

ORDINANCE NO 3517

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA
REPEALING ORDINANCES 3022 AND 3138 AND ESTABLISHING
NEW REQUIREMENTS FOR OF THE OPERATION OF AMBULANCES
IN THE UNINCORPORATED AREAS OF THE COUNTY OF ORANGE

The Board of Supervisors of the County of Orange, California, does ordain as follows:

SECTION 1. Division 9 of Title 4 of the Codified Ordinances of the County of Orange is hereby repealed in its entirety and replaced by the following:

"Sec. 4-9-1. Intent and Purpose.

It is the intent of this Division to establish general operating procedures and standards for medical transportation services operating within the unincorporated areas of the County in both emergency and other situations, to provide a fair and impartial means of allowing responsible private operators to provide such services in the public interest and to provide a means for the designation of emergency response areas. This Division is intended to be used as a model for adoption by cities within the County.

Sect. 4-9-2 Definitions

For purposes of this Division, the following terms are defined:

(a) Advanced life support service and basic life support service mean the same as defined in the California Health and Safety Code.

(b) Ambulance means a motor vehicle, helicopter, or similar vehicle, specifically constructed, modified, equipped, or arranged and operated for the purposes of transporting patients requiring immediate or ongoing medical services excluding the transportation of such persons to or from locations not providing services as defined in this Division.

(c) Ambulance service means the activity, business or service, for hire, profit or otherwise, of transporting one or more persons by ambulance; provided, however, ambulance service shall not include the transportation by ambulance by an employer of his or her own employees in an ambulance owed and operated by the employer solely for this purpose.

(d) Ambulance service operator means any person who operates or owns an ambulance service.

(e) Attendant means a trained, qualified individual who, regardless of whether he or she also serves as driver, is responsible for the care of patients.

(f) County means the County of Orange, State of California.

(g) Department means the Emergency Medical Services Agency of the County of Orange or the Health Care Agency of the County of Orange, or as otherwise designated by the Board of Supervisors.

(h) Dispatcher means an individual employed by an ambulance service operator responsible for sending an ambulance to provide ambulance service to a patient.

1 (i) Driver means an attendant who drives or pilots an ambulance.

2 (j) Emergency means a sudden, unforeseen event giving rise to a need for
3 ambulance service with basic or advanced life support services.

4 (k) Emergency response area means a geographical location specified by
the Fire Chief within which emergency service may be provided under a license.

5 (l) Emergency service means ambulance service performed in response to an
6 emergency.

7 (m) Fire Chief means the Director of Fire Services for the County of Orange.

8 (n) Health Officer means the Orange County Health Officer or other
9 official designated by the Board of Supervisors of Orange County to perform
the Health Officer's functions under this Division.

10 (o) Licensee means an ambulance service operator which has been
11 granted a license under this Division to provide ambulance service.

12 (p) Medical services means services provided by health care professionals
13 licensed pursuant to the California Business and Professions Code or as specified
by regulations adopted pursuant to this Division.

14 (q) Paramedic means the same as defined in the California Health and
Safety Code.

15 (r) Patient means a wounded, injured, sick, invalid or otherwise incapacitated
16 person.

17 (s) Person means any individual, firm, corporation, partnership, associa-
18 tion, or other group or combination acting as a unit.

19 (t) Physician means a medical doctor or osteopath holding the
appropriate license or certificate to practice as such with the State of
20 California pursuant to the Business and Professions Code.

21 (u) Public safety agency means any public law enforcement agency, fire
22 protection agency, or forest ranger operating in the County.

23 Sec. 4-9-3. License Required.

24 (a) It shall be unlawful for any person to be an ambulance service
operator, or to act in such a capacity either directly or indirectly, without
25 possession of a license issued pursuant to this Division.

26 A license may specify the specific geographical area within the County in
which it is valid; provided, however, with respect to emergency response areas,
27 reference to the emergency response area by a specific number or similar identifi-
cation shall be sufficient description of geographic limitation. A license shall
28 be valid for not more than one calendar year of the expiration of the calendar
year in which it was issued, whichever is shorter.

1 (b) The provision of this Division shall not apply to:

2 (1) Ambulances operated at the request of a public safety agency during
3 any "state of war emergency," "state of emergency" or "local emergency," as defined
4 in the Government Code.

4 (2) Ambulance service transporting a patient from a location outside of
5 Orange County regardless of destination.

