

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

ORDINANCE # 265

AN ORDINANCE AMENDING THE LINCOLN COUNTY CODE, ORDINANCE NO.155, BY ADDING NEW PROVISIONS CODIFIED AS SECTION 7.805 THROUGH SECTION 7.860, REGULATING AMBULANCE SERVICE PROVIDERS, AND DECLARING AN EMERGENCY

THE BOARD OF COMMISSIONERS for the County of Lincoln ordains as follows:

SECTION 1.

The Lincoln County Code adopted as Ordinance No. 155, is hereby amended to add the following:

7.805 Policy and Purpose

Sections 7.805 through 7.860 shall be known as the "Ambulance Service Providers Regulations" and are adopted pursuant to the authority provided the county in ORS 823.220 and ORS 203.035. The Board of Commissioners finds:

- (1) That ORS 823.180 requires Lincoln County to develop a plan for the county relating to the need for and coordination of ambulance services and to establish Ambulance Service Areas consistent with the plan to provide efficient and effective ambulance service.
- (2) That these Code provisions, which establish Ambulance Service Areas, the methods for selecting ambulance providers for each Service Area and establish the Lincoln County Emergency Medical Services Advisory Committee, together with the Lincoln County Service Area document, dated March 7, 1988, which is attached to the ordinance adopting these Code provisions and incorporated therein, makes up the Lincoln County Ambulance Service Area Plan.

7.810 DEFINITIONS

The words and phrases in these Code provisions shall have the meaning provided in ORS Chapter 823 and OAR Chapter 333, Division 28, unless specifically defined herein to have a different meaning.

7.815

EXEMPTIONS

These Code provisions shall not apply to:

- (1) Ambulances owned by or operated under the control of the United States Government.
- (2) Vehicles being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance service of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident.
- (3) Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved.
- (4) Ambulances or vehicles transporting patients from outside the County to a health care facility within the County, or which are passing through without a destination in the county.

7.820

AMBULANCE SERVICE AREAS

For the efficient and effective provision of ambulance services, in accordance with the Lincoln County Ambulance Service Plan, the ambulance service areas shown on the map, Exhibit "B", attached hereto and incorporated herein by this reference, are hereby adopted as the Ambulance Service Areas, and providers for Lincoln County. The Board of Commissioners, by the adoption of an Order, may adjust the boundaries of the Ambulance Service Areas from time to time as necessary to provide efficient and effective ambulance services.

7.825

ASSIGNMENT OF AMBULANCE SERVICE AREAS

- (1) Effective June 1, 1988 no person shall provide ambulance services in Lincoln County unless an Ambulance Service Area has been assigned to that person pursuant to this section.

- (2) Any person desiring to provide ambulance services within Lincoln County, shall submit a letter of request, listing qualifications, to the Lincoln County Health Officer, within 30 days of the effective date of this Ordinance. The letter of request shall be reviewed by the Lincoln County Emergency Medical Services Advisory Committee created by this Ordinance which shall recommend the assignment of Ambulance Service Areas to the Board of Commissioners. The assignment of Ambulance Service Areas shall be made by an Order of the Board of Commissioners.
- (3) A letter of request required by subsection 2 above shall include the following information:
 - (a) The name and address of the person applying for the assignment of an Ambulance Service Area.
 - (b) The Ambulance Service Area the person desires to service and the location from which ambulance services will be provided.
 - (c) A list of personnel to be used in providing ambulance service and their current Emergency Medical Technician certificate number.
 - (d) A list of vehicles to be used in providing ambulance services including year, make and model and verification that each vehicle is certified as a basic life support and/or advance life support vehicle by the State of Oregon,
 - (e) Sufficient additional information to allow for the review of the application in light of the review criteria established by the Lincoln County Ambulance Service Area Plan.
 - (f) Such additional information deemed necessary by the Lincoln County Emergency Medical Services Advisory Committee or the Board of Commissioners.
- (4) Each letter of request shall be reviewed for the applicant's conformity with the

requirements of Oregon law for providing ambulance services, the specific criteria of the Lincoln County Ambulance Services within Lincoln County.

