

**CHAPTER 33-11-04**  
**NORTH DAKOTA AIR AMBULANCE SERVICES**

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**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. "Cardiopulmonary resuscitation" means the American heart association health care provider standards or its equivalent, which includes the following skills: adult one-person and two-person cardiopulmonary resuscitation, adult obstructed airway, child one-person and two-person cardiopulmonary resuscitation, child obstructed airway, infant cardiopulmonary resuscitation, infant obstructed airway, and automated external defibrillator.
4. "Commission on accreditation of medical transport systems" means the commission on accreditation of medical transport systems located in Anderson, South Carolina.
5. "Department" means the state department of health as defined in North Dakota Century Code chapter 23-01.
6. "Emergency medical technician" means a person who meets the requirements of the state emergency medical technician program and is licensed by the department.

7. "Equivalent" means training or equipment of equal or greater value which accomplishes the same results as determined by the department.
8. "Paramedic" means a person who is certified by the national registry of emergency medical technicians and licensed by the department as a paramedic.
9. "Personnel" means qualified primary care providers within an air ambulance service.
10. "Primary care provider" means a qualified individual responsible for care of the patient while on an air ambulance run.

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

**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. License renewal shall be on a biennial basis.
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.

**General Authority:** NDCC 23-27-04

**Law Implemented:** NDCC 23-27-04

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

1. Application for the license shall be made in the manner prescribed by the department.
2. The application must be made for either basic life support air ambulance service as defined in chapter 33-11-05, advanced life support air ambulance service as defined in chapter 33-11-06, or for critical care air ambulance service as defined in chapter 33-11-07.

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

**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 for either basic life support air ambulance services, advanced life support air ambulance services, or critical care air ambulance services 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.

**General Authority:** NDCC 23-27-04

**Law Implemented:** NDCC 23-27-04

**33-11-04-05. Availability of air ambulance services.** Basic life support air ambulance services may be available as needed per licensee's discretion. Advanced life support air ambulance services and 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.

**General Authority:** NDCC 23-27-04

**Law Implemented:** NDCC 23-27-04

**33-11-04-06. Number of personnel required.** For a licensed basic life support air ambulance service, the minimum number of personnel required is one primary care provider as defined in chapter 33-11-05. For a licensed advanced

life support air ambulance service, the minimum number of personnel required is one primary care provider as defined in chapter 33-11-06, except when either the transferring or receiving physician believes the patient's status requires a minimum of two providers. For a licensed critical care air ambulance service, the minimum number of personnel required is two providers as defined in chapter 33-11-07.

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

**General Authority:** NDCC 23-27-04

**Law Implemented:** NDCC 23-27-04

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

1. Operators from another state may pick up patients within this state for transportation to locations within this state when there is a natural disaster such as a tornado, flood, or other disaster which may require available air ambulances to transport the injured.
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.

**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 federal aviation administration regulation title 14 Code of Federal Regulations.

**History:** Effective August 1, 2003.

**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 director.** 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.

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

**General Authority:** NDCC 23-27-04

**Law Implemented:** NDCC 23-27-04

### **33-11-04-15. Other requirements.**

1. The aircraft shall have sufficient space to accommodate at least 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 other than a common cold, 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 in the manner and in the form determined by the department.

**History:** Effective August 1, 2003.

**General Authority:** NDCC 23-27-04

**Law Implemented:** NDCC 23-27-04