6 (3) Ambulance service transporting a patient by a fixed-wing airplane.

7 Sec. 4-9-4. Transfer and Term of License.

8 No license issued pursuant to this Division can be transferred by operation
9 of law or otherwise. The following shall be considered transfers for purposes of
10 this section:

10 (a) Any change in the business structure of a licensee, including, but not
11 limited to, changes from or to:

12 (1) A sole proprietorship;

13 (2) A partnership, including any change in the partners; and

14 (3) A corporation, including any change in the shareholders, whether by
15 operation of law or otherwise.

16 (b) Bankruptcy, an assignment for the benefit of creditors, or the
17 appointment of a receiver.

17 (c) A sale or transfer of over ten (10) percent of the assets of a licensee.

18 A licensee may apply to the Health Officer for an amendment to the terms of
19 the license, which request shall be processed in the same manner as an original
20 application. Notwithstanding anything in this section to the contrary, licenses may
21 be suspended, revoked, or terminated prior to the expiration date, pursuant to the
22 provisions of this Division.

21 Sec. 4-9-5. Applications.

22 (a) Each applicant for a license shall be accompanied by an application
23 fee, if any, set by the Board of Supervisors, and be made upon forms prescribed
24 by the Health Officer.

25 (b) Each applicant shall submit the following:

26 (1) The names and addresses of the applicant (s) and the owner (s) of the
27 ambulance(s) and the business and any interest therein;

28 (2) The applicant's training and experience in the transportation and care
29 of patients;

30 (3) The names under which the applicant has engaged, does, or proposes to
engage in ambulance service;

1 (4) A description of each ambulance including the make, model, year of
2 manufacture, vehicle identification number, current state license number, the
3 length of time the vehicle has been in use, and the color scheme, insignia, name,
4 monogram and other distinguishing characteristics of the vehicle, a description
of the company's program for maintenance of the vehicle, and a description of the
vehicle's radio(s);

5 (5) Proof that the applicant has obtained all licenses and permits
6 required by State or local law or regulation for the type of ambulance service
proposed, excluding only a license to provide the service for which application
is made;

7 (6) The names and qualifications of each attendant, driver, or dispatcher
8 employed, or to be employed, in providing ambulance service;

9 (7) Proof that the applicant possesses and maintains currently valid
10 California Highway Patrol inspection reports for each vehicle listed in the
application;

11 (8) A description of the company's training and orientation programs for
12 attendants, drivers and dispatchers;

13 (9) Evidence of such financial responsibility and insurance coverage as may
14 be required by the Health Officer pursuant to regulations adopted in accordance
with this Division;

15 (10) Identification of the geographical area to be served by the
16 applicant, if required by the department;

17 (11) As to new applications or transfers as specified in Section 4-9-4, a
18 fingerprint receipt for each principal of the applicant, issued by the Orange
19 County Sheriff-Coroner indicating each principal of the applicant has undergone
a complete criminal history check, followed by a report from the Orange County
Sheriff-Coroner showing no conviction of crimes which would be violations of the
provisions of Division 4-9-7(d) (2), (3), (4), (5), (6), or (7);

20 (12) A list of all substations or offices where equipment and personnel
21 are, or will be based, including hours of operation; and

22 (13) A description of whether the service proposed by the applicant will
23 include basic life support services or advanced life support service, and, if
so:

24 (i) The number of basic life support service or advance life
25 support service units to be deployed on each shift;

26 (ii) The emergency response area(s) to receive basic life support
27 service or advanced life support service; and

28 (iii) The provisions, if any, for continuing education of attendants.

29 (14) Such other information as the Health Officer may require in regula-
30 tions adopted pursuant to this Division.

1 (c) Renewal applications shall be submitted in the same form and require the
2 same materials, as original applications except the requirement of 4-9-5(a) (11).

3 Sec. 4-9-6. Investigations.

4 Upon receipt of a completed application and the required fee, if any, the
5 Health Officer shall make, or cause to be made, such investigation as the Health
6 Officer deems necessary to determine if:

7 (a) The applicant is a responsible and proper person to conduct, operate
8 or engage in the provision of ambulance services;

9 (b) The applicant meets the requirements of this Division and of other
10 applicable laws, ordinances or regulations.

11 Sec. 4-9-7. Issuance of Denial of License.

12 (a) The Health Officer shall issue a license to an applicant if the Health
13 Officer, after completing any investigation required pursuant to this Division,
14 determines all requirements of this Division have been met and the license fee, if
15 any, set by Board of Supervisors, has been paid.

