

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of establishing)
Ambulance Service Areas; assigning))
Ambulance Service Providers;)
creating an Ambulance Service)
Advisory Committee; providing)
penalties; prescribing effective)
dates and declaring an emergency.)

Ordinance No. 89-5

THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, OREGON ORDAINS AS
FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known as Ordinance No. 89-5. It may also be referred to as "The Columbia County Ambulance Service Ordinance," and may be cited and pleaded as such. It shall be referred to herein as "this ordinance".

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to ORS 823.180, 823.220 and ORS 203.035.

SECTION 3. POLICY AND PURPOSE

The Board of County Commissioners finds:

1. That ORS 823.180 and OAR 333-28-100 through 333-28-130 require Columbia County to develop and adopt a plan for the county relating to the need for and coordination of ambulance services and to establish Ambulance Service Areas (ASA) consistent with the plan.
2. That this Ordinance, which establishes Ambulance Service Areas (ASA), methods for selecting ambulance providers for each ASA, and the Ambulance Service Advisory Committee, together with the document known as the Columbia County Ambulance Service Area Plan (ASA Plan), attached hereto as Exhibit "A" and incorporated herein by this reference, make up the complete plan for ambulance service for Columbia County.

SECTION 4.

DEFINITIONS

1. For the purpose of this ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory and the term "this ordinance" shall be deemed to include all amendments hereafter made to this ordinance.
2. 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.
3. The provisions of ORS Chapter 192 regarding meetings, notice and records shall apply to this Ordinance.
4. Other specific definitions include:
 - a. Administrator. The person designated by resolution of the Board to administer this ordinance and the duly authorized deputy or assistant of such person.
 - b. Ambulance Service Area, Service Area or ASA. The geographical area which is served by one ambulance provider, and may include a county, two or more contiguous counties, or a portion of such county(ies).
 - c. Board. The Board of County Commissioners for Columbia County, Oregon.
 - d. Committee. The Ambulance Service Advisory Committee created pursuant to this ordinance.
 - e. Franchise. A franchise to provide ambulance service issued by the Board pursuant to this ordinance.
 - f. Person. Means and includes individuals, corporations, associations, firms, partnerships, joint stock companies, and special districts formed and existing pursuant to the Oregon Revised Statutes.

SECTION 5.

EXEMPTIONS

This Ordinance shall not apply to:

1. Ambulances owned by or operated under the control of the United States Government or the State of Oregon.

2. Vehicles being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident.
3. Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved.
4. Ambulances or vehicles transporting patients from outside the County to a health care facility within the County, or which are passing through without a destination in the County.
5. Air ambulances (aircraft utilized as an ambulance) and marine ambulances (marine craft utilized as an ambulance).
6. Any person who owns or who drives or attends a patient transported in a vehicle under Section 5.
7. Ambulance services that are located outside of the county, which may come into the county for the purpose of fulfilling service agreements or speciality transportation needs, provided the service(s) are currently identified and on file with the Administrator. The Administrator and/or the Ambulance Service Advisory Committee may request and review copies of these service agreements as needed to ensure that they do not interfere with the financial stability of the services located and operating within the county.

SECTION 6. ADMINISTRATION

The administrator, under the supervision of the Board and with assistance of the Committee, shall be responsible for the enforcement of this ordinance. In order to carry out the duties imposed by this ordinance, the administrator, or persons authorized by the administrator, are hereby authorized to enter on the premises of any person regulated by this ordinance at reasonable times and in a reasonable manner to determine compliance with this ordinance and regulations promulgated pursuant hereto. The administrator shall also have access to records pertaining to ambulance service operations of any person regulated by this ordinance; these records shall be made available to the administrator at the person's place of business, or copies made and provided as requested by the administrator.

SECTION 7. AMBULANCE SERVICE AREAS

The Ambulance Service Areas shown on the map attached hereto as Exhibit "B" and incorporated herein by this reference, are hereby adopted as the Ambulance Service Areas for Columbia County. The Board, by the adoption of an Order, may adjust the boundaries of the Ambulance Service Areas from time to time as they deem necessary.

The ASA for the Columbia County portion of Sauvie Island, SA-1, will be included in the Multnomah County ASA Plan. Assignment and enforcement of ambulance service and standards in SA-1 will be done by Multnomah County.

