

ORDINANCE NO. 21-_____AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA
AMENDING SECTIONS 4-9-1 THROUGH 4-9-17 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:

Sec. 4-9-1. — ~~Intent and purpose.~~ Purpose

It is the intent of this ~~division~~Division to establish ~~general~~the minimum license
requirements for operating procedures and standards for medical transportation services operating
within the unincorporated areasAmbulance Service within the geographical boundaries of the
County in both emergency and other situations, order to provide a fair and impartial means of
allowinglicensing responsible private operatorsAmbulance Service Operators and to set forth the
competitive process required for the creation of Exclusive Operating Areas.

Sec. 4-9-2 Definitions

The following definitions shall govern the provisions of this Division.

(a) Advanced Life Support or ALS mean special services designed to provide such
servicesdefinitive 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 public interest and to provide a means for the designation of emergency
response areas. This divisionemergency department of an acute care hospital until responsibility
is intended to be assumed by the emergency or other medical staff of that hospital.

(b) Air Ambulance means any aircraft specially constructed, modified, or equipped,
and used as a model for adoption by cities within the County 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.

Sec. 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.~~

(c) ~~(b)~~—Ambulance means ~~a motor~~any vehicle, ~~helicopter, or similar vehicle,~~ specifically specially constructed, modified, or equipped, ~~or arranged~~ and used for the purpose of transporting a Patient and is operated by one or more Attendant(s).

(d) Ambulance Service means any activity, business or service that is (i) for hire, profit or otherwise, and (ii) set up for the purpose 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~~one or more Patient by Ambulance or Air ambulance.

~~(e) 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 owned and operated by the employer solely for this purpose.~~

~~(e) (d) Ambulance service operator~~Ambulance Service Operator means any ~~person~~Person who operates or owns an ~~ambulance service~~Ambulance Service.

(f) ~~(e)~~—Attendant means a trained, ~~and~~ qualified individual, including, but not limited to, a Driver of an Ambulance or pilot of Air Ambulance, ~~who, regardless of whether he or she also serves as driver,~~ is responsible for the care of ~~patients~~a Patient and possesses the certification or other document specified in Section 4-9-11 of this Division.

(g) ~~(f)~~—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) (g) Department~~Dispatcher means ~~the an~~ individual, employed by an Ambulance Service Operator, who is responsible for sending an Ambulance to attend to an Emergency.

(k) Driver means an Attendant who drives an Ambulance.

(l) Emergency or Medical Emergency mean 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 Ambulance Services Agency means an Ambulance Service Operator that may utilize its Ambulance or Air Ambulance to respond to an Emergency.

(n) Emergency Medical Services means the services utilized in responding to an Emergency.

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

(p) Emergency Medical Services Plan or EMS System Plan or EMS Plan mean the most recent OCEMS Emergency Medical Services System Plan together with its annual update submitted to EMSA pursuant to Health and Safety Code sections 1797.250 and 1797.254.

(q) Emergency Medical Services System means a specially organized arrangement which provides for the personnel, facilities, and equipment for the effective and coordinated delivery within the County's geographic boundaries of medical care services under emergency conditions.

(r) Exclusive Operating Area or EOA mean the geographical area within the jurisdiction of OCEMS or a subarea defined in the Emergency Medical Services Plan for which OCEMS, upon the recommendation of the County of, restricts operations to one or more Emergency Ambulance Services or providers of Limited Advanced Life Support or Advanced Life Support.

(s) Orange or the County Health Care Agency or Health Care Agency of the County of Orange, or as otherwise HCA mean the Orange County Health Care Agency.

(t) Licensee means an Ambulance Service Operator that has been granted a license under this Division to provide Ambulance Service.

(u) 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 than Advanced Life Support.

(v) Medical Control means the medical management of the Emergency Medical Services System.

(w) Medical Director means the Medical Director of OCEMS designated by the Board of Supervisors. County to provide Medical Control and assure medical accountability throughout the planning, implementation, and evaluation of the local Emergency Medical Services System.