- (5) The assignment of the initial Ambulance Service Areas shall be valid from the date of issuance until June 30, 1991. Thereafter, the assignment of Ambulance Service Areas may be renewed for additional three year terms commencing on the first day of July pursuant to subsection 6 below and subject to the provisions for suspension or revocation as set forth in Section 9 below.
- (6) Not less than the forty-five (45) days prior to the expiration of the assignment of an Ambulance Service Area (e.g. May 15, 1991 for the initial assignment), any person desiring the renewal of an assignment or a new assignment of an Ambulance Service Area shall submit a letter requesting to be assigned an Ambulance Service Area. The letter shall include the information required by subsection 3 above except that letters of request for renewal need only provide such information necessary to bring the original letter up to date. The review of the request and assignment of the Ambulance Service Area shall be in accordance with this Section.
- (7) In the event that a person assigned an Ambulance Service Area discontinues service before the expiration of the assignment, the Board of Commissioners shall set a time by which applications must be submitted for reassignment of the Ambulance Service Area. The review of the application and assignment of the Ambulance Service Area shall be in accordance with this Section and the assignment shall be for the remainder of the term unless otherwise specified by the Board of Commissioners.
- (8) Not less than fifteen (15) days prior to any date when the applications for the assignment of an Ambulance Service Area are due, notice of such application due date shall be posted in three (3) public places and published at least one in a newspaper of general circulation in Lincoln County.

7.830

DUTIES OF AMBULANCE SERVICE PROVIDER

Upon assignment of an Ambulance Service Area to a person in accordance with Section 7, the person providing ambulance service;

- (1) Shall conduct its operations in strict compliance with all applicable State and Federal laws and regulations and the terms of this Ordinance and the Lincoln County Ambulance Service Area Plan.
- (2) Shall not fail or refuse to respond to an emergency call for service if an ambulance is available for service.
- (3) Shall not respond to a medical emergency located outside its assigned Ambulance Service Area except:
 - (a) When a request for a specific ambulance service provider is made by the person calling for the ambulance and the call does not dictate an emergency response;
 - (b) When the ambulance service provider assigned to the Ambulance Service Area is unavailable to respond and the person is requested by the other provider or 9-1-1 dispatch to respond; or
 - (c) When the response is for supplemental assistance or mutual aid.
- (4) Shall not transfer the assignment of an Ambulance Service Area without written notice to and approval of the Board of Commissioners. The written notice shall include an application for assignment of the Ambulance Service Area submitted by the transferee. The application shall be reviewed in accordance with Section 7.
- (5) Shall not voluntarily discontinue service to the assigned Ambulance Service Area without giving ninety (90) days written notice to the Board of Commissioners.

7.830³⁵

SUSPENSION OR REVOCATION OF ASSIGNMENT

- (1) Upon a recommendation by the Lincoln County Emergency Medical Services Advisory

Committee, or upon its own motion, the Board of Commissioners may suspend or revoke the assignment of an Ambulance Service Area upon a finding that the holder thereof has:

- (a) willfully violated provisions of this Ordinance, the Lincoln County Ambulance Service Area Plan or provisions of State or Federal laws and regulations; or
 - (b) materially misrepresented facts or information given in the application for the assignment of an Ambulance Service Area or as part of the review of the performance of the service furnished by the provider.
- (2) In lieu of the suspension or revocation of the assignment of Ambulance Service Area, the Board may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided to the holder of the assignment which shall specify the violation, the action necessary to correct the violation and the date by which the action must be taken. The holder of such assignment shall notify the Board of the action within the time required, the Board shall notify the holder that the assignment is suspended or revoked upon receipt of the notice.

7.835⁴⁰

APPEAL

A person receiving a notice of the assignment, denial, suspension, revocation or contingent suspension or revocation of an Ambulance Service Area may request a hearing before the Board of Commissioners by filing with the Board of Commissioners a written request for hearing within fourteen (14) days of the decision, setting forth the reasons for the hearing and the issues proposed to be reviewed. The filing of a hearing request shall stay the action pending the hearing and final determination by the Board of Commissioners, ^{unless the Board} makes a written finding that prompts implementation of the decision ~~is required~~ due to an immediate hazard to the public safety. The Board of Commissioners shall set a time and place for a hearing which shall be de novo on the record or a full de novo hearing, as determined by the Board. Within fourteen

(14) days after the conclusion of the hearing, the Board shall affirm, reverse or modify its original decision.