SECTION 8.

AMBULANCE SERVICE PROVIDERS REGULATED

Effective July 1, 1989, no person shall provide motor vehicle ambulance services in Columbia County, Oregon unless such person is franchised in accordance with the applicable provisions of this ordinance.

SECTION 9.

APPLICATION FOR AMBULANCE SERVICE FRANCHISE

1. Applications for franchises shall be on forms provided by the administrator. In addition to information required on the forms, the administrator, Committee or Board may require any additional information deemed necessary.
2. The applicant shall provide the following information:
 - a. The name and address of the person or agency applying.
 - b. The Ambulance Service Area the person desires to serve, the location(s) from which ambulance services will be provided, and the level of service to be provided.
 - c. A statement as to whether or not the franchisee will sub-contract for any service to be provided. If some service will be provided by sub-contract, a copy of that sub-contract shall be provided.
 - d. A list of vehicles to be used in providing ambulance services including year, make and model, and verification that each vehicle is certified as a basic life support and/or advance life support vehicle by the State of Oregon.
 - e. A statement that all equipment and supplies in each ambulance conforms to State standards.
 - f. A list of personnel to be used in providing ambulance service and their current Emergency Medical Technician certificate number, or other appropriate certification.
 - g. Proof of financial ability to operate, including an operating budget or financial statement, references and/or statement of past ambulance service. Private companies must provide a profit and loss statement, in addition to the above materials. Other appropriate financial information, such as income tax returns or reports by governmental authorities shall also be submitted upon request.

- h. Proof of public liability insurance, in the form of a certificate of insurance, in the amount of not less than \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence, and not less than \$100,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence unless those damages exceed \$100,000, in which case the claimant may recover additional special damages, but in no event shall the total award of special damages exceed \$100,000, and not less than \$500,000 for any number of claims arising out of a single accident or occurrence.
- i. A statement of past experience in properly providing ambulance service of a comparable quality and quantity to the service required by this ordinance, regulations promulgated hereunder, any franchise issued hereunder, and the Ambulance Service Area Plan.
- j. Proof of compliance with the terms and conditions of the ASA Plan and applicable County Ordinances, in the form of a narrative summary.
- k. In the case of an application to transfer or take over an already assigned franchise:
 - (1) A detailed summary of how the proposed change will improve ambulance response time, and the quality and level of services to the ASA. It shall include an assessment of how the proposed change will impact the existing first response system.
 - (2) Evidence that the call volume in the ASA is sufficient to financially or otherwise justify the change in service.
 - (3) Evidence that the proposed change does not jeopardize the financial ability of other franchisees to provide service to the remaining ASAs in Columbia County.
 - (4) Information, in the form of run logs, medical records, physician advisory correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials requested.

SECTION 10.

EXISTING AMBULANCE SERVICE PROVIDERS

Persons who meet the application requirements of Section 9 and who were providing service on the effective date of this ordinance may continue to provide service to such ASA pending review and approval of an initial application for a franchise under this ordinance.

SECTION 11.

REVIEW OF APPLICATION FOR FRANCHISE

1. Applications shall be reviewed by the administrator, who shall make such investigation as may be appropriate and who may request assistance of other persons as necessary.
2. The administrator shall notify the holder of a franchise for providing ambulance service to an ASA of any applications by another person to take over that franchise.
3. Unless the time is extended by the Board for good cause, the administrator shall make a recommendation to the Committee within 30 days after the advertised application due date.
4. The Committee:
 - a. Shall consider the application and the recommendation of the administrator at the next regular meeting of the Committee or at a special meeting called for that purpose.
 - b. May require additional information or investigation to be made to be filed either before or after the application hearing.
 - c. Shall, after written notice to interested persons, call a hearing to permit interested persons to testify orally or in writing.
 - d. Shall, after the hearing and on the basis of the application, any information received and the administrator's recommendation, make a recommendation and transmit it to the Board to grant, deny, modify or attach appropriate conditions to the application. The Committee shall transmit its recommendation within 30 days from the date of the hearing.

SECTION 12.