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

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

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

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

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

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

~~(n) Health Officer means the or OCEMS mean Orange County Health Officer or other official Care Agency Emergency Medical Services, which has been designated by the Board of Supervisors of Orange County to perform the Health Officer's functions under this division.~~

~~(o) — Licensee means an ambulance service operator which has been granted a license under this division to provide ambulance service.~~

~~(x) (p) — Medical services means services provided by health care professionals licensed pursuant to the California Business and Professions Code or as specified by regulations adopted pursuant to this division the agency having primary responsibility for administration of Emergency Medical Services in the County.~~

~~(y) (q) — Paramedic means the same as defined in the California 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— and Title 22 Regulations.~~

~~(z) (r) — Patient means a convalescent, infirm, wounded, injured, sick, invalid, or otherwise incapacitated person. individual.~~

~~(aa) (s) — Person means anyan individual, firm, corporation, partnership, limited liability company, association, or other group, or combination thereof acting as a unit.~~

~~(bb) (t) — 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.~~

~~(cc) (u) — Public safety agency Safety Agency means anya public law enforcement agency, fire protection agency, lifeguard/marine safety agency, or forest ranger agency operating in the County.~~

~~(dd) 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.~~

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

~~(a) A license issued by the Medical Director in accordance with this Division in the name of the applicant is required; to operate Ambulance Service within Orange County. To operate an Ambulance Service within Orange County without a valid license issued by the Medical Director 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.~~

~~(a) — It(b) A license shall be unlawful valid for any person to be an ambulance service operator, or to act in such a capacity either directly or indirectly, without possession of a license issued pursuant to this division.~~

~~A license may specify the specific geographical area within the County in which it is valid; provided, however, with respect to emergency response areas, reference to the emergency response area by a specific number or similar identification shall be sufficient description of geographic limitation. A license shall be valid for a period of not more than one calendar year or the expiration~~

~~of the calendar year in which it was issued, whichever is shorter~~ 365 days, unless earlier suspended, revoked, surrendered, or otherwise terminated.

~~(b) — (c)~~ The provisions of this ~~division~~ Section shall not apply to:

~~(1) — Ambulances~~ (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 "a duly declared "state of war emergency," "state of emergency," or "local emergency," as defined in the California Government Code.

~~(2) — (3)~~ Ambulance ~~service~~ transporting a ~~patient~~ Patient from a location outside of Orange County, regardless of destination.

~~(3) — (4)~~ Ambulance ~~service~~ transporting a ~~patient~~ Patient by a fixed-wing airplane.

Sec. 4-9-4. — Transfer and term of license. License

~~No (a) A license issued pursuant to under this division can be transferred by operation of law or otherwise. Division is not transferrable. The occurrence of any of the following shall be considered transfers for purposes of this section: render a license invalid and void:~~

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

~~(1) — (A)~~ A sole proprietorship;

~~(2) — (B)~~ A partnership, including any change in the membership of the partners; ~~and~~

~~(3) — (C)~~ A corporation, whether by operation of law or otherwise; ~~and,~~

~~(D) A limited liability company, including any change in the shareholders, whether by operation of law or otherwise. managing member(s) thereof.~~

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

~~(e) — (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) A merger.

(6) A partial or full assignment of a license.

(b) ~~_____~~ A licensee may apply to the ~~Health Officer~~Medical Director for an amendment to the terms and conditions of the license, ~~which request. An application for an amended license shall be processed in the same manner as an original application. Notwithstanding anything in this section to the contrary, licenses may be suspended, revoked, or terminated prior to the expiration date, pursuant to the provisions of this division described in subdivisions (a) through (c) of Section 4-9-5.~~

~~Sec. 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 ~~Health Officer.~~Medical Director.

(b) ~~---~~ Each applicant shall submit the following:

(1) ~~---~~ The ~~names~~applicant's name and ~~addressesthe address~~ of its principal place of business;

(2) ~~---~~ Where the applicant(s) ~~and the owner(s) of~~ is a firm, corporation, partnership, association, or other group, or combination thereof acting as a unit, the ~~ambulance(s) and identities of the business and any interest therein; members and/or owners of the applicant;~~

(2) ~~---~~ (3) ~~---~~ The ~~applicant's~~applicant's training and experience in ~~the operating Ambulance Service, other type of Patient transportation, and/or providing care of patients; to Patients;~~

