

BOARD OF COMMISSIONERS

COUNTY OF KLAMATH

STATE OF OREGON

Date 3-5-92
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Ordinance

IN THE MATTER OF REGULATING)
AMBULANCE SERVICE PROVIDERS) ORDINANCE NO. 39.5
AND REPEALING ORDINANCE NO. 39.4)

WHEREAS, on October 19, 1988, Klamath County enacted Ordinance 39.4 in the matter of regulating ambulance service providers; and

WHEREAS, it has become necessary to amend the Ordinance due to changes in the Oregon Revised Statutes and the Klamath County Ambulance Service Area Plan;

NOW, THEREFORE, the Board of Commissioners for the County of Klamath hereby ordains as follows:

SECTION I. TITLE, AUTHORITY, POLICY AND PURPOSE, AND SCOPE

1.1 Title. This Ordinance shall be known as the Klamath County Ambulance Ordinance.

1.2 Authority. This Ordinance is enacted pursuant to ORS 823.220 and ORS 203.035, and OAR 333.28-095 through 333.28-130.

1.3 Policy and Purpose. The Board of Commissioners finds:

a) That ORS 823.180 requires Klamath 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 areas;

b) That this Ordinance, which establishes Ambulance providers for each service area; together with Exhibit "A" attached hereto and incorporated herein by this reference; establishes the Klamath County Ambulance Advisory Board; and creates the Klamath County Ambulance Service Area Plan.

1.4 Scope. This Ordinance and the Klamath County Ambulance Service Area Plan apply to all organizations or persons who provide pre-hospital emergency care within the County except for those who are exempt by ORS 823.030.

SECTION 11. DEFINITIONS

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

SECTION III. AMBULANCE SERVICE AREAS

For the efficient and effective provision of ambulance services in accordance with the Klamath County Ambulance Service Area Plan, the ambulance service areas shown on the map as Appendix "A", are hereby adopted as the Ambulance Service Areas for Klamath 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.

SECTION IV. ASSIGNMENT OF AN AMBULANCE SERVICE AREA

Effective July 1, 1992, no person shall be assigned an Ambulance Service Area in Klamath County unless a license has been approved pursuant to this amended Ordinance.

Public notice shall be given at the time a Request for Proposal is solicited for the assignment of the Ambulance Service Area.

SECTION V. LICENSING OF AMBULANCE SERVICE

No person shall provide ambulance service, offer to provide ambulance service, or advertise for the performance of ambulance service in Klamath County unless licensed pursuant to this Ordinance or exempted from such requirement by State or Federal Law. This license is issued independently of the State License, which is issued annually through the State of Oregon EMS Division.

5.1 Licenses.

a) An Advanced Life Support (ALS) License shall be required for those units staffed by an Oregon-Certified Emergency Medical Technician 3 or 4 as defined in ORS 823.020 through ORS 823-820, or a Certified Registered Nurse, M.D. or D.O. or as otherwise accepted as an ALS unit by the State of Oregon.

b) A Basic Life Support (BLS) License shall be required for those units staffed by an Oregon-Certified Emergency Medical Technician 1 or 2.

c) An Advanced Life Support/Basic Life Support (ALS/BLS) license shall be required for those units staffed by an Oregon Certified Emergency Medical Technician 1 or 2, that also are

periodically staffed by an Oregon Certified Medical Technician 3 or 4, or Certified RN. An ALS/BLS license shall also be required for ambulances staffed by an EMT 1 or 2 who plan to have mutual aid with an ALS service but wish to have the patient remain on their unit throughout the transport. ALS/BLS units must meet ALS unit inspection standards but cannot advertise themselves as an ALS service.

d) It shall be a violation of this Ordinance for a Basic Life Support licensee to provide advanced life support services without first obtaining an Advanced Life Support license pursuant to this Ordinance.

e) In an emergency situation and upon direction of the senior medical person in the emergency room of the appropriate hospital, a BLS licensed ambulance may support and transport ALS patients.

f) An ambulance service license shall be issued for a term of five (5) years, provided annual inspections are conducted and license fees are paid on an annual basis.

SECTION VI. REQUIREMENTS FOR LICENSE APPROVAL.