BOARD ACTION ON APPLICATION FOR FRANCHISE

Upon receipt of the Committee's recommendation and the administrator's recommendation, the Board:

1. Shall publish notice of its intent to review the application and recommendations in an open meeting at least ten (10) days following receipt of said application and recommendations, but under no circumstances shall said publication be later than thirty (30) days following receipt of said application and recommendations. Written remonstrances may be made at said open meeting and the public notice shall contain information of that fact. Oral testimony shall not be received.

2. May require additional investigation by the administrator or the Committee if it finds that there is insufficient information on which to base its action.
3. Shall upon the basis of the application, the administrator's recommendation, the Committee's recommendation and such other information as may be before the Board make an order granting, denying or modifying the application or attaching conditions thereto.
4. Shall not make an order adverse to the applicant or to the holder of, or applicant for, another franchise effective less than 30 days after the date of such order and shall notify such persons in writing of the order. The Board may suspend operation of this subsection and enter an emergency order if it finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.
5. After the Board makes an order granting an ambulance service franchise, with or without conditions, and the franchisee is unable to provide a particular service, the administrator may permit the franchisee to sub-contract such service to another person upon a finding that the quality and extent of the service would not be jeopardized. The administrator may require the filing of such information as deemed necessary. The administrator may request the recommendation of the Committee on the sub-contract.

SECTION 13.

FRANCHISE TERMS AND RENEWALS

1. The initial ambulance service franchise in an Ambulance Service Area shall be valid from the date of issuance until June 30, 1993.
2. Thereafter, unless the Board finds that a longer or shorter term is required in the public interest, the term of ambulance service franchises shall be five (5) years, beginning on July 1 of a year and ending June 30 five years later.
3. Unless grounds exist for refusal to renew a franchise or have existed for suspension or revocation of a franchise as set forth in Section 16, or unless the franchise is to be given to a new person, franchises may be renewed.
4. In January of the year in which the franchise expires, the administrator shall call for franchise applications for the purpose of franchise renewal or the granting of a new franchise. These applications shall be due no later than February 1 of the year in which the franchise expires. Application shall be made on forms provided by the administrator and shall include such additional information as may be required by the administrator, Committee or Board.

SECTION 14.

EARLY DISCONTINUANCE OF SERVICE BY FRANCHISEE

1. If a franchisee discontinues service before the expiration of the franchise, the Board shall set a time by which applications must be submitted for a new franchise in the ASA.
2. The administrator shall develop a plan for coverage of the ASA, using existing franchisees and/or other resources as available to provide ambulance service in the ASA.
3. The administrator shall issue a temporary certificate(s), valid for a stated period not to exceed six (6) months, entitling a person(s) to provide ambulance service in all or part of the ASA.

SECTION 15.

TRANSFER OF FRANCHISES

1. A franchisee may transfer a franchise to another person only upon written notice to, and approval by the Board, and after the Board has received a recommendation by the Committee approving said transfer. Applications for transfer of a franchise shall be on forms provided by the administrator.
2. Upon recommendation by the Committee, the Board shall approve the transfer if it finds that the transferee meets all applicable requirements. The Board shall approve or disapprove any application for transfer of a franchise within thirty (30) days of receipt of notice by the Board. The Board may extend this time if it finds that there is a substantial question of the public health or safety involved which requires additional time for investigation and decision.

SECTION 16.

ENFORCEMENT OF FRANCHISE PROVISIONS

1. In addition to the remedy provided in Section 17 and penalties provided elsewhere in this ordinance, the administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke or refuse to renew a franchise as provided in this subsection.

If in the judgement of the administrator, there is convincing evidence of a violation of this ordinance, subsequent amendments to this ordinance, ORS Chapter 823 or the rules promulgated thereunder, the ASA Plan, or evidence that the franchisee has materially misrepresented facts or information given in the application for the franchise, the administrator shall notify the franchisee in writing, by mail, return receipt requested, or by personal service, of a summons of the notice of violation and what steps must be taken to cure the violation. The administrator shall send a copy of the notice to the Committee and to the Board.