16 (b) In the event of denial, the applicant shall be informed in writing of
17 the reasons therefor.

18 (c) The license shall obtain and keep in force during the term of a
19 license, comprehensive automobile liability insurance and professional liability
20 insurance issued by a company authorized to do business in the State of California,
21 acceptable to the Health Officer, insuring the owner against loss by reason of
22 injury or damage that may result to persons or property from negligent operation or
23 defective construction of such ambulance, or from violation of this Division or
24 any other law of the State of California, or the United States. Said comprehensive
25 automobile liability policy shall be in the sum of not less than \$500,000 for
26 combined single limit, bodily injury and property damage. Said professional
27 liability insurance shall be in the sum of not less than \$1,000,000 per person and
28 \$1,000,000 annual aggregate. Workers' compensation insurance shall be carried
29 covering all employees of the license holder. Before the Health Officer shall issue
30 a license, copies of the policies, or certificates evidencing such policies,
requiring a thirty (30) day notice to be given to the Department prior to cancella-
tion, modification, or reduction in limits. The amount of comprehensive automobile
liability insurance shall be subject to review and adjustment by the Health Officer
pursuant to regulations adopted under this Division. In the use of helicopters the
equivalent insurance requirements shall apply.

(d) Grounds for denial of a license application shall be:

(1) Failure to meet the requirements of any provisions of this Division;

(2) Violation by any principal of an applicant of Penal Code Section 290;

(3) Habitual or excessive use of narcotics or dangerous drugs;

1 (4) Conviction during the preceding seven (7) years of any crime relating to
2 the use, sale, possession or transportation of narcotics, additives or dangerous
3 drugs;

4 (5) Habitual or excessive use of intoxicating beverages;

5 (6) Conviction during the preceding seven (7) years of any crime punishable
6 as a felony in the State of California;

7 (7) Conviction of any crime involving moral turpitude, including fraud or
8 intentional dishonesty for personal gain.

9 (e) In determining the effect of any criminal acts on the issuance or
10 denial of a license, The Health Officer shall consider whether the criminal acts
11 are related to the activities of an ambulance service and shall evaluate the
12 rehabilitation of the persons involved. The Health Officer shall not consider
13 crimes of which the applicant is, or was, accused but not convicted.

14 Sec. 4-9-8. License Suspension or Revocation.

15 (a) The Health Officer may suspend or revoke license for failure by the
16 licensee to comply, and maintain compliance with, or for violation of, any applic-
17 able provisions, standards or requirements of State law or regulation, of this
18 Division, or of any regulations promulgated hereunder. Suspension of a license is
19 not a condition precedent to revocation of a license.

20 (b) Before suspension or revocation, the Health Officer shall give written
21 notice to the licensee. Said notice shall:

- 22 (1) Specify the reasons for which the action is to be taken;
23 (2) Set a hearing for not more than fifteen (15) days nor less than seven
24 (7) days after the date of the notice;
25 (3) Specify the date, time and place of the hearing; and
26 (4) Be served on the licensee either by delivery to its principal place of
27 business or to its designated agent for service of such notices, if any.

28 (c) If the licensee, subsequent to service of a suspension or revocation
29 notice under this Section, remedies some or all of the conditions to which the
30 notice refers, the Health Officer may rescind a suspension or revocation at any
time.

(d) At the hearing, the Health Officer has the burden of proof and may
present evidence as to why such action should be taken and to answer the evidence
presented by the licensee.

(e) The Health Officer may reduce the period of time for hearing under a
suspension or revocation notice to no less than twenty-four (24) hours when the
Health Officer makes written preliminary findings that such action is necessary to
protect the public health, safety and welfare. When, as a result of such an
emergency proceeding, a license is suspended or revoked, the licensee may request
an additional hearing at which the licensee will have the burden of establishing
renewed compliance justifying reinstatement of the license. Such additional
hearing will be commenced within five (5) days of the licensee's request. The

1 request for, and the scheduling of, an additional hearing shall not stay operation
2 of the suspension or revocation order.

3 (f) Hearings conducted pursuant to this section shall be conducted before a
4 hearing officer designated by the Department. At the conclusion of said hearing,
5 the hearing officer shall expeditiously prepare a written summary of the evidence
6 and proposed findings and conclusions for consideration by the Health Care Agency
7 Director.