(3) ~~---~~ (4) ~~---~~ The names under which the applicant has engaged, does, or proposes to engage in ~~ambulance service;~~ Ambulance Services;

(4) ~~---~~ (5) ~~---~~ A description of each ~~ambulance~~Ambulance or Air 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~~it has been in use, ~~and the color scheme, insignia, name, monogram and its other distinguishing characteristics of the vehicle,~~ a description of the ~~company's~~applicant's program for ~~its maintenance of the vehicle,~~ and a description of ~~the vehicle's~~its radio(s);

(5) ~~---~~ (6) ~~---~~ Evidence that the applicant has obtained all licenses and permits required by ~~State~~state or local law or regulation for the type of ~~ambulance service~~Ambulance Service proposed; ~~(e.g. BLS, ALS, Air-ALS, etc.),~~ excluding only a license to provide the service for which application is made;

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

(7) ~~---~~ (7) ~~---~~ Evidence that the applicant possesses and maintains a currently valid ~~California Highway Patrol inspection reports~~“Emergency Ambulance Non-Transferable License,” and a “Special Vehicle Identification Certificate” or an “Ambulance Inspection Report” (CHP Form #299) for each ~~vehicle~~Ambulance or Air Ambulance listed in the application;

(8)— ~~A description of the company's~~ applicant's training and orientation programs for ~~attendants, drivers~~ Attendants, Drivers, and dispatchers; Dispatchers;

(9)— ~~Evidence of such financial responsibility and insurance coverage as may be required by the Health Officer~~ Medical Director pursuant to ~~policies and regulations adopted in accordance with the Medical Director adopts pursuant to this division;~~ Division;

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

~~(11)— As to new applications or transfers as specified in section 4-9-4, a fingerprint receipt for each principal of the applicant, issued by the Orange 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);~~

~~(12)— (11)~~ (11) A list of all substations or offices where equipment and personnel are, or will be based, including hours of operation; ~~and~~

~~(13)— (12)~~ (12) A description of whether the ~~service~~ Ambulance Service proposed by the applicant will include ~~basic life support~~ Basic Life Support, Advanced Life Support, and/or Specialty Care Transport services ~~or advanced life support service~~, and, if so:

~~(i)— (A)~~ (A) The number of ~~basic life support service~~ Basic Life Support, Advanced Life Support, and/or advanced life support Specialty Care Transport service units to be ~~deployed on each shift;~~ licensed;

~~(ii)— (B)~~ (B) The ~~emergency response~~ geographical area(s) to receive ~~basic life support service~~ Basic Life Support, Advanced Life Support, Limited Advanced Life Support, and/or advanced life support service Specialty Care Transport services; and

~~(iii)— (C)~~ (C) The provisions, if any, for continuing education of attendants-;

~~(14)— (13)~~ (13) Such other information as the ~~Health Officer~~ Medical Director may require in regulations ~~adopted or policies the Medical Director adopts~~ pursuant to this ~~division;~~ Division.

~~(e)— (c)~~ (c) All new applications and applications for an amendment to a current license as specified in subdivision (b) of Section 4-9-4 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)~~ (d) Renewal applications shall be submitted on or before October 31 of each calendar year in the same form ~~and require the same materials, as original applications except the requirement of 4-9-5(a)(11);~~ as new applications under this Section. Unless otherwise requested by

the Medical Director, the requirements of subdivision (c) of this Section shall not apply to renewal applications.

Sec. 4-9-6.— Investigations-

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

(a)— The applicant is a responsible and proper person to ~~conduct,~~ operate, or engage in the provision of ambulance services; operation of, Ambulance Service;

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

Sec. 4-9-7.— Issuance or ~~denial of license.~~Denial of Ambulance Service License

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

(b) ~~(b)~~—The Medical Director shall deny the application 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 material 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 acts that fall within the scope of section 480 on the issuance or denial of a license, the Medical Director shall consider whether the acts are related to Ambulance Service and shall evaluate the rehabilitation of the individuals identified in the application to whom the acts apply. The Medical Director shall not consider acts of which the applicant in its organization capacity or the individuals identified in the application is, or was, accused but not convicted.

(4) the operation or any part thereof 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 therefor~~therefore~~.