Not less than ten (10) days following the receipt of notice of violation the Board may enter an order of revocation, modification, suspension, or non-renewal and shall thereby revoke, modify, suspend, or not renew the violator's franchise, unless prior thereto the franchisee shall file with the Board a request for a hearing on the administrator's notice of violation. If said request is timely filed, revocation, modification, suspension, or non-renewal will be stayed until the Board can, at its earliest convenience, hold a public hearing thereon. Notice of said hearing shall be given by publication of notice thereof at least ten (10) days prior to said hearing. The burden of proof at the hearing held hereunder shall be upon the franchisee-appellant.

2. Should the franchisee fail to comply with an order of the Board issued pursuant to subsection 1 of this Section, then the Board may take any steps authorized by law to enforce its order. All expenses incurred in enforcement of the Board's order, including reasonable attorney fees, may be recovered from the non-complying franchisee.

SECTION 17. PREVENTING INTERRUPTION OF SERVICE

Whenever the Board finds that the failure of service or threatened failure of service would adversely impact the health, safety or welfare of the residents of this county, the Board shall, after reasonable notice but not less than twenty-four (24) hours notice to the franchisee, hold a public hearing if the franchisee requests such hearing, and have the right to authorize another franchisee or other person to provide service.

SECTION 18. APPEALS, ABATEMENT AND PENALTIES

1. All decisions of the Board under this ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of Columbia, only by way of writ of review.
2. The provision of ambulance service by any person in violation of this ordinance, amendments to this ordinance, or regulations promulgated hereunder, is a nuisance and the Board may, in addition to other remedies provided by law or by this ordinance, institute injunctive, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such ambulance service.
3. Any person who violates any of the provisions of this ordinance is guilty of an offense. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision.

4. Violations of these provisions is punishable, upon conviction, by a fine of not more than Five Hundred (\$500) Dollars for a non-continuing offense, i.e., an offense not spanning two (2) or more calendar days. In the case of a continuing offense, i.e., an offense which spans two (2) or more consecutive calendar days, violation of the provisions is punishable by a fine of not more than Five Hundred (\$500) Dollars per day up to the maximum of One Thousand (\$1,000) Dollars as provided by law.

SECTION 19.

DUTIES OF AMBULANCE SERVICE FRANCHISEE

The franchisee:

1. Shall conduct its operation in strict compliance with all applicable State and Federal laws, rules and regulations, the terms of this ordinance, any subsequent amendments to this ordinance, and the Columbia 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 except:
 - a. When a request for a specific ambulance service is made by the person calling for the ambulance and the call does not dictate an emergency response;
 - b. When the franchisee is unavailable to respond and the person is requested by another franchisee or 9-1-1 dispatch to respond; or
 - c. When the response is for supplemental assistance or mutual aid.
4. Shall not voluntarily discontinue service to an assigned Ambulance Service Area until he or she has:
 - a. Given ninety (90) days written notice to the administrator; and
 - b. Obtained written approval of the Board.
5. Subsection 4 of this Section shall not apply to:
 - a. Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction.
 - b. Transfer of franchises pursuant to Section 15 of this ordinance.

SECTION 20.

AMBULANCE SERVICE ADVISORY COMMITTEE

1. There is hereby created an Ambulance Service Advisory Committee.
 - a. The Committee shall consist of five members:
 - (1) The County Health Officer.
 - (2) One local physician.
 - (3) One (1) representative of Columbia County Community Health, Inc.
 - (4-5) Two (2) public members.
 - b. In addition, the following shall be appointed to serve as ex-officio members of the committee without vote to advise and assist the Committee:
 - (1) One (1) representative of each ambulance service provider.
 - (2) One (1) hospital administrator, or representative.
 - (3) One (1) representative of the 9-1-1 PSAP.
 - (4) One (1) representative of the Columbia County Office of Emergency Services.
 - (5) One (1) representative of the Columbia County Fire Defense Board.
2. Members, ex-officio members and advisors shall be appointed by the Board. The Board may appoint additional persons to the Committee to serve as ex-officio members or advisors. The Board may appoint or approve designation of alternates to serve in the absence of persons appointed to the Committee.
3. Except for the County Health Officer, term appointments shall be for staggered terms on the initial Committee for a term not to exceed three years. Subsequent appointments shall be for three year terms. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term. Persons may be appointed to successive terms.
4. The Committee shall appoint one of its members as Chairman and another as Vice-Chairman, both of whom shall meet at such times as deemed necessary or as called by the Board. The Chairman, Administrator or any two members of the Committee may call a special meeting with ten days notice to other members of the Committee; provided, however, that members may waive such notice.
5. Three members shall constitute a quorum for the transaction of business. A majority vote of those present and voting is required to pass motions.