8 (g) The Health Care Agency Director shall issue a written decision within
9 thirty (30) days after conclusion of the hearing.

10 Sec. 4-9-9. Appeal to Board of Supervisors.

11 In the event of denial, suspension, or revocation of a license, the
12 applicant or licensee shall have the right to request a hearing before the Board of
13 Supervisors, which hearing shall be requested and conducted in the manner specified
14 in Section 5-2-19 of the Codified Ordinances of Orange County.

15 Sec. 4-9-10. Notification.

16 The licensee shall notify the Health Officer within twenty-four (24) hours
17 after any change in ownership or management of the licensee, or any interruption of
18 service of more than twenty-four (24) hours duration, or any substantial change in
19 staffing or equipment. For purposes of this section, the term "substantial change"
20 shall be as defined by regulation adopted pursuant to this Division.

21 Sec. 4-9-11. Personnel Standards.

22 (a) A licensee shall only employ personnel performing tasks described in
23 this Division who comply with the requirements of this section.

24 (b) Attendants shall be at least eighteen (18) years of age and trained
25 and competent in the proper use of all equipment, and shall hold current "EMT-1A"
26 certification in compliance with all State laws, rules and regulations. Addition-
27 ally, each attendant shall hold a license from the Health Officer indicating
28 compliance with this section. Applications for such licenses shall be in a form
29 required by the Health Officer and shall be accompanied by the fee, if any,
30 established therefor. All applicants for licenses as an attendant shall be subject
to the same criminal history review as required for principals of ambulance
companies pursuant to this Division no less than once every four years. Certifi-
cates may be denied, suspended, or revoked in the same form and fashion as that
specified for ambulance service licensees in this Division. Licenses shall be
valid for two years from the date of issuance or certification as an Emergency
Medical Technician-1A, whichever is less. Renewal of a license shall be in the
same fashion as issuance of a new license.

(c) Each licensee shall have at least one dispatcher. Emergency ambulance
service licensees shall have a dispatcher on a twenty-four (24) hour-per-day basis
and shall adequately train the dispatcher to radio operation and protocols and to
the emergency response area(s) served before said dispatcher begins dispatching
emergency calls. For purposes of this Section, "adequate" training of a dispatcher
shall be that which meets State standards, if any, or County requirements.

1 (d) Ambulance drivers shall, in addition to the requirements of this
2 Division for attendants, maintain an appropriate license issued by the California
3 Department of Motor Vehicles and, if applicable, the Federal Aviation Administra-
4 tion.

5 Sec. 4-9-12. Rates.

6 No licensee shall charge more than those rates approved by the Board of Supervisors
7 for emergency ambulance services.

8 Sec. 4-9-13. Usage of Ambulance Service Licensees.

9 (a) The County shall contract with licensees on a competitive basis for
10 provision of ambulance service in response to emergencies in each emergency
11 response area. Said contracts shall provide for one primary contractor per emer-
12 gency response area, with such other back-up service by other emergency ambulance
13 service providers as deemed necessary by the County. In awarding these contracts,
14 the County shall consider the comparative value of competing proposals in the same
15 fashion as would be the case were the County evaluating proposals from prospective
16 service providers for other County activities, including consideration of:

- 17 (1) The quality of service to be provided;
- 18 (2) The level of service to be provided;
- 19 (3) The rates charged for services to be provided; and
- 20 (4) The cost, if any, to the County.

21 (b) The Fire Chief shall administer the contracts for ambulance service
22 awarded by the Board of Supervisors under this section. The Fire Chief shall also
23 prepare and keep current emergency response area lists specifying contract
24 providers for each area. The Fire Chief shall include on the list for each
25 emergency response area the provider which has entered into an ambulance service
26 agreement with the County as the primary contractor as well as the emergency
27 ambulance service provider(s) who will provide back-up emergency ambulance service
28 for that area.

29 (c) In the event no proposals acceptable to the County under the provi-
30 sions of this section are received for one or more emergency response areas, the
County shall designate one or more licensees in that emergency response area to
provide emergency ambulance services. From the date of such designation until a
regular emergency ambulance service agreement is signed for the affected area(s),
provision of emergency ambulance service shall be an express condition of the
license and unreasonable or unjustified refusal of such calls shall be a violation
of this Division.