(d) The applicant may appeal the denial of its application within five (5) days by submitting to the Medical Director a written request for a hearing. The hearing shall be held within fourteen (14) days of the request in accordance with the procedures set forth in subdivision (c) and (d) of Section 4-9-9 of this Division.

Section 4-9-8 Indemnification and Insurance Provisions

(a) Each licensee shall purchase and maintain, at the licensee's expense, such insurance specified in regulations or policies the Medical Director adopts 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.

~~Sec. (c) The licensee shall obtain and keep in force during the term of a license, comprehensive automobile liability insurance and professional liability insurance issued by a company authorized to do business in the State of California, acceptable to the Health Officer, insuring the owner against loss by reason of injury or damage that may result to persons or property from negligent operation or defective construction of such ambulance, or from violation of this division or any other law of the State of California, or the United States. Said comprehensive automobile liability policy shall be in the sum of not less than \$500,000 for combined single limit, bodily injury and property damage. Said professional liability insurance shall be in the sum of not less than \$1,000,000 per person and \$1,000,000 annual aggregate. Workers' compensation insurance shall be carried covering all employees of the license holder. Before the Health Officer shall issue a license, copies of the policies, or certificates evidencing such policies, shall be filed with the Health Officer. All policies shall contain a provision requiring a thirty (30) day notice to be given to the Department prior to cancellation, modification, or reduction in limits. The amount of comprehensive automobile 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 4-9-9 Suspension or Revocation of an Ambulance Service License

The Medical Director may revoke, after a hearing held pursuant to this Section, 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;
- (4) Conviction during the preceding seven (7) years of any crime relating to the use, sale, possession or transportation of narcotics, additives or dangerous drugs;
- (5) Habitual or excessive use of intoxicating beverages;
- (6) Conviction during the preceding seven (7) years of any crime punishable as a felony in the State of California;
- (7) Conviction of any crime involving moral turpitude, including fraud or intentional dishonesty for personal gain.

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

Sec. 4-9-8. License suspension or revocation.

~~(a) The Health Officer may suspend or revoke license for failure by the licensee to comply, and maintain compliance with, or for violation of, any applicable provisions, standards, provision, standard, or requirements requirement of State the following: state law or regulation, of, this division, Division; or of, any regulations promulgated hereunder. Suspension or policies the Medical Director adopts under this Division. Temporary suspension of a license is not a condition precedent to revocation of a license.~~

~~(b) Before suspension or revocation, the Health Officer~~ The Medical Director shall give provide to licensee advanced written notice of his or her intent to revoke the license license. Said notice shall:

~~(1) Specify the reasons for based on which the action is to be taken; Medical Director is relying in proposing to revoke the license;~~

~~(2) Set a hearing for not more than fifteen (15) twenty (20) days nor and not less than seven (7) days after the date of the notice;~~

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

~~(4) Include the procedures set forth in subdivision (c) of this Section; and~~

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

~~(e) If the licensee, subsequent to service of a suspension or revocation notice under this Section, remedies some or all of the conditions to which the 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 request for, and the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.~~

~~(c) (f) Hearings conducted pursuant to this section shall be conducted before a hearing officer designated by the Department. At the conclusion of said hearing, the hearing officer shall expeditiously~~The Medical Director shall request from the Orange County Clerk of the Board to, and the Clerk of the Board shall, assign an impartial hearing officer to hear the proposed license revocation. The hearing and the procedures at the hearing shall be informal. The Medical Director shall have the burden of proof by a preponderance of the evidence that the licensee has failed to comply with any applicable provision, standard, or requirement as detailed in subdivision (a) of this Section. The parties may proffer any documentary evidence at the hearing to support their side, provided the parties provide copies of the documentary evidence to each other at least seven (7) days prior to the hearing date. Both parties may offer testimonial evidence by an individual, provided the parties provide the witness names to each other at least seven (7) days prior to the hearing date. The hearing officer may consider any and all evidence, including hearsay evidence, to decide in favor or against the proposed action by the Medical Director.

