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Summary: The Act provides for the regulation of ambulance service delivery in the Western Cape; for the establishment of the Western Cape Ambulance Services Board; for the accreditation, registration and licensing of ambulance services and other issues.

WESTERN CAPE AMBULANCE SERVICES ACT, 2003

ACT

To provide for the regulation of the delivery of ambulance services in the Province; to establish the Western Cape Ambulance Services Board; to provide for the accreditation, registration and licensing of ambulance services; and to provide for matters connected therewith.

Preamble

WHEREAS everyone has the constitutional right not to be refused emergency medical treatment.

AND WHEREAS the Western Cape Provincial Government is committed to ensure a healthy Western Cape community by regulating the provision of high quality, cost effective, professional, integrated and affordable emergency medical care;

BE IT THEREFORE ENACTED by the Provincial Legislature, as follows:-

Definitions

1. (1) In this Act, unless the context otherwise indicates -

“Accreditation” means compliance with criteria and standards prescribed by the MEC;

“ambulance” means an appropriately equipped vehicle, waterborne, airborne or land-based, designed or adapted for the purpose of providing emergency medical care and the transportation of patients. For the purposes of this Act vehicles operated by the South African National Defence Force are not considered ambulances;

“ambulance personnel” means personnel appropriately registered with the Health Professions Council of South Africa;

“ambulance service” means any person, organization or body that is dedicated, staffed and equipped to offer:

- (a) emergency medical care;
- (b) inter-hospital medical treatment;
- (c) transport of the ill and/or injured; and
- (d) the medical rescue of patients from a medical rescue situation;

“Board” means the Western Cape Ambulance Services Board;

“Department” means the Western Cape Department of Health;

“disaster” means a progressive or sudden, widespread or localized occurrence, due to natural or human causes resulting in a catastrophic situation whereby the day to day patterns of life are, or are threatened to be, disrupted and people are, or are threatened to be, plunged into helplessness and suffering;

“emergency medical care” means the rescue, evaluation, treatment and care of an ill or injured person in an emergency care situation and the continuation of treatment and care during the transportation of such patients to or between medical facilities in order to prevent loss of life, aggravation of illness or injury;

“emergency medical service” means a complex and extensive organization of people, equipment and facilities specifically to respond to the emergency medical care needs of a community. Ambulance services are a major and integral part of an emergency medical service;

“HOD” means the Head of Department of Health;

“inspecting officer” means a registered medical practitioner or registered Paramedic appointed by MEC for the purpose of inspecting ambulance services;

“MEC” means the Member of the Executive Council for Health;

“prescribe” means prescribe by the regulations and prescribed has a corresponding meaning;

“Province” means the Western Cape Province as contemplated in Section 103 of the Constitution of South Africa, 1996 (Act 108 of 1996);

“this Act” includes the regulations.

- (2) The provisions of this Act apply throughout the Province.

Interpretation of the Act

2. This Act must be interpreted-

- (a) to give effect to its purpose; and

- (b) in compliance with the Constitution, provincial and national health policies.

Purpose of the Act

- 3. The purpose of this Act is-
 - (a) to regulate the delivery of ambulance services;
 - (b) to establish the Board; and
 - (c) to provide for the accreditation, registration and licensing of ambulance services.

Objectives of ambulance services

- 4. The objectives of an ambulance service are-
 - (a) to respond rapidly to requests for assistance in an emergency situation;
 - (b) to provide specialized medical skills to maintain life and to reduce injuries in emergency situations and while transporting patients;
 - (c) to provide specialized transport facilities to transport patients requiring emergency medical care; and
 - (d) to foster public education in emergency medical care.

Establishment of the Western Cape Ambulance Services Board

- 5. (1) There is hereby established the Western Cape Ambulance Services Board.
 - (2) The composition, appointment, remuneration, tenure of office and termination of membership of the Board shall be prescribed.

Powers and Function of the Board

- 6. (1) The functions of the Board are:
 - (a) to advise the HOD on matters related to ambulance services including but no limited to accreditation, registration, licensing, adherence to prescribed norms and standards, and cancellation of licences;
 - (b) to advise the MEC on all matters related to ambulance services referred to the Board by the MEC;
 - (c) to advise the MEC on inspections of ambulance services and appeals;
 - (d) to convene public forums at the request of the MEC in order to foster public awareness and public participation on matters related to ambulance services; and
 - (e) to advise the MEC on all matters raised at public forums for consideration by the MEC.
- (2) the Board shall report quarterly on its activities to the MEC.

Accreditation, Registration and licensing

7. (1) No person or organization shall establish, extend, conduct, maintain, manage, control or render an ambulance service or permit or arranged for such a service to be provided unless such an ambulance service has been accredited, registered and licensed in accordance with the provisions of this Act.
- (2) The procedure and requirements for accreditation, registration and licensing shall be prescribed by the MEC.
- (3) The HOD shall issue the prescribed licence which shall be valid for three (3) years from the date of issue and such licence shall not be transferable.
- (4) An application for renewal of licence shall be made in a manner and within time limits prescribed by regulation.
- (5) An ambulance service must operate on a 24-hour basis, seven (7) days a week, and its infrastructure shall be capable of supporting it over the period of operation.
- (6) Notwithstanding the provisions of subsection (5), an ambulance service may be accredited where it does not operate on a 24-hour basis, seven (7) days a week, provided that such accreditation shall only be valid for the period or event stipulated in the licence.