6. In addition to other duties prescribed by this ordinance the Committee shall:
 - a. Review and make recommendations to the Board regarding all applications for assignment to provide ambulance service.
 - b. Provide for on-going input to the Board from pre-hospital care consumers, providers and the medical community.
 - c. Periodically review the performance of ambulance service providers within Columbia County.
 - d. Periodically review the Ambulance Service Area Plan and make recommendations to the Board including, but not limited to:
 - (1) Review the standards established in the Plan and make recommendations regarding improvement and/or new standards as required by OAR 333-28-120(1-3).
 - (2) Monitor the coordination between emergency medical service resources.
 - (3) Review dispatch procedures and compliance.
 - (4) Review the effectiveness and efficiency of the Ambulance Service Area boundaries.
 - e. Implement the Quality Assurance Program outlined in the ASA Plan, including but not limited to training, response times, and service provided, to insure compliance with the Ambulance Service Area Plan.
 - f. Perform such other duties as directed by the Board or as the Committee may find necessary to effectively carry out the purposes of this ordinance.
7. Committee members shall avoid acting in any matters where a conflict of interest may arise. Any Committee member having a direct or indirect financial or pecuniary interest in any matter before the Committee for consideration shall withdraw from participation in any action by the Committee in said matter. Nothing in this Section shall limit the ability of any person to provide testimony to the Committee.

SECTION 21.

CONFIDENTIALITY OF RECORDS

Any medical and/or patient records obtained under authority of this Ordinance for the purpose enforcement, investigation or the Quality Assurance Program are confidential and shall be handled in a manner to maintain their confidentiality.

SECTION 22.

REGULATIONS OF AMBULANCE SERVICE

Upon its own motion or upon a recommendation of the Committee, the Board may adopt ordinances, resolutions or orders regulating ambulance service or implementing or amending this ordinance. Such regulations shall not conflict with ORS Chapter 823 and rules promulgated pursuant thereto.

SECTION 23.

INITIAL RESPONDER

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial 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.

1. The initial responder shall be a municipal corporation or a special district within Columbia County that provides emergency services within its jurisdiction and requests to be dispatched to medical emergencies.
2. The initial responder shall respond with Emergency Medical Technicians and/or First Responders that are certified by the State of Oregon and who are employed by, or volunteers with, the initial responder.
3. Upon arrival of the ambulance service provider at the location of the medical emergency, the ambulance service 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 only at the direction of the ambulance service provider.

SECTION 24.

REPEALER AND SAVINGS CLAUSE

1. Ordinance No. 88-9 is repealed.
2. Ordinance No. 88-11 is repealed.
3. Nothing in this section or this ordinance shall be deemed to invalidate any action taken under Ordinance No. 88-9 or Ordinance No. 88-11 prior to the effective date of this ordinance. To the extent the language and provisions of Ordinance No. 88-9 and Ordinance No. 88-11 are unchanged by this ordinance, they shall remain in force as if this repeal and adoption had not occurred.

SECTION 25.

SEVERABILITY, AMENDMENTS, EFFECTIVE DATE AND EMERGENCY
CLAUSE

1. If any provision 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 the decision shall not affect the validity of the remaining portions thereof.
2. Upon recommendation of the Administrator or the Committee or upon its own motion, the Board may from time to time amend the provisions of this ordinance. Amendments shall be made only after a public hearing before the Board with such advance notice of the hearing as deemed appropriate by the Board or as generally provided by ordinance, regulation or order of the Board.
3. This ordinance being immediately necessary for the preservation of the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its adoption.

ADOPTED this 7th day of June, 1989.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: John R. Peterson
Chairman

By: Max W. Dillard
Commissioner

By: Michael J. Sykes
Commissioner

ATTEST:

By: Cherie Maylan
Recording Secretary

First Reading: June 7, 1989

Second Reading: June 7, 1989

Effective Date: June 7, 1989