

AN ORDINANCE REGULATING AMBULANCE SERVICE & GRANTING OF FRANCHISES TO AMBULANCE OPERATORS

COUNTY OF WARREN

An ordinance governing the granting of franchises for ambulance services and other prehospital emergency medical services. The County of Warren Board of Commissioners does ordain the following:

SECTION I. DEFINITIONS

Unless the context otherwise requires, the following definitions shall apply in the interpretation and enforcement of this ordinance:

1.1 AMBULANCE

The term "ambulance" means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

1.2 AMBULANCE ATTENDANT

The term "ambulance attendant" means an individual who has completed a training program in emergency medical care and first aid approved by the North Carolina Department of Human Resources and has been certified as an ambulance attendant by the Department of Human Resources, Office of Emergency Medical Services.

1.3 EMERGENCY MEDICAL TECHNICIAN (EMT)

The term "emergency medical technician" means an individual who has completed a training program in emergency medical care at least equal to the National Standard Training Program for Emergency Medical technicians as defined by the United States Department of Transportation and has been certified as an emergency medical technician by the Department.

1.4 AMBULANCE PROVIDER

The term "ambulance provider" means an individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.

1.5 APPROVED

The term "approved" shall mean approved by the North Carolina Medical Care Commission pursuant to the latter's rules and regulations promulgated under N.C. General Statutes 143B-165.

1.6 SECONDARY AMBULANCE PROVIDER

The term "secondary ambulance provider" shall mean the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

1.7 COUNCIL

The term "council" shall mean the Warren County Emergency Medical Services Council.

1.8 COUNTY

The term "county" shall mean the County of Warren Board of Commissioners or their designated representative.

1.9 DISPATCHER

The term "dispatcher" shall mean a person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise local law enforcement agencies and emergency medical facilities of any existing or threatened emergency.

1.10 EMERGENCY

The terms "emergency" and "emergency transportation service" shall mean the use of an ambulance, its equipment and personnel to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation or physiological or psychological illness or injury.

1.11 FIRST RESPONDER

The term "first responder" shall mean an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

1.12 FRANCHISE

The term "franchise" shall mean a permit issued by the County to a person for the operation of an ambulance service.

1.13 FRANCHISEE

The term "franchisee" shall mean any person having been issued a franchise by the County for the operation of an ambulance service.

1.14 LICENSE

The term "license" shall mean any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.

1.15 NONEMERGENCY TRANSPORTATION SERVICES

The term "nonemergency transportation service" shall mean the operation of an ambulance for any purpose other than transporting emergency patients.

1.16 OPERATOR

The term "operator" shall mean a person in actual physical control of an ambulance which is in motion or which has the engine running.

1.17 OWNER

The term "owner" shall mean any person or entity who owns an ambulance.

1.18 PATIENT

The term "patient" shall mean an individual who is sick, injured, wounded or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

1.19 PERSON

The term "person" shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.

1.20 RESCUE

The term "rescue" shall mean situations where the victim cannot escape an area through the normal exit or under his own power.

SECTION II. FRANCHISE REQUIRED

- 2.1 No person either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the County of Warren unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services, and has been granted a franchise for the operation of such business or service by the County pursuant to this Ordinance.
- 2.2 No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the County of Warren unless he or she holds a currently valid certificate as an ambulance attendant, emergency medical technician, EMT-Intermediate or EMT-Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services.
- 2.3 No franchise shall be required for:
- (a) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the services franchised by the County of Warren are insufficient or unable to cope; or,
 - (b) Any entity operated from a location or headquarters outside of the County of Warren in order to transport patients who are picked up beyond the limits of the County of Warren, to facilities located within the County of Warren.
 - (c) Ambulances owned and operated by an agency of the United States government.

SECTION III. APPLICATION FOR AMBULANCE FRANCHISE

- 3.1 Application for a franchise to operate ambulances in the County of Warren shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain:
- (a) The name and address of the ambulance provider and of the owner of the ambulance(s).
 - (b) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating, such name or articles of incorporation stating such name.
 - (c) A resume of the training and experience of the applicant in the transportation and care of patients.
 - (d) A full description of the type and level of service to be provided including the location of the place or places from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched. An audited financial statement of the applicant as the same pertains to the operations in the County of Warren, said financial statement to be in such form and in such detail as may be required by the County.

- (e) A description of the applicant's capability to provide twenty-four hour coverage, seven days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district.
- (f) Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the County of Warren in accordance with the requirements of state laws and the provisions of this regulation.

SECTION IV. GRANTING OF FRANCHISE

- 4.1 Prior to accepting applications for the operation of an ambulance service, the Board of Commissioners may designate specific service areas as franchise districts. Said districts will be established using criteria that includes geographic size, road access, the location of existing medical transportation services, population, and response time. The County shall have the authority to redistrict or rearrange existing districts at any time at their discretion.
- 4.2 An applicant may apply for a franchise to operate either emergency transportation service or nonemergency transportation service or both. If both types of service are to be provided, separate applications must be filed for each type.
- 4.3 Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within 30 days after hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 4.4 A franchise may be granted if the County finds that:
 - (a) The applicant shows a reasonable effort to meet state standards and standards outlined in the franchise ordinance.
 - (b) The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees to render service.
 - (c) A need exists for the proposed service in order to improve the level of ambulance services available to residents of the county and that this is a reasonable and cost effective manner of meeting the need.

