

ORDINANCE NO. 14-____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA
AMENDING SECTIONS 4-9-1 THROUGH 4-11-17 OF THE CODIFIED
ORDINANCES OF THE COUNTY OF ORANGE REGARDING
AMBULANCE SERVICE

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

SECTION 1. Sections 4-9-1 through 4-9-17 of Article 1 of Division 9 of Title 4 of the Codified Ordinances of the County of Orange are hereby amended to read as follows:

Section 4-9-1 Intent and Purpose

It is the intent of this Division to establish minimum requirements for ambulance transportation services operating within the geographical boundaries of the County in order to provide a fair and impartial means of licensing responsible private ambulance operators and to provide a mechanism for the creation of Exclusive Operating Areas based on a competitive process for selecting providers and determining the scope of their operations.

Section 4-9-2 Definitions

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

(a) Advanced Life Support or ALS mean special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local emergency medical services system at the scene of an emergency, during transport to an acute care hospital, during interfacility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

(b) Air ambulance means any aircraft specially constructed, modified, or equipped, and used for the primary purposes of responding to emergency calls and transporting critically ill or injured patients whose medical flight crew has at a minimum two (2) attendants certified or licensed in Advanced Life Support.

(c) Ambulance means any vehicle specially constructed, modified, or equipped, and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons.

(d) Ambulance service means the activity, business, or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance or air ambulance.

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

(f) Attendant means a trained and qualified individual, including but not limited to those defined in subdivision (k) of this Section, who is responsible for the care of a patient.

(g) Basic Life Support or BLS mean emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

(h) Board of Supervisors means the Orange County Board of Supervisors.

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

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

(k) Driver means an attendant who drives an ambulance.

(l) Emergency means a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.

(m) Emergency medical services means the services utilized in responding to a medical emergency.

(n) Emergency Medical Services Authority or EMSA mean the California Emergency Medical Services Authority.

(o) Emergency medical services plan means the most recent OCEMS emergency medical services system plan submitted to EMSA under Health and Safety Code section 1797.250.

(p) Exclusive Operating Area or EOA mean the geographical area within the jurisdiction of OCEMS or a subarea defined by the emergency medical services plan for which OCEMS, upon the recommendation of the County, restricts operations to one or more emergency ambulance services or providers of Limited Advanced Life Support or Advanced Life Support.

(q) Health Care Agency or HCA mean the Orange County Health Care Agency.

(r) Licensee means an ambulance service operator that has been granted a license under this Division to provide ambulance services.

(s) Limited Advanced Life Support means special services designed to provide prehospital emergency medical care limited to techniques and procedures that exceed basic life support but are less advanced than life support.

(t) Medical control means the medical management of the emergency medical services system.

(u) Medical Director means the Medical Director of OCEMS designated by the County to provide medical control and assure medical accountability throughout the planning, implementation, and evaluation of the local emergency medical services system.

(v) Orange County Emergency Medical Services or OCEMS mean Orange County Health Care Agency Emergency Medical Services, which has been designated by the County as the agency having primary responsibility for administration of emergency medical services in the County.

(w) Paramedic means an individual whose scope of practice to provide Advanced Life Support is according to standards prescribed in and has a valid certificate issued pursuant to Division 2.5 of the Health and Safety Code.

(x) Patient means a wounded, injured, sick, invalid, or otherwise incapacitated individual.

(y) Person means an individual, firm, corporation, partnership, limited liability entity, association, or other group or combination thereof acting as a unit.

(z) Physician means a medical doctor or osteopath holding the appropriate valid license or certificate to practice as such within the State of California pursuant to the Business and Professions Code.

(aa) Public safety agency means a public law enforcement agency, fire protection agency, lifeguard/marine safety agency, or forest ranger agency operating in the County.

(bb) Specialty Care Transport means services provided by registered nurses, physicians, and respiratory therapists who have training and experience in the care and transport of critically ill patients.

Section 4-9-3 License Required

(a) A license issued by the County in the name of the applicant is required to operate an ambulance service within Orange County. Operating or providing ambulance service without a valid County-issued license within Orange County is a violation of this Division. Each ambulance transport of a patient without a valid license constitutes a separate violation of this Division. A license issued under this Division does not preclude a city's ability to require an ambulance service operator to have a business license to operate within the city.