Norms, standards and quality assurance

7. (1) The MEC shall prescribe minimum norms and standards for the delivery of ambulance services which will include –
 - (a) equitable access;
 - (b) the use of volunteers;
 - (c) personnel, vehicle and equipment requirements;
 - (d) communication and co-ordination procedures; and
 - (e) systems to receive, investigate and remedy complaints.
- (2) The MEC may appoint so many inspecting officers on prescribed terms and conditions of service and with prescribed powers and duties, as deemed necessary for inspection of ambulance services.

Fees

8. (1) The MEC may prescribe fees payable to the department for accreditation, registration, licensing, renewal of licence and for appeal; and
- (2) The MEC may adjust the prescribed fees by notice in the *Provincial Gazette*.

Cancellation of licence

10. The HOD may at any time cancel a licence should the ambulance service –
 - (a) fail to comply with any conditions and requirements imposed in terms of this Act; and

- (b) fail to furnish returns, particulars or information that is required to furnish as prescribed.

Appeal

- 11. (1) Any person or organization whose application for accreditation, registration or licensing has been refused, or licence cancelled in terms of this Act, may within thirty (30) days of the decision, appeal in writing to the MEC in terms of the provisions of this Act:
 - (a) stating clearly the decision against which such appeal is lodged, and
 - (b) the grounds upon which such appeal is made.
- (2) After receipt of the appeal the MEC must request the HOD to forthwith furnish the MEC with reasons for the decision.
- (3) The MEC must consider the appeal and notify the appellant of the outcome of the appeal within sixty (60) days after receipt of the appeal.
- (4) The MEC may confirm the decision appealed against or substitute a new decision for it.
- (5) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision.

Powers of ambulance personnel

- 12. (1) Ambulance personnel may whenever they reasonably regard it as necessary or expedient in order to perform any act, and may also –
 - (c) temporarily close any road or street;
 - (d) enter any premises by any reasonable means;
 - (e) damage, destroy, pull down or utilise any property: Provided that the owner of such property so damaged, destroyed, pulled down or utilised shall be compensated therefore by the ambulance service concerned to an amount agreed upon by the ambulance service and the owner, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965); and
 - (f) cause to be removed from the scene any person who is dangerous, or in danger, or who obstructs that practitioner in the performance of his/her duties.

Powers of MEC during a disaster

- 13. (1) During a disaster the MEC shall assume responsibility for the co-ordination of the medical rescue, treatment and distribution to appropriate medical facilities of all patients.
- (2) In situations contemplated in subsection (1), or where urgent action is necessary in the public interest, the MEC may require any person, including a controlling authority, to make available his/her

service, or equipment or material under his/her control, to a particular service or to employ it in a particular way.

Offences and Penalties

- 14.** Any person or organization who -
- (a) establishes, extends, conducts, maintains, manages, controls or renders an ambulance service which is not registered in terms of the provisions of this Act; or
 - (b) extends or makes alterations to the vehicles of an ambulance service after accreditation without prior written approval of the HOD; or
 - (c) obstructs or hinders the Inspecting Officer or any person acting on his behalf in the performance of his duties in terms of this Act; or
 - (d) obstructs or prevents access of ambulance personnel to a patient in an emergency medical care situation; or
 - (e) wilfully summons an ambulance service without a valid reason to do so,
 - (f) fits a vehicle with a siren, red flashing beacon and displays:
 - (i) the red Star of Life; and /or
 - (ii) the term "paramedic" or any other derivative thereof; and/or
 - (iii) the term "medical" or any derivative thereof; and/or
 - (iv) the phrases "advanced life support", "intermediate life support" and "basic life support" without the vehicle being under control of an accredited ambulance service or
 - (v) impersonates any ambulance personnel,shall be guilty of an offence and, on conviction, liable to a fine not exceeding R30 000,00 or to imprisonment for a period not exceeding three (3) years or to both such fine and or imprisonment.

Delegation

- 15.** (1) The HOD may, for the effective execution of the provisions of this Act delegate a power conferred on him/her under this Act, to any officer of the Department.
- (2) A person to whom a power has been delegated, must exercise a power or perform the duty subject to conditions that the HOD considers necessary.
- (3) A delegation –
- (a) must be in writing;
 - (b) does not prevent the HOD from exercising the power, and
 - (c) may at any time be withdrawn.

Regulations

- 16.** The MEC may after consultation with the Portfolio Committee on Health, by notice in the *Provincial Gazette* prescribe regulations not inconsistent with this Act, regarding -
- (a) any matters referred to in this Act, and

(b) any matters which the MEC deems necessary and appropriate to prescribe in order to achieve the objects of this Act.

Short title

17. This Act is called the Western Cape Ambulance Services Act, 2003.