7.840¹⁵

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

- (1) There is hereby created a Lincoln County Emergency Medical Services Advisory Committee, the members of which shall be appointed by the Board of Commissioners for two (2) year terms. The Committee shall choose its own chairperson and meet quarterly or when called upon by the Board of Commissioners or its Chairperson. Motions shall be passed by a majority of those attending.
- (2) The Committee shall consist of:
 - (a) Five (5) ambulance operator's representatives who are EMT's
 - (b) One (1) fire department representative
 - (c) One (1) emergency physician
 - (d) One (1) hospital administrator
 - (e) Two (2) public members
 - (f) One (1) representative of the Lincoln County Health Department
 - (g) One (1) representative of each 9-1-1 PSAP
 - (h) The physician advisors for each ambulance service provider.
 - (i) One (1) representative of the Lincoln County Emergency Services Department.
- (3) The Committee shall have the following powers and duties:
 - (a) Review and make recommendations to the Board of Commissioners regarding all applications for assignment of Ambulance Service Areas.
 - (b) Provide for on-going input to the County from pre-hospital care consumers, providers and the medical community.

- (c) Periodically review the performance of ambulance service providers within Lincoln County.
- (d) Periodically review the Lincoln County Ambulance Service Area Plan and make recommendations to the Board of Commissioners including, but not limited to:
 - (1) review standards established in the plan and make recommendations regarding improvement an/or new standards as required by OAR 333-28-120(1-3);
 - (2) monitor coordination between emergency medical service resources;
 - (3) review dispatch procedures and compliance; and
 - (4) review the effectiveness and efficiency of the Ambulance Service Area boundaries.
- (e) Develop and implement a quality assurance program, including but not limited to training, to insure compliance with the Lincoln County Ambulance Service Area Plan.

7.845⁵⁰

INITIAL RESPONDER

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an ambulance service provider. Such initial response shall only be in accordance with this Section.

- (1) The initial responder shall be a municipal corporation or a special district within Lincoln County that provides emergency services within its jurisdiction and requests to be dispatched to medical emergencies.
- (2) The initial responder shall respond with Emergency Medical Technicians and/or First Responders that are certified by the State of Oregon and who are employed by or volunteer with the initial responder.
- (3) Upon the arrival of the ambulance service provider at the location of the medical emergency, the

ambulance service provider shall be in charge of, and responsible for, the continuation of emergency medical services. The initial responder shall continue to provide emergency medical services only at the direction of the ambulance service provider.

7.850⁵⁵

PENALTIES

Any person who violates any of these provisions is guilty of a violation. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision.

Violations of these provisions is punishable, upon the conviction by a fine of not more than Five Hundred (\$500) Dollars for a non-continuing offense, i.e., an offense not spanning two (2) or more calendar days. In the case of a continuing offense, i.e., an offense which spans two (2) or more consecutive calendar days, violation of the provisions is punishable by a fine of not more than Five Hundred (\$500) Dollars per day up to the maximum of One Thousand (\$1,000) Dollars as provided by law.

7.855⁶⁰

NUISANCE

In addition to penalties provided by Section 12, violation of any of the provisions is declared to be a nuisance and may be regarded as such in all actions, suits and proceedings unless the provisions are declared invalid by a Court of competent jurisdiction. Pursuant to ORS 823.180(5), these provisions shall be enforceable by the Health Division of the State of Oregon, Department of Human Resources in a proceeding in Circuit Court for equitable relief.

SECTION 2 SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 3 EMERGENCY CLAUSE

This ordinance, being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance takes effect upon its adoption.

ADOPTED this 6th day of April, 1988

BOARD OF COMMISSIONERS

Norma McMillin
Chairman

Frank Armstrong
Commissioner

Alberta Bryant
Commissioner

APPROVED AS TO FORM:

Wayne Belmont
Wayne Belmont
County Counsel