(b) A license shall be valid for a period of not more than 365 days, unless earlier suspended, revoked, surrendered, or terminated.

(c) The provisions of this Section shall not apply to:

(1) Ambulance services operated by a public safety agency within Orange County.

(2) Ambulance services operated at the request of a public safety agency during any “state of war emergency,” “state of emergency” or “local emergency,” as defined in the Government Code.

(3) Ambulance services transporting a patient from a location outside of Orange County, regardless of destination.

(4) Ambulance services transporting a patient by a fixed-wing airplane.

Section 4-9-4 Transfer of License

(a) A license issued under this Division is not transferrable. The occurrence of any of the following shall render a license void:

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

(A) A sole proprietorship;

(B) A partnership, including any change in the membership of the partners;

(C) A corporation, whether by operation of law or otherwise; and,

(D) A limited liability company, including any change in the managing member(s) thereof.

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

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

(4) A sale or transfer of over ten (10) percent of the ownership of a licensee.

(5) An assignment of a license.

(b) A licensee may apply to the Medical Director for an amendment to the terms of the license. An application for an amended license shall be processed in the same manner as described in subdivisions (a) through (c) of Section 4-9-5.

Section 4-9-5 Applications

(a) Each application for a license under this Division shall be accompanied by an application fee, if any, set by the Board of Supervisors, and be made upon forms prescribed by the Medical Director.

(b) Each applicant shall submit the following:

(1) The applicant’s name and the address of its principal place of business;

(2) Where the applicant is a firm, corporation, partnership, association, or other group or combination thereof acting as a unit, the identities of the members and/or owners of the applicant;

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

(4) The names under which the applicant has engaged, does, or proposes to engage in ambulance services;

(5) A description of each ambulance to be used under the license, including the make, model, year of manufacture, vehicle identification number, current state license number, the length of time the vehicle has been in use, the color scheme, insignia, name, monogram and other distinguishing characteristics of the vehicle, a description of the applicant's program for maintenance of the vehicle, and a description of the vehicle's radio(s);

(6) Evidence that the applicant has obtained all licenses and permits 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) Evidence that the applicant possesses and maintains a currently valid "Emergency Ambulance Non-Transferable License," and a "Special Vehicle Identification Certificate" or an "Ambulance Inspection Report" (CHP Form #299) for each ambulance listed in the application;

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

(9) Evidence of such financial responsibility and insurance coverage as may be required by the Medical Director pursuant to OCEMS regulations adopted in accordance with this Division;

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

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

(12) A description of whether the service proposed by the applicant will include Basic Life Support, Advanced Life Support, or Specialty Care Transport services, and, if so:

(A) The number of Basic Life Support, Advanced Life Support, and/or Specialty Care Transport service units to be licensed;

(B) The geographical area to receive Basic Life Support, Advanced Life Support, Limited Advanced Life Support, or Specialty Care Transport services; and

(C) The provisions, if any, for continuing education of attendants;

(13) Such other information as the Medical Director may require in regulations adopted pursuant to this Division.

(c) Applications for an amendment to a license as specified in subdivision (b) of Section 4-9-4 and new applications shall require each principal of the applicant to have Live Scan fingerprint clearance through any applicable law enforcement agency indicating the applicant has undergone a criminal background check and has no denial, suspension, or revocation of a California Highway Patrol license pursuant to California Vehicle Code Section 2540 et seq. or is not listed on any federal or state program exclusions list.

(d) Renewal applications shall be submitted on or before October 31 of each calendar year in the same form as new applications under this Section. Unless otherwise ordered by the Medical Director, the requirements of subdivision (c) of this Section shall not apply to renewal applications.

Section 4-9-6 Investigations

Upon receipt of a completed application and any required fee, the Medical Director shall make, or cause to be made, such investigation as he or she deems necessary to determine whether:

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

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

Section 4-9-7 Issuance or Denial of Ambulance Service License

(a) The Medical Director shall issue a license to an applicant if the Medical Director, after completing any investigation required pursuant to this Division, determines all requirements of this Division have been met and any required license fee has been paid.