Any person desiring to obtain or renew a license to engage in the business of operating an ambulance or ambulances within Klamath County shall submit an application to the Klamath County Ambulance Advisory Board. The applications shall be reviewed by the Ambulance Advisory Board created by this Ordinance which shall recommend the issuance of licenses to the Board of Commissioners. The issuance of licenses and the assignment of Ambulance Service Areas shall be made by an Order of the Board of Commissioners.

6.1 Required Information. An application shall include the information required in the Proposal to Provide Ambulance Service and this information shall be updated on an annual basis:

- a) The name and address of the person applying for the license;
- b) Whether the applicant is applying for a Basic Life Support and/or an Advanced Life Support license;
- c) A list of vehicles used in providing ambulance services, including year of manufacture, make and model, mileage, and verification that each vehicle is certified as a Basic Life Support and/or Advanced Life Support vehicle by the State of Oregon. Annual vehicle maintenance records shall be submitted;

d) A list of personnel to be used in providing ambulance service, a general description of their duties, and their current Emergency Medical Technician certification number;

e) Whether or not any owner and employees of the provider (or any officer if applicant is a corporation) has ever been charged with or convicted of any felony or misdemeanor, including violations of city ordinances that would be a felony or misdemeanor, in the past seven (7) years, and whether or not any ambulance driver has been charged with or convicted of any moving traffic violations in the past seven (7) years; and if so, details as to when, where, and for what offense. All information received shall be kept confidential;

f) A schedule of all rates for services charged or proposed to be charged by the applicant shall be filed with the Board of Commissioners and a public hearing shall be held prior to approval.

6.2 Application Review. Each application shall be reviewed for the applicant's conformity with the requirements of Oregon law for providing ambulance service, in accordance with the initial proposal to provide ambulance service, the Klamath County Ambulance Service Area Plan and the need for efficient and effective ambulance services within Klamath County. The Ambulance Advisory Board shall fix a time and place for a public review of the application. Any interested person may appear and/or file with the Ambulance Advisory Board a memorandum in support or opposition to the issuance of a Letter of Recommendation.

6.3 Ambulance Inspection. All ambulance service vehicles and equipment used in patient care and transport in Klamath County will be inspected on an annual basis. They will be inspected on an ALS or BLS level. If they meet the required standards, they will be issued a Certificate of Compliance. This certificate is required to maintain a valid Ambulance Service Provider License at both the State and County level.

The State of Oregon, EMS Division, has given the authority for these inspections to a designated agent of the Klamath County Health Department. If a vehicle and/or its equipment is found to not meet standards and is out of compliance, it can no longer be used for patient care or transport. The burden is then on the provider to correct deficiencies and demonstrate compliance to the Klamath County Health Department.

Annual inspections shall be accomplished during a ninety (90) day period which shall be from February 15 to May 15 of each calendar year. The scheduling and arrangements for these annual inspections shall be the direct responsibility of the provider with the provider giving the Klamath County Health Department a minimum of two (2) week notification.

Due to the potential critical nature, any irregularities found during an ambulance inspection must be corrected within two (2) weeks. In the event corrections are not made within the two week period, the Board of County Commissioners shall proceed with immediate action to suspend the license pursuant to the provisions of Section 10.4 of this Ordinance.

In the event follow-up inspections are necessary because of non-conformance, the Klamath County Health Department shall impose a fee, to be approved by Order of the Board of County Commissioners, to cover the additional cost.

6.4 License Duration. The initial licenses and assignments of the Ambulance Service Areas shall be issued for a period of five (5) years and shall be valid from the date of issuance until June 30, 1997. Thereafter, licenses and assignments may be renewed commencing on the first day of July subject to the provisions for suspension or revocation as set forth in Section X.

6.5 Renewal of License and Ambulance Service Area. Not less than forty-five (45) days prior to the expiration of the five (5) year period for the license and assignment of an Ambulance Service Area, any person desiring the renewal of the license and assignment of an Ambulance Service Area, or a new license and assignment of an Ambulance Service Area shall submit an application to be granted a license and assigned an Ambulance Service Area. The application shall include the information required by Subsection 6.1 and in accordance with the Request for Proposal issued by the Board of Commissioners. Applications for renewal need only provide such information necessary to bring the original application up to date.

6.6 Discontinued Service. In the event that a person licensed and 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 application shall be in accordance with the Request for Proposal issued by the Board of Commissioners. Assignment of the Ambulance Service Area shall be for the remainder of the term unless otherwise specified by the Board of Commissioners.

