

AMBULANCE SERVICE

65.010 SHORT TITLE / AUTHORITY.

- (1) This chapter may be cited as the Polk County Ambulance Service Ordinance.
- (2) This chapter is enacted pursuant to ORS 203.0356 and 823.220. [Ord. 92-44, Sec. 1]

65.010 POLICY / PURPOSE.

The Board of Commissioners finds and declares:

(1) ORS 823.180 requires Polk County to develop a plan for the County relating to the need for and coordination of ambulance services, and to establish Ambulance Service Areas consistent with the plan to provide efficient and effective ambulance services.

(2) This chapter, which establishes Ambulance Service Areas, the methods for selecting ambulance providers for each service area, and members of the Polk County Ambulance Service Area Advisory Committee, together with Exhibit "A" attached hereto and incorporated herein by this reference, make up the Polk County Ambulance Service Area Plan. [Ord. 92-44, Sec. 2]

65.030 DEFINITIONS.

The words and phrases in this chapter have the meaning provided in ORS Chapter 823 and OAR Chapter 333, Division 28, unless specifically defined to have a different meaning. [Ord. 92-44, Sec. 3]

65.040 EXEMPTIONS.

This chapter does not apply to:

(1) Ambulances owned by or operated under the control of the United States Government.

(2) Vehicles being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance service of the surrounding locality is 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) Vehicles operated solely for the transportation of lumber industry employees.

(5) 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. [Ord. 92-44, Sec. 4]

65.050 AMBULANCE SERVICE AREAS.

For the efficient and effective provision of ambulance services in accordance with the Polk County Ambulance Service Area Plan, the ambulance service areas shown on Exhibit "A," attached hereto and incorporated herein by this reference, are adopted as the Ambulance Service Areas for Polk County. The Board of Commissioners, by resolution or order, may adjust the boundaries of the Ambulance Service Areas from time to time as necessary to provide efficient and effective ambulance services. [Ord. 92-44, Sec. 5]

65.060 ASSIGNMENT OF AREAS.

(1) No person shall provide ambulance services in Polk County unless an Ambulance Service Area has been assigned to that person pursuant to this section.

(2) The existing ambulance service providers as named in Exhibit "A" who have been previously licensed as an ambulance service provider by the Health Division, Oregon Department of Human Resources, and currently providing service in Polk County, shall be assigned to the areas as shown and described in Exhibit "A."

(3) If a person assigned an Ambulance Service Area discontinues service before the expiration of the assignment, the Board of Commissioners shall set a time for applications to be accepted, as prescribed in Exhibit "A" Ambulance Service Area Plan. The review of the application and assignment of the Ambulance Service Area shall be in accordance with Exhibit "A" and the assignment shall be for the remainder of the term unless otherwise specified by resolution or order of the Board of Commissioners.

(4) Not less than 15 days before any date when the applications for the assignment of an Ambulance Service Area are due, notice of such application shall be posted in three public places and published at least once in a newspaper of general circulation in Polk County. [Ord. 92-44, Sec. 6]

65.070 DUTIES OF PROVIDER.

Upon assignment of an Ambulance Service Area to a person in accordance with Section 65.060, the person providing ambulance service:

(1) Shall conduct its operations in strict compliance with all applicable State and Federal laws and regulations, the terms of this chapter, and the Polk 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 provider is made by the person calling for the ambulance and the call does not dictate an emergency response;

(b) When the ambulance service provider assigned to the Ambulance Service

Area is unavailable to respond and the person is requested by the other provider or 9-1-1 dispatch to respond; or

(c) When the response is for supplemental assistance or mutual aid.