(b) The Medical Director shall deny the application for an ambulance service license if he or she finds any of the following:

(1) the applicant failed to meet the requirements of any provision of this Division;

(2) the applicant made any omission of fact, or made any false or misleading statement, in the application;

(3) the applicant or any of the individuals identified in the application as required under subdivision (b)(2) of Section 4-9-5 have committed any of the acts delineated in Section 480 of the California Business and Professions Code, but subject to the limitations of such denial as specified in said statute. In determining the effect of any criminal acts on the issuance or denial of a license, the Medical Director shall consider whether the criminal acts are related to ambulance service and shall evaluate the rehabilitation of the persons involved. The

Medical Director shall not consider crimes of which the applicant is, or was, accused but not convicted.

(4) the carrying on of the business as described in the application will be detrimental to the public health, safety, or welfare.

(5) the issuance of an ambulance service license to the applicant would be inconsistent with the emergency medical services plan.

(c) In the event of denial, the applicant shall be informed in writing of the reasons therefore.

(d) The applicant may appeal the denial of its application as provided in Section 5-2-19.

Section 4-9-8 Indemnification and Insurance Provisions

(a) Each licensee shall purchase and maintain, at the licensee's expense, insurance, under the requirements of OCEMS regulations adopted pursuant to this Division.

(b) Each licensee shall submit to OCEMS the Certificates of Insurance, including all endorsements required therein, necessary to satisfy the insurance requirements of this section.

Section 4-9-9 Suspension or Revocation of an Ambulance Service License

(a) The Medical Director may suspend or revoke an ambulance service license for failure by the licensee to comply with any applicable provision, standard, or requirement of the following: state law or regulation; this Division; or, any regulations promulgated under this Division. Suspension of a license is not a condition precedent to revocation of a license.

(b) The Medical Director shall give a licensee written notice of the proposed suspension or revocation of an ambulance service license. Said notice shall:

(1) Specify the reasons for which the action is to be taken;

(2) Set a hearing for not more than fifteen (15) days and not less than seven (7) days after the date of the notice;

(3) Specify the date, time, and place of a hearing on the proposed suspension or revocation; and

(4) Be served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5 or, if any, to its designated agent for service of such notices.

(c) At the hearing on the proposed suspension or revocation of an ambulance service license, the Medical Director has the burden of proof that the licensee has failed to comply with any applicable provision, standard, or requirement as detailed in subdivision (a) of this Section. Proposed suspension and revocation hearings conducted pursuant to this Section shall be conducted before a hearing officer designated by HCA. At the conclusion of said hearing, the

hearing officer shall expeditiously prepare a written summary of the evidence and proposed findings and conclusions for consideration by the HCA Director. The HCA Director shall issue a written decision within thirty (30) calendar days after conclusion of the hearing. The decision of the HCA Director is final.

(d) The Medical Director may temporarily suspend an ambulance service license where such action is necessary to protect the public health, safety, or welfare. The temporary suspension under this subdivision shall be effective upon order of the Medical Director and shall remain in effect until proceedings under subdivisions (a) through (c) of this Section have concluded. The temporary suspension order shall be supported by written preliminary findings served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5 or, if any, to its designated agent for service of such notices. The licensee may request a hearing on the temporary suspension to be held within two (2) business days of the licensee's request for a hearing. The licensee's request for a hearing shall not stay the temporary suspension. At the hearing, the Medical Director has the burden of proof that the temporary suspension is necessary to protect public health, safety, or welfare. The hearing officer, who shall be designated by HCA, may sustain, modify, or vacate the temporary suspension order. The hearing officer's decision on the temporary suspension order shall not preclude the Medical Director from proceeding under subdivisions (a) through (c) of this Section.

(e) A hearing is not required if a licensee surrenders its license or fails to renew its license before its expiration. In such cases, the licensee shall no longer be considered a licensed ambulance operator in Orange County.

