

**AN ORDINANCE REGULATING AMBULANCE
SERVICE AND GRANTING OF FRANCHISES
TO AMBULANCE OPERATORS**

An ordinance governing the granting of franchises for ambulance transportation services.

The Washington County Board of Commissioners does ordain the following:

SECTION I. DEFINITIONS

1.1 AMBULANCE

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

1.2 MEDICAL RESPONDER

The term "Medical Responder" means an individual who has completed a training program in Emergency Medical Care and First Aid approved by the N.C. Department of Human Resources and has been certified as a Medical Responder by the N.C. 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 N.C. Department of Human Resources, Office of Emergency Medical Services.

1.4 EMERGENCY MEDICAL TECHNICIAN - DEFIBRILLATION

The term "Emergency Medical Technician - Defibrillation" 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 Technician - Defibrillation as defined by the United States Department of Transportation and has been certified as an Emergency Medical Technician - Defibrillation by the N.C. Department of Human Resources, Office of Emergency Medical Services.

1.5 EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE

The term "Emergency Medical Technician - Intermediate" 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 Technician - Intermediate as defined by the United States Department of Transportation and has been certified as an Emergency Medical Technician - Intermediate by the N.C. Department of Human Resources, Office of Emergency Medical Services.

1.6 EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC

The term "Emergency Medical Technician - Paramedic" 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 Technician - Paramedic as defined by the United States Department of Transportation and has been certified as an Emergency Medical Technician - Paramedic by the N.C. Department of Human Resources, Office of Emergency Medical Services.

1.7 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 ambulances in non-emergency situations.

1.8 APPROVED

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

1.9 COUNTY

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

1.10 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.

1.11 FRANCHISE

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

1.12 FRANCHISEE

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

1.13 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.

1.14 NON-EMERGENCY TRANSPORTATION

The term "Non-Emergency Transportation" shall mean the operation of an ambulance for any purpose other than transporting Emergency patients.

1.15 OPERATOR

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

1.16 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.

1.17 OWNER

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

1.18 BASIC LIFE SUPPORT (BLS)

The term "Basic Life Support" shall mean an Ambulance Service that includes the necessary equipment and staff to render basic services (e.g. control of bleeding, delivery of babies, splinting fractures).

1.19 ADVANCED LIFE SUPPORT (ALS)

The term "Advanced Life Support" means an Ambulance Service that includes the necessary equipment and staff to render Advanced Life Support services (e.g. advanced airway procedures, defibrillation, medication administration).

1.20 MEDICAL NECESSITY

The term "Medical Necessity" is defined according to Medicare and Medicaid Guidelines, and is established when the patient's condition is such that use of any other method of transportation is not in the patient's best interest. In any case, other means of transportation could not be utilized without endangering the individual's health. Ambulance Transportation is not considered medically necessary when any other means of transportation can be safely utilized.

SECTION II. EMERGENCY MEDICAL SERVICES

- 2.1 The Washington County Emergency Medical Service Providers are the primary Providers of Emergency Care and will be responsible for all Emergency Transportation Services.

SECTION III. FRANCHISE REQUIRED

- 3.1 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 Non-Emergency Transportation of patients within Washington County unless the person holds a valid permit for each ambulance used by the North Carolina Department of Human Resources and has been granted a franchise for the operation of such business or service by the County pursuant to this Ordinance.
- 3.2 No primary personnel shall drive an ambulance, attend a patient in one or permit one to be operated when transporting a patient within Washington County, unless he/she holds a currently valid certificate as a Medical Responder, Emergency, Medical Technician, Emergency Medical Technician - Defibrillation, Emergency Medical Technician - Intermediate or EMT - Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services.
- 3.3 No person under eighteen years of age shall be allowed to drive, attend a patient, or operate any equipment in conjunction with any ambulance within Washington County unless the Ambulance Provider holds a valid policy approved by the County,

concerning the limited activities of these members and special provisions that provide insurance coverage for the member, Ambulance Provider and Washington County.

- 3.4 No franchise shall be required for:
- (a) Any owner rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the services franchised by Washington County are insufficient; or,
 - (b) Any owner operated from a location outside of Washington County in order to transport patients who are picked up beyond the limits of Washington County, to facilities located outside Washington County or to pick up patients from within Washington County for transporting to locations outside Washington County; or
 - (c) Any Ambulance Service sponsored and/or under operation of the County.
 - (d) Ambulances owned and operated by an agency of the United States Government.

SECTION IV. APPLICATION FOR AMBULANCE FRANCHISE

- 4.1 Application for a franchise to operate ambulances in Washington County shall be made by the Ambulance Provider upon such forms as may be prepared or described by the County and shall contain:
- (a) The name and address of the Ambulance Provider and 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.
 - (3) 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(s) of operation(s).
 - (e) Provide an audited financial statement of the applicant as the same pertains to the operations in Washington County, said financial statement to be in such form and in such detail as may be required by the County.

- (f) A description of the applicant's capability to provide twenty-four hour coverage, seven days per week for the district governed by the franchise applied for an accurate estimate of the minimum and maximum time; for a response to calls within such district.
- (g) An audited financial statement of the applicant as the same pertains to the operations in Washington County, said financial statement to be in such form and in such detail as may be required by the County.
- (h) Provide certification from the Internal Revenue Service for non-profit and charitable donation status.
- (i) Provide Federal Employer Identification Certification.
- (j) Provide Emergency Medical Services Provider Certification.
- (k) Any additional information the County shall deem necessary for a determination of the capability of the applicant to provide ambulance services in Washington County.

