

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

It is the intent of this Division to establish the minimum license requirements for operating Ambulance Service within the geographical boundaries of the County in order to provide a fair and impartial means of licensing responsible Ambulance 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 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 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 one or more Patient 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, a Driver of an Ambulance or pilot of Air Ambulance, who is responsible for the care of a Patient and possesses the certification or other document specified in Section 4-9-11 of this Division.

(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, 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 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, restricts operations to one or more Emergency Ambulance Services or providers of Limited Advanced Life Support or Advanced Life Support.

(s) Orange County Health Care Agency or Health Care Agency or 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 County to provide Medical Control and assure medical accountability throughout the planning, implementation, and evaluation of the local Emergency Medical Services System.

(x) 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.

(y) 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 and Title 22 Regulations.

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

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

(bb) 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) Public Safety Agency means a 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. 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.

(b) A license shall be valid for a period of not more than 365 days, unless earlier suspended, revoked, surrendered, or otherwise 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 a duly declared “state of war emergency,” “state of emergency” or “local emergency,” as defined in the California Government Code.

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

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

Sec. 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 invalid and 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) A merger.

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

(b) A licensee may apply to the Medical Director for an amendment to the terms and conditions 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.

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 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 operating Ambulance Service, other type of Patient transportation, and/or providing care to Patients;
- (4) The names under which the applicant has engaged, does, or proposes to engage in Ambulance Services;
- (5) A description of each Ambulance or Air Ambulance to be used under the license, including the make, model, year of manufacture, identification number, current state license number, the length of time it has been in use, the color scheme, insignia, name, monogram and its other distinguishing characteristics, a description of the applicant's program for its maintenance, and a description of its 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 (e.g. BLS, ALS, Air-ALS, etc.), 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 or Air 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 policies and regulations the Medical Director adopts pursuant to 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 Ambulance Service proposed by the applicant will include Basic Life Support, Advanced Life Support, and/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, and/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 or policies the Medical Director adopts pursuant to this Division.

(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) 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 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 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 operate, or engage in operation of, Ambulance Service;

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

Sec. 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 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 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. 4-9-9 Suspension or Revocation of an Ambulance Service License

(a) The Medical Director may revoke, after a hearing held pursuant to this Section, a license issued pursuant to this Division 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 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) The Medical Director shall provide to licensee advanced written notice of his or her intent to revoke the license. Said notice shall:

- (1) Specify the reasons based on which the Medical Director is relying in proposing to revoke the license;
- (2) Set a hearing for not more than twenty (20) days and not less than seven (7) days after the date of the notice;
- (3) Specify the date, time, and place of the hearing 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 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.

(c) 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 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.

(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. 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.

Sec. 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 the regulations and policies the Medical Director adopts under this Division.

(b) 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.

(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 standards set by OCEMS and applicable State requirements.

Sec. 4-9-12 Rates

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

Sec. 4-9-13 Exclusive Operating Areas

(a) Except as provided in subdivision (b) of 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.

(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 or Air Ambulance 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 policies or regulations.

Sec. 4-9-14 Policies and Regulations

(a) The Medical Director shall adopt such policies and regulations as may be necessary to implement the provisions of this Division. Prior to adoption, proposed policies 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.

Sec. 4-9-15 Complaints

Any individual who believes, or has reason to believe, that he or she or someone else has been required to pay an excessive charge for Ambulance Services, received inadequate Ambulance Services, or Ambulance Services provided were not in compliance with any provision of this Division or applicable laws and regulations or guidelines, may file a written complaint with OCEMS setting forth such allegations. OCEMS shall investigate the complaint and take appropriate action consistent with this Division.

Sec. 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 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 by an 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.