability of air ambulance services.

Critical care air ambulance services shall be available twenty-four hours per day and seven days per week, except as limited by weather or aircraft maintenance or by unscheduled pilot duty limitations in accordance with federal aviation administration regulations.

History: Effective August 1, 2003; amended effective March 24, 2004; January 1, 2006; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-06. Number of personnel required.

For a licensed critical care air ambulance service, the minimum number of personnel required is two providers as defined in chapter 33-11-07 and one pilot.

History: Effective August 1, 2003; amended effective March 24, 2004; January 1, 2006; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-07. Out-of-state operators.

1. Operators licensed in another state may pick up patients within North Dakota for transportation to locations within this state under the following circumstances:
 - a. When there is a disaster or incident which may require elevated response to transport the injured.
 - b. When an out-of-state air ambulance is traveling through the state for whatever purpose comes upon an accident or medical emergency where immediate emergency air ambulance services are necessary.
2. Out-of-state air ambulance services that expect to pick up patients from within this state and transport to locations within this state shall meet the North Dakota standards and become licensed under North Dakota Century Code chapter 23-27 and this chapter.

History: Effective August 1, 2003; amended effective April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-08. Required certificate of airworthiness.

An air ambulance service must have a certificate of airworthiness from the federal aviation administration for each aircraft it uses as an air ambulance, which is maintained current by compliance with all required federal aviation administration inspections as defined by federal aviation administration regulation 14 CFR 135.

History: Effective August 1, 2003.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-09. Securing of equipment.

All equipment and materials used in an air ambulance must be secured in accordance with title 14, Code of Federal Regulations, part 135.

History: Effective August 1, 2003; amended effective April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-10. Aircraft doors.

Aircraft doors must accommodate passage of a patient lying on a stretcher with no more than thirty degrees rotation or forty-five degrees pitch.

History: Effective August 1, 2003.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-11. Required lighting.

Lighting of at least forty foot-candles of illumination must be available in the patient care area to afford observation by medical personnel. Lighting must be shielded from the pilot of the aircraft so as not to interfere with operation of the aircraft.

History: Effective August 1, 2003.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-12. Required power source.

The aircraft will be equipped with a federal aviation administration approved electrical power source that will accommodate commonly carried medical equipment, both AC and DC powered, and that is not dependent upon a portable battery.

History: Effective August 1, 2003.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-13. Required radio communication.

The aircraft must have a radio communication system that will allow the communications between the aircraft and medical facilities, between the medical crew and the pilot, and between the medical crew on board the aircraft.

History: Effective August 1, 2003.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-14. Medical direction.

1. Each air ambulance service shall have a signed agreement on file with the department with a North Dakota licensed physician who shall serve as official medical director and whose duties include establishing written medical protocols, recommending optional equipment, oversight of a quality assurance program, and maintaining current training requirements for personnel.
2. Each air ambulance service must have written treatment protocols for adult and pediatric medical conditions approved by the medical director and available for reference when providing patient care.
3. Air ambulance services must have a written process for accessing adult and pediatric online medical control that includes contacting a medical practitioner at a hospital that has continual in-house emergency room coverage or having the ability to directly contact the on-call emergency room medical practitioner while the practitioner is not at the hospital.

History: Effective August 1, 2003; amended effective January 1, 2006; January 1, 2008; July 1, 2010; April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-04-15. Other requirements.

1. The aircraft must have sufficient space to accommodate at least one pilot, one patient on a stretcher, two medical personnel, and the medical equipment required.
2. The aircraft must be configured to allow medical personnel to have a good patient view and access to equipment and supplies in order to initiate both basic and advanced life support.
3. All licensed air ambulance services shall keep the aircraft and other equipment clean and in proper working order.
4. All linens, and all equipment and supplies coming in direct contact with the patient, must be either a single-use disposable type or cleaned, laundered, or disinfected after each use.
5. When an aircraft has been utilized to transport a patient known to have a communicable disease, the aircraft and all exposed equipment shall be disinfected before the transport of another patient.
6. Each air ambulance run must be reported to the department electronically via an electronic patient care record that is compatible with the North Dakota emergency medical service data repository within seventy-two hours.

History: Effective August 1, 2003; amended effective April 1, 2024.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04