(4) Shall not transfer the assignment of an Ambulance Service Area without the written consent of the Board of Commissioners as provided in Exhibit "A." [Ord. 92-44, Sec. 7]

65.080 SUSPENSION OR REVOCATION OF ASSIGNMENT.

(1) Upon a recommendation by the Polk County Ambulance Service Area Advisory Committee, or upon its own motion, the Board of Commissioners may suspend or revoke the assignment of an Ambulance Service Area upon finding that the holder thereof has:

(a) Willfully violated provisions of this chapter, the Polk County Ambulance Service Area Plan, or provisions of State or Federal laws and regulations; or

(b) Materially misrepresented facts or information given in the application assignment of an Ambulance Service Area or as part of the review of the performance of the service furnished by the provider.

(2) In lieu of the suspension or revocation of the assignment of Ambulance Service Area, the Board may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided to the holder of the assignment, specifying the violation, the action necessary to correct the violation, and the date by which the action must be taken. If the holder of the assignment fails to take corrective action within the time required, the Board shall notify the holder that the assignment is suspended or revoked upon receipt of the notice. [Ord. 92-44, Sec. 8]

65.090 APPEALS.

(1) A person receiving a notice of the assignment, denial, suspension, revocation, or contingent suspension or revocation of an Ambulance Service Area may request a hearing before the Board of Commissioners by filing with the Board a written request for hearing within 14 days after the decision, setting forth the reasons for the hearing and the issues proposed to be reviewed.

(2) The filing of a hearing request shall stay the action pending the hearing and final determination by the Board of Commissioners, unless the Board makes a written finding that prompt implementation of the decision is required due to an immediate hazard to the public safety. The Board of Commissioners shall set a time and place for a hearing, which shall be on the record or as determined by the Board. Within 14 days after the conclusions of the hearing, the Board shall affirm, reverse, or modify its original decision. [Ord. 92-44, Sec. 9]

65.100 AMBULANCE SERVICE AREA ADVISORY COMMITTEE.

(1) There is created a Polk County Ambulance Service Area Advisory Committee. The members shall be appointed by the Board of Commissioners for two-year terms. The Board shall designate a Chair to serve at its pleasure. The Committee shall meet quarterly or when called upon by the Board or its Chairperson. A majority of the members constitutes a quorum and motions shall be passed by majority of those attending.

- (2) The Committee shall consist of:
- The County Health Officer or designee.
 - The 9-1-1 Coordinator.
 - One ambulance operator.
 - One fire department representative.
 - One emergency physician.
 - One hospital administrator.
 - Two public members.
 - One physician/emergency physician.
 - One emergency management representative, the Sheriff, or his designee.
- (3) The Committee shall:
- (a) Review and make recommendation to the Board of Commissioners regarding all applicants for assignment of Ambulance Service Areas.
 - (b) Provide for on-going input to the County from pre-hospital care consumers, providers, and the medical community.
 - (c) Periodically review the performance of ambulance service providers within Polk County.
 - (d) Periodically review the Polk County Ambulance Service Area Plan and make recommendations to the Board of Commissioners including, but not limited to:
 - (i) Review standards established in the plan and make recommendations regarding improvement and/or new standards as required by OAR 333-28-120 (1-3);
 - (ii) Monitor coordination between emergency medical service resources;
 - (iii) Review dispatch procedures and compliance; and
 - (iv) Review the effectiveness and efficiency of the Ambulance Service Area boundaries. [Ord. 92-44, Sec. 10]

65.110 INITIAL RESPONDER.

- (1) Nothing in this chapter prohibits a 9-1-1 agency responsible for the dispatching of emergency services from dispatching an initial responder to the ambulance service provider. Such initial response shall only be in accordance with this section.

(2) The initial responder shall be a municipal corporation or a special district within Polk County that provides emergency services within its jurisdiction and requests to be dispatched to medical emergencies.

(3) 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 volunteer with the initial responder.

(4) Upon the 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 at the direction of the ambulance service provider. [Ord. 92-44, Sec. 11]

65.120 PENALTIES.

(1) Any person who violates any of the provisions of this chapter is guilty of a violation. Failure from day to day to comply with the terms of this chapter constitutes a separate offense for each such day. Failure to comply with any provision of this chapter constitutes a separate offense