~~(d) The hearing officer shall prepare a written summary of the evidence and proposed findings and conclusions for consideration by the Health Care Agency Director. HCA Director no later than seven (7) calendar days from the conclusion of the hearing. The HCA Director shall consider the proposed findings and conclusions of the hearing officer and issue a written decision no later than seven (7) calendar days from receipt of the hearing officer's proposed findings and conclusions. The decision of the HCA Director shall be final.~~

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

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

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

~~(e) The Medical Director may temporarily suspend a license issued pursuant to this Division where such action is necessary to protect the public health, safety, or welfare of County residents. The temporary suspension under this subdivision shall be effective upon issuance of a written notice of temporary suspension by the Medical Director and shall remain in effect until such time the conditions stated therein are satisfied. The notice shall be served on the licensee either by certified mail delivery to the address identified in subdivision (b)(1) of Section 4-9-5 or to the address of its designated agent for service of such notices, if any. The Medical Director may subsequently proceed with the procedures specified in subdivisions (a) through (c) of this Section to initiate the revocation of the license if (i) he or she deems revocation of the license is necessary for the protection of the public health, safety, or welfare of the County residents, or (ii) the licensee does not comply with the conditions the Medical Director specifies in the notice of temporary suspension within the allotted time, including any reasonable extensions thereof.~~

~~(f) In the event a license is revoked, as specified in this Section, the licensee shall no longer be considered a licensed Ambulance Service Operator in Orange County and its license shall be deemed invalid and void.~~

~~(g) A hearing specified in subdivision (c) of this Section shall not be required if a licensee voluntarily 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 Service Operator in Orange County and its license shall be deemed invalid and void.

Sec. ~~Sec.~~ 4-9-10. — Notification.

The licensee shall notify the ~~Health Officer within twenty-four (24) hours after~~ Medical Director 60 days in advance of any change in ownership or management of the licensee, ~~or any.~~ 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 purposes of this section, the term "substantial change" shall be as defined by regulation adopted pursuant to this division.~~ For unexpected interruptions in service, staffing, or equipment, the Medical Director shall be contacted as soon as possible following the interruption in service.

Sec. ~~Sec.~~ 4-9-11. — Personnel Standards.

(a) ~~(a)~~ — A licensee shall only employ personnel performing tasks described in this ~~division~~ Division who comply with the requirements of this ~~section~~ Section and as specified in the regulations and policies the Medical Director adopts under this Division.

(b) ~~(b)~~ — Attendants shall be at least eighteen (18) years of age and trained and competent in the proper use of all equipment, and shall hold current "EMT 1A" certification in compliance with all State laws, rules and regulations. Additionally, each attendant shall hold a license from the Health Officer indicating compliance with this section. Applications for such licenses shall be in a form required by the Health Officer and shall be accompanied by the fee, if any, 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. Certificates 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.

(b) ~~(e)~~ — Ambulance drivers shall maintain an appropriate driver's license issued by the California Department of Motor Vehicles. Air Ambulance pilots 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 (EMT) 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 (EMT) certificate or Paramedic license. The Medical Director may adopt such regulations or policies, as deemed necessary, governing physicians and registered nurses when serving as Ambulance Attendants.

(f) Applications for OCEMS accreditation shall be considered by the Medical Director under regulations or policies the Medical Director adopts 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, if any, set by the Board of Supervisors.

Each licensee shall have at least one ~~dispatcher. Emergency ambulance service licensees shall have a dispatcher~~(1) Dispatcher on duty on a twenty-four (24) hour-per-day basis ~~and. Licensees~~ shall adequately train ~~the dispatcher to Dispatchers on~~ radio operation and protocols ~~and related~~ to the emergency response area(s) served before said ~~dispatcher~~Dispatcher begins dispatching emergency calls. For purposes of this ~~section, "subdivision, "adequate"~~ training of a ~~dispatcher~~Dispatcher shall be that which meets ~~State~~ standards, ~~if any, or County requirements.~~

(g) ~~(d) Ambulance drivers shall, in addition to the set by OCEMS and applicable State requirements of this division for attendants, maintain an appropriate license issued by the California Department of Motor Vehicles and, if applicable, the Federal Aviation Administration.~~

Sec.