SECTION V. GRANTING OF FRANCHISE

- 5.1 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.
- 5.2 An applicant may only apply for a franchise to operate non-emergency transportation services. The applicant shall be responsible for transporting patients who have a medical necessity.
- 5.3 Upon receipt of application(s) for a franchise, the County shall schedule a time and place for a public hearing. Within thirty (30) days after this hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 5.4 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 VI. TERM OF FRANCHISE

- 6.1 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 at its option, may terminate the franchise upon sixty (60) days prior written notice to the other party.
- 6.2 Upon suspension, revocation or termination of the franchise granted hereunder, such franchised ambulance service immediately shall cease operations.
- 6.3 Upon suspension, revocation or termination of a driver's license, the franchisee shall not permit the individual to drive an ambulance. Upon suspension, revocation or termination of a certified personnel, the franchisee shall not permit the individual to provide medical care in conjunction with the ambulance service.
- 6.4 Each franchised ambulance service shall comply at all times with the requirements of this Ordinance, the franchise granted hereunder and all applicable state/local/federal laws relating to health, sanitation, safety, equipment, ambulance design and all other laws and ordinances.
- 6.5 Prior approval from the County shall be required where ownership or control of more than ten (10) percent of the right of control of franchisee is acquire by a person or group of persons acting in concern none of whom own or control ten (10) percent or more of such right of control, singularly or collectively at the date of the franchise.
- 6.6 Any change of ownership of franchised ambulance service without County approval shall terminate the franchise.
- 6.7 No franchise may be sold, assigned, mortgaged or otherwise transferred without County approval and a finding of conformance with all requirements of this Ordinance as upon original franchising. Each franchised ambulance service, its equipment, premises designated in the application and all records relating to its maintenance/operation, as such, shall be open to inspection by the State, County or their designated representatives.

- 6.8 A franchise certificate may not be defaced, removed or obliterated.

SECTION VII. STANDARDS FOR DRIVERS AND MEDICAL RESPONDERS

- 7.1 Standards for drivers and Medical Responders as developed by the North Carolina Medical Care Commission as requirements for certification of Medical Responders and Emergency Medical Technicians pursuant to Article 26, Chapter 130-233, and Article 56, Chapter 143, of the General Statutes of North Carolina 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 26, Chapter 130 and Article 16, Chapter 143 of the General Statutes of North Carolina 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 county in which the ambulance is based. Each ambulance vehicle shall be equipped with two-way radio communication compatible with all hospitals' emergency departments to which transportation of patients is made on a regular basis anywhere within the state(s) referred to in Section II. 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.
- 9.2 Each ambulance provider shall maintain current authorization 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 (1) open telephone line. Telephone numbers must be registered with each Law Enforcement Agency and the Central Communications Center in Washington County.

SECTION X. INSURANCE

10.1 No ambulance franchise shall be issued under this Ordinance, nor such franchise be valid after issuance, nor shall any ambulance be operated in Washington County 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 or operated by or for an ambulance service providing for the payment of damages, in the sum not less than minimum State requirements for:

- (a) 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.
- (b) The loss or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State.

SECTION XI. RECORDS

11.1 Each franchisee shall maintain the following records:

- (a) Record of Dispatch - shall show time call received, time ambulance dispatched, time arrived on scene, time arrived at destination, time in service and time returned to base.
- (b) Time Record - shall state all information required in Section (a) in addition to all 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 one day.
- (d) Daily Driver and Attendant Checklist/Inspection Report - shall list contents and description of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.
- (e) Sections (a) through (c) can be maintained using the State of North Carolina approved AIM Software Program.

SECTION XII. RATES AND CHARGES / WASHINGTON COUNTY REIMBURSEMENT PROGRAM

12.1 Each franchisee shall submit a schedule of rates to the County for approval and shall not charge more or less than the approved rates without specific approval by the Washington County Board of Commissioners.

There will be no charge for transporting prisoners incarcerated in the Washington County Jail for medical treatment.

SECTION XIII. ENFORCEMENT

13.1 The Emergency Medical Services Coordinator shall be the enforcing agency for the regulations contained in this Ordinance. Such Office will:

- (a) Receive all franchise proposals from potential provides.
- (b) Study each proposal for conformance to this Ordinance.
- (c) Recommendation to the Board of Commissioners the award of the franchise(s) to the applicant(s) submitting the best proposal(s).
- (d) Inspect the premises, vehicles, equipment and personnel of franchisees, if there appears to be a need to do so, to assure compliance to this Ordinance and perform any other inspection that may be required.
- (e) 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 approved 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 County.
- (h) Receive complaints from the public, other enforcing ,agencies and ambulance services regarding franchise infractions, review the complaint and obtain corrective action.

SECTION XIV. ADDENDUM TO ORDINANCE

14.1 The Board of Commissioners of Washington County may, through appropriate actions, amend or expand this Ordinance as deemed necessary

SECTION XV. EFFECTIVE DATE

15.1 This Ordinance shall take effect on the _____ day of May, 2000.

Attest

Washington County

Lois C. Askew, Clerk to the Board

Howard L. Davenport, Chairman
Washington County Board of Commissioners

This Agreement has been preaudited in the manner required by the Local Government

Budget and Fiscal Control Act.

Gayle Critcher, Finance Director

Department Representative

Chris Lyle, EMS Coordinator