(d) No person shall provide ambulance service in response to, or as a
result of, an emergency, unless that person is a licensee specified in each
instance by a physician or public safety agency. A licensee thus specified
by a physician need not be a contractor selected pursuant to this Section.
Any ambulance service operator receiving a request for emergency ambulance
service from other than a public safety agency shall immediately, by
telephone, notify a public safety agency designated by regulation of the
request.

1 No licensee responding to an emergency shall transport a patient unless:

2 (1) A paramedic is present at the location of the patient; or

3
4 (2) A physician is present at the location of the patient and directs transportation in the absence of a paramedic; or

5
6 (3) A safety qualified employee of the Orange County Fire Department, or an appropriate employee of a public safety agency designated by regulation directs transportation in the absence of a paramedic.

7 Unless otherwise directed by a physician present at the location of the patient, a
8 licensee shall transport a patient pursuant to regulations adopted under Section
9 4-9-14.

10 Sec. 4-9-14. Rules and Regulations

11 (a) As to all sections of this Division except Section 4-9-13, the Health
12 Officer shall make such rules and regulations and as may be necessary to implement
13 this Division. Prior to adoption, proposed rules and regulations shall be
14 submitted to the Orange County Emergency Medical Care Committee for comment.

15 (b) As to Section 4-9-13, the Fire Chief shall make such rules and regu-
16 lations and as may be necessary to implement this Division. Prior to adoption, the
17 Fire Chief's rules and regulations shall be submitted to the Orange County
18 Emergency Medical Care Committee for comment.

19 (c) The Health Officer of The Fire Chief or their designee(s) may inspect
20 the records, facilities, transportation units, equipment and method of operations
21 of each licensee whenever necessary and, by the Health Officer, at least annually.

22 Sec. 4-9-15. Complaints.

23 The Department, any user, subscriber, public safety agency or consumer who
24 believes, or has reason to believe, that he or another party has been required to
25 pay an excessive charge for services, received inadequate services or services
26 provided were not in compliance with the provision of this Division, may file a
27 written complaint with the Department setting forth such allegations. The Depart-
28 ment shall notify the ambulance service operator of such complaint. The ambulance
29 service operator shall file a written response within fifteen (15) calendar days
30 after receipt of notification.

Sec. 4-9-16. Variance

As to all but Section 4-9-13, the Health Officer may grant variances from the
terms of this Division if he finds such action is necessary to protect the public
health, safety or welfare. As to Section 4-9-13, the Fire Chief may grant
variances from the terms of this Division if he finds such action is necessary to
protect the public health, safety or welfare. As to the Health Officer, such
variances may include the issuance of a temporary license. No variance shall
exceed one hundred and eighty (180) days in duration.

Sec. 4-9-17. Violation.

Violation of any provision of this Division by an ambulance service operator
shall be a misdemeanor."

1 SECTION 2. This Ordinance shall take effect and be in full force on January 1,
2 1986, and before the expiration of fifteen (15) days after the passage thereof,
3 shall be published once in the Saddleback Valley News, a newspaper published in the
4 County of Orange, State of California, together with the names of the members of
5 the Board of Supervisors voting for or against the same.

6 Thomas F. Riley (Signature on File)
7 Chairman of the Board of Supervisors
8 of Orange County, California

9 SIGNED AND CERTIFIED THAT A COPY
10 OF THIS DOCUMENT HAS BEEN DELIVERED
11 TO THE CHAIRMAN OF THE BOARD

12 (Signature on File)
13 Linda D. Roberts
14 Clerk of the Board of Supervisors
15 County of Orange, California

16 STATE OF CALIFORNIA)
17) ss.
18 COUNTY OF ORANGE)

19 I, LINDA D. ROBERTS, Clerk of the Board of Supervisors, do hereby certify that
20 at a regular meeting of the Board of Supervisors of Orange County, California, held
21 On the 30th day of April, 19 85, the foregoing ordinance containing
22 two (2) sections was passed and adopted by the following vote:

23 AYES: SUPERVISORS THOMAS F. RILEY, RALPH B. CLARK, ROGER R. STANTON,
24 HARRIETT M. WIEDER AND BRUCE NESTANDE
25 NOES: SUPERVISORS NONE
26 ABSENT: SUPERVISORS NONE

27 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
28 of the Board of Supervisors of the County of Orange, State of California, this 30th
29 day of April, 19 85.

30 (Signature on File)
LINDA D. ROBERTS
Clerk of the Board of Supervisors
of Orange County, California

Publish Saddleback Valley News
May 10, 1985

(This is an electronic version for OCEMS records)