SECTION V. TERM OF FRANCHISE

- 5.1 The County may issue a franchise hereunder to an ambulance provider, to be valid for a term to be determined by the County, provided that either party as its option, may terminate the franchise upon 60 days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.
- 5.2 Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate or emergency medical technician certificate, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance. The franchisee shall not or permit such an individual to drive an ambulance or provide medical care in conjunction with the ambulance service.
- 5.3 Each franchised ambulance service shall comply at all times with the requirements of this Ordinance, the franchise granted hereunder, and all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.

- 5.4 Prior approval of the County shall be required where ownership or control of more than 10 percent of the right of control of franchisee is acquired by a person or group of persons acting in concert, none of whom own or control 10 percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the county shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the County.
- 5.5 Any change of ownership of a franchised ambulance service without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchising.
- 5.6 No franchise may be sold, assigned, mortgaged, or otherwise transferred without the approval of the County; and a finding of conformance with all requirements of this Ordinance as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the State, the County, or their designated representatives.
- 5.7 A franchise may not be defaced, removed, or obliterated.

SECTION VII. STANDARDS FOR DRIVERS AND ATTENDANTS

- 7.1 Standards for drivers and attendants as developed by the North Carolina Medical Care Commission as requirements for certification of ambulance attendants and emergency medical technicians pursuant to Article 7, Chapter 131E-158, and Article 56, Chapter 143, of the General Statutes of North Carolina, and shall be applied and the same are incorporated herein by reference.

SECTION VIII. STANDARDS FOR VEHICLES AND EQUIPMENT

- 8.1 Vehicle and equipment standards as developed by the North Carolina Medical Care Commission pursuant to Article 7, 131E-157, Chapter 130, and Article 56, Chapter 143, of the General Statutes of North Carolina, and shall be applied and the same are incorporated herein by reference.

SECTION IX. STANDARDS FOR COMMUNICATIONS

- 9.1 Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the county to each hospital(s) emergency department in the area served by the ambulance. Each ambulance vehicle shall be equipped with two-way radio communications capabilities compatibility with all hospitals emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the state. Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the county to ambulance dispatching agency within the county.
- 9.2 Each ambulance provider shall maintain current authorizations or Federal Communication Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per Federal Communication Commission's Rules and Regulations.
- 9.3 Each base of operations must have at least one open telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the County of Warren.

SECTION X. INSURANCE

- 10.1 No ambulance franchise shall be issued under this Ordinance, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the County of Warren unless the franchisee has at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of North Carolina, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages.
- (a) In the sum of \$500,000 for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agency; and,
 - (b) In the sum of \$50,000 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State or as approved by the County of Warren.

SECTION XI. RECORDS

- 11.1 Each franchisee shall maintain the following records:
- (a) Record of Dispatch - Shall show time call was received, time ambulance dispatched, time arrived on scene, time arrived at destination, time in service, and time returned to base.
 - (b) Trip Record - Shall state all information required in Section (a) in addition to information on a form approved by the county. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information. A copy of the trip record may serve as a receipt for any charges paid.
 - (c) Daily Report Log - Shall be maintained for the purpose of identifying more than one person transported in any one day.
 - (d) Daily Driver and Attendant Checklist and Inspection Report - Shall list contents and description of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.

SECTION XII. RATES AND CHARGES

- 12.1 Each franchisee shall submit a schedule of rates to the County for approval and shall not charge more nor less than the approved rates without specific approval by the County.
- 12.2 No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.
- 12.3 On nonemergency calls, or calls where a person requires transportation to a nonemergency facility, attempts to collect payments can be made before the ambulance begins its trip.

SECTION XIII. ENFORCEMENT

The Warren County Department of Emergency Medical Services shall be the enforcing agency for the regulations contained in this Ordinance. Such office will:

- (a) Receive all franchise proposals from potential providers.

- (b) Study each proposal for conformance to this Ordinance.
- (c) With the approval of the Council, recommend to the Board of Commissioners the award of the franchise(s) to the applicants submitting the best proposal(s).
- (d) Inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this Ordinance and perform any other inspections that may be required.
- (e) With the approval of the Council, recommend to the Board of Commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this Ordinance. Recommend the imposition of misdemeanor or civil penalties as provided therein.
- (f) Insure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (g) Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by the Council and the County.
- (h) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions. Review the complaint with the Council. Obtain corrective action with the approval of the Council.
- (i) With the approval of the Council, recommend improvements to the County which will insure better medical transportation.
- (j) Maintain all records required by this Ordinance and other applicable County regulations.
- (k) Perform such of the above functions as may be requested by any municipality within the County of Warren.
- (l) Serve as staff to the Warren County Emergency Medical Services Council on all matters that pertain to the Council.

SECTION XIV. MISCELLANEOUS

- 16.1 The County may inspect a franchisee's records, premises, and equipment at any time in order to insure compliance with this Ordinance and any franchise granted hereunder.

SECTION XV. WARREN COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

- 17.1 There is hereby created the Warren County Emergency Medical Services Advisory Council whose membership shall be appointed by the Board of County Commissioners.
- 17.2 The Council shall have the responsibility and duty of advising the Emergency Services Director on matters relating to the enforcement of this Ordinance as specified in Section XIII above and shall develop and recommend for approval by the Board of County Commissioners such standards of care, policies, procedures, and actions which will maintain and improve the quality of emergency medical services for the residents of Warren County.