SECTION VII. DUTIES OF AMBULANCE SERVICE PROVIDER

Upon issuance of a license and assignment of an Ambulance Service Area to a provider in accordance with the proposal, the provider:

1. Shall conduct its operations in strict compliance with all applicable State and Federal laws and the terms of this Ordinance and the Klamath 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 or to another's assigned Ambulance Service Area except:

a) When the ambulance provider assigned to the Ambulance Service Area is unavailable to respond and is requested by the other provider or the appropriate dispatch to respond; or

b) When the response is for a supplemental assistance or mutual assistance;

4. Shall not transfer the issued license and assignment of an Ambulance Service Area without written notice to, and recommended approval by, the Ambulance Advisory Board to the Board of Commissioners. The written notice shall include application for license and assignment of the Ambulance Service Area submitted by the transferee. The application shall be reviewed in accordance with Section VI, and the transfer shall become effective with the Board of Commissioners approval;

5. Shall not voluntarily discontinue service to the assigned Ambulance Service Area without giving ninety (90) days written notice to the Board of Commissioners.

SECTION VIII. AMBULANCE ADVISORY BOARD

There is hereby created a Klamath County Ambulance Advisory Board.

8.1 Membership. The Ambulance Advisory Board shall consist of:

a) At least two physicians, one of which shall be a Physician Supervisor of an ambulance service providing service in Klamath County;

b) An EMT representative from each Ambulance Service Area or medical response provider, with no more than one (1) representative from each provider;

c) One representative from the Emergency Department of Merle West Medical Center;

d) The Klamath County Emergency Services Director;

e) Three (3) Lay Members who are not associated with health services;

f) The Administrator of Klamath County Division of Health Services shall be an Ex-Officio member;

g) Members of the Ambulance Advisory Board shall be electors of the County and shall be appointed by the Board of County Commissioners.

8.2 Meetings. The Ambulance Advisory Board, after its appointment, shall hold an

organizational meeting to adopt internal rules of procedure to aid in the administration of this Ordinance and the Klamath County Ambulance Service Area Plan and to determine its regular meeting dates.

8.3 Terms of Appointment. With respect to the initial appointments to the Ambulance Advisory board, one-third of its membership shall be appointed for a one-year term, one-third to a two-year term, and one-third to a three-year term. Thereafter, all appointments shall be for three-year terms.

8.4 Duties of the Board. The Ambulance Advisory Board shall be charged with:

a) Periodically reviewing the Klamath County Ambulance Service Area Plan and making recommendations to the Board of Commissioners including, but not limited to: reviewing standards established in the plan and making recommendations regarding improvement and/or new standards as required by OAR 333.28-120(1-3); monitoring coordination between emergency medical service resources; reviewing dispatch procedures and compliance; and reviewing the effectiveness and efficiency of the Ambulance service Area boundaries;

b) Reviewing and monitoring the quality assurance programs, including but not limited to training, to insure compliance with the Klamath County Ambulance Service Area Plan;

c) Providing for on-going input to the County from pre-hospital care consumers, providers, and the medical community;

d) Periodically reviewing the performance of ambulance service providers within the County; and

e) Performing the responsibilities further enumerated by this Ordinance.

SECTION IX. INITIAL RESPONSE.

Nothing in this Ordinance prohibits an agency responsible for the dispatching of emergency services from dispatching an initial medical 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.

9.1 Initial Responders. The initial responder shall respond with Oregon Certified Emergency Medical Technicians and/or First Responders and who are employed by or volunteer with the initial responder, if available.

9.2 Ambulance Service Provider. Upon arrival of the ambulance service provider at the location of the medical emergency, the ambulance 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 at the direction of the ambulance service provider.

SECTION X. REVOCATION, SUSPENSION OR DENIAL OF LICENSE AND AMBULANCE SERVICE AREA

Any license issued and Ambulance Service Area assigned pursuant to this Ordinance shall be subject to revocation, suspension, or denial by the Board of County Commissioners, when, upon its own motion, a provider is found to have:

- a) Willfully violated provisions of this Ordinance, the Klamath 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 license and assignment of an Ambulance Service Area or as part of the review of the performance of the service furnished by the provider.