Sec. 4-9-12. Rates:

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

Sec. Sec. 4-9-13. Usage Exclusive Operating Areas

(a) Except as provided in subdivision (b) of ambulance service licensees. this Section, Emergency Ambulance Services, Limited Advanced Life Support, or Advanced Life Support services in an EOA created by OCEMS pursuant to Health and Safety Code section 1794.224 may only be provided by the licensed Ambulance Service Operator that has an existing contract with the County to provide such services. In accordance with section 1797.224, the County shall use a competitive process consistent with the Emergency Medical Services Plan in awarding contracts to licensees for provision of Emergency Ambulance Services in an EOA created by OCEMS pursuant to Health and Safety Code section 1794.224. As expressly stated in Health and Safety Code section 1797.224, no competitive process is required if OCEMS develops or implements an EMS Plan that continues the use of existing providers operating within the County in the manner and scope in which the services have been provided without interruption since January 1, 1981, and nothing in the creation of an EOA supersedes Health and Safety Code section 1797.201.

(a) ~~The County shall contract with licensees on a competitive basis for provision of ambulance service in response to emergencies in each emergency response area. Said contracts shall~~

~~provide for one primary contractor per emergency response area, with such other back-up service by other emergency ambulance service providers as deemed necessary by the County. In awarding these contracts, the County shall consider the comparative value of competing proposals in the same fashion as would be the case were the County evaluating proposals from prospective service providers for other County activities, including consideration of:~~

~~(1) The quality of service to be provided;~~

~~(2) The level (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-service to be provided;~~

~~(3) The rates charged for services to be provided; and~~

~~(4) The cost, if any, to the County.~~

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

~~(c) In the event no proposals acceptable to the County under the provisions of this section services 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, requested by OCEMS 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 a public safety agency. Any ambulance service operator Ambulance Service Operator receiving a request for emergency ambulance service 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, by telephone, notify a OCEMS and the public safety agency designated by regulation of the request.~~

~~No licensee responding (c) No Ambulance or Air Ambulance dispatched to an emergency shall transport a patient Patient unless:~~

~~(1) (1) A paramedic A public safety agency is present at the location of the patient; or Patient or authorizes transport via dispatch; or~~

~~(2) (2) A physician is present at the location of the patient Patient and directs transportation in the absence of a paramedic public safety agency; or~~

(3) Permitted by OCEMS policies or regulations.

Sec. (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.~~

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

4-9-14 Policies and Regulations

The Medical Director shall adopt~~Sec. 4-9-14. Rules and regulations.~~

(a) ~~As to all sections of this division except section 4-9-13, the Health Officer shall make such rulespolicies and regulations and as may be necessary to implement the provisions of this divisionDivision. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.~~

(a) ~~(b)~~ (b) ~~As to section 4-9-13, the Fire Chief shall make such rules and regulations and as may be necessary to implement this division. Prior to adoption, the Fire Chief's rulespolicies and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.~~

(b) ~~(e)~~ (e) ~~The Health OfficerMedical Director or the Fire Chiefhis or theirher designee(s) may inspect the records, facilities, transportation units, equipment, and method of operationoperating of each licensee whenever necessary and, by the Health Officer, at least annually.~~

Sec. 4-9-15. Complaints.

~~The department, any user, subscriber, public safety agency or consumerAny individual who believes, or has reason to believe, that he or another partyhe or someone else has been required to pay an excessive charge for servicesAmbulance Services, received inadequate servicesAmbulance Services, or servicesAmbulance Services provided were not in compliance with theany provision of this divisionDivision or applicable laws and regulations or guidelines, may file a written complaint with the DepartmentOCEMS setting forth such allegations. The DepartmentOCEMS shall notify the ambulance service operator of such investigate the complaint. The ambulance service operator shall file a written response within fifteen (15) calendar days after receipt of notification. and take appropriate action consistent with this Division.~~

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 ChiefThe Medical Director may grant variances from the terms of this divisionDivision if he or she finds such action is necessary to protect the public health, safety, or welfare. As to the Health Officer, such of County residents. 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~~Division by an ~~ambulance service operator~~Ambulance Service Operator shall be a misdemeanor.

Sec.

4-9-18 Additional Provisions

(a) 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 thereof. 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 be enforced.

(b) This Division shall be construed in accordance with the laws of the State of California, including but not limited to, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act set forth in California Health and Safety Code sections 1797, et seq., and shall not be construed in a way that would result in conflict with, or preemption by, any such laws.