Section 4-9-10 Notification

The licensee shall notify the Medical Director 60 days in advance of any change in ownership or management of the licensee. The Medical Director shall also be notified in advance of any planned or known interruption of service of more than twenty-four (24) hours duration, or any substantial change in staffing or equipment. For unexpected interruptions in service, staffing, or equipment, the Medical Director shall be contacted as soon as possible following the interruption in service.

Section 4-9-11 Personnel Standards

(a) A licensee shall only employ personnel performing tasks described in this Division who comply with the requirements of this Section and as specified in OCEMS regulations adopted under this Division.

(b) Ambulance drivers shall maintain an appropriate driver's license issued by the California Department of Motor Vehicles. Pilots of air ambulance services licensed by the County shall meet the applicable Federal Aviation Administration requirements to operate an air ambulance.

(c) Each ambulance attendant shall possess the following:

(1) a valid Emergency Medical Technician certificate or a valid paramedic license, and

(2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(d) An air ambulance attendant shall possess the following:

(1) a valid license or certification as appropriate for the level of care provided to patients, and

(2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(e) An individual employed as an ambulance attendant or as an air ambulance attendant who possesses a valid license by the State of California to serve as a physician or as a registered nurse shall not be required to maintain an Emergency Medical Technician certificate or paramedic license. The Medical Director may make regulations governing physicians and registered nurses when serving as ambulance attendants.

(f) Applications for OCEMS accreditation shall be considered by the Medical Director under OCEMS regulations adopted pursuant to this Division. Applications for OCEMS accreditation shall be in a form required by the Medical Director and shall be accompanied by the established fee.

(g) Each licensee shall have at least one (1) dispatcher on duty on a twenty-four (24) hour-per-day basis. Licensees shall adequately train dispatchers on radio operation and protocols related to the emergency response area(s) served before said dispatcher begins dispatching emergency calls. For purposes of this subdivision, "adequate" training of a dispatcher shall be that which meets OCEMS standards and State requirements.

Section 4-9-12 Rates

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

Section 4-9-13 Emergency Ambulance Transportation

(a) Except as provided in subdivision (b) of this Section, emergency ambulance services in a County-administered EOA may only be provided by the licensed ambulance service operator that has an existing contract with the County to provide such service. The County shall use a competitive process consistent with the emergency medical services plan in awarding contracts to licensees for emergency ambulance services in County-administered EOAs.

(b) A licensee may provide ambulance services in response to an emergency where expressly requested for response to that specific emergency by OCEMS, a physician, a public safety agency, or the ambulance service operator identified in subdivision (a) of this Section. County licensure is not required for mutual aid responses by out-of-county ambulance service operators where the services are requested by OCEMS or a public safety agency. Any ambulance service operator receiving a request for emergency ambulance services from other than a public safety agency, physician, OCEMS, or the primary emergency ambulance services contractor of

the respective EOA shall immediately notify OCEMS and the public safety agency designated by regulation of the request.

(c) No ambulance service operator dispatched to an emergency shall transport a patient unless:

- (1) A public safety agency is present at the location of the patient or authorizes transport via dispatch; or
- (2) A physician is present at the location of the patient and directs transportation in the absence of a public safety agency; or
- (3) Permitted by OCEMS rules and regulations.

Section 4-9-14 Rules and Regulations

(a) The Medical Director shall make such OCEMS rules and regulations as may be necessary to implement this Division. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.

(b) The Medical Director or his or her designee(s) may inspect the records, facilities, transportation units, equipment, and method of operating of each licensee whenever necessary.

Section 4-9-15 Complaints

Any person who believes, or has reason to believe, that it or another party has been required to pay an excessive charge for services, received inadequate services, or services provided were not in compliance with any provision of this Division, may file a written complaint with OCEMS setting forth such allegations. OCEMS shall investigate the complaint and take appropriate action consistent with this Division.

Section 4-9-16 Variance

The Medical Director may grant variances from the terms of this Division if he or she finds such action is necessary to protect the public health, safety, or welfare. Such variances may include the issuance of a temporary license. No variance shall exceed one hundred and eighty (180) days in duration.

Section 4-9-17 Severance

If any section, paragraph, sentence, clause, phrase or portion of this Division is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this Division irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the article be enforced.