10.1 Procedure. Prior to initiation of revocation, suspension, or denial, the Board of Commissioners will provide a license holder with thirty (30) days notice of any alleged failure to meet requirements of this Ordinance and the Klamath County Area Service Plan. However, such action shall not proceed if, within thirty (30) days, the license holder has corrected the said identified failure to the satisfaction of the Board of Commissioners.

10.2 Charges To Be Filed With Board. No such license and assignment shall be revoked, or suspended without charges in writing first being filed with or by the Board of Commissioners setting forth with reasonable certainty the nature of such charges against said license holder. Upon the filing of charges aforesaid, the Board of Commissioners shall fix a time and place for the hearing of said charges by the Board of Commissioners.

10.3 Notice. The holder of the license shall be provided a copy of the charges as filed and the time and place for the hearing of said charges at least thirty (30) days prior to the date fixed by the Board of Commissioners for the hearing. The license holder shall have the right to appear and defend against the charges, and, if he so desires, to be represented by counsel.

10.4 Emergency Revocation Procedure. In an emergency, the Board of Commissioners shall proceed with immediate action to suspend a license, provided that the Board of Commissioners finds that it is a danger to the public health and safety to allow the license holder to continue doing business. The Board of Commissioners, having made such finding, shall serve written notice of suspension to the

license holder and to the State Health Division. This notice shall advise the license holder that it shall, within ten (10) days of the date of service upon said license holder, request a hearing before the Board of Commissioners.

a) Upon receipt of the request for hearing, the Board of Commissioners shall set a time and a place for a hearing at the earliest possible time and shall promptly notify the license holder as to the time and place of hearing by certified mail, return receipt requested, to the last known mailing address of the license holder. Notice may also be given to such persons as the Board of Commissioners may believe to be interested persons.

b) At the hearing, the license holder shall have the same rights as set forth in Subsection 10.3.

10.5 Appeal. Any person whose license is revoked, denied or suspended may, within sixty (60) days from the date of the order, appeal the decision to the Circuit Court. All appeals to Circuit Court shall be by Writ of Review.

SECTION XI. OBEDIENCE TO LAWS

In addition to the provisions of this Ordinance and the Klamath County Ambulance Service Area Plan, all ambulance providers shall comply with all applicable laws, ordinances, and regulations now in force, or hereinafter enacted, governing the operation of motor vehicles upon highways, streets, alleys and other public ways.

SECTION XII. PENALTIES

Violation of this Ordinance shall be punishable, upon conviction, by a fine of not more than \$250.00 for each day that a license holder conducts business in violation of this Ordinance and the Klamath County Ambulance Service Area Plan.

SECTION XIII. FEES

Fees for licenses shall be set from time to time by resolution of the Board of Commissioners.

SECTION XIV. REPEALER

Ordinance No. 39.2, Ordinance No. 39.3, and Ordinance No. 39.4 are hereby repealed in their entirety.

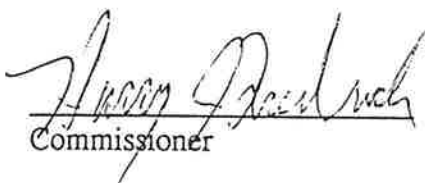
SECTION XV. SEPARABILITY


If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

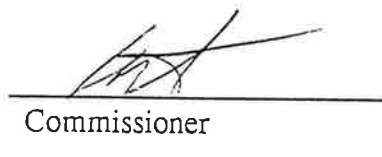
SECTION XVI. CONFLICT OF INTEREST

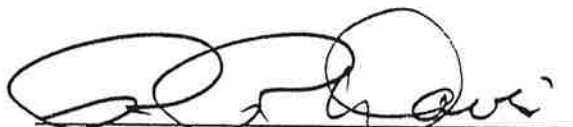
Members of the Ambulance Advisory Board shall avoid acting in any matters where a conflict of interest may arise. Any board member having a direct or indirect financial or pecuniary interest in any matter before the board for consideration shall withdraw from participation in any action taken by the board in said matter. Nothing in this section shall limit the ability of any person to provide testimony to the board.

Done and dated this 4th day of March, 1992.



Commissioner


Commissioner


Commissioner


Approved as to form - County Counsel

ATTEST:


Bonnie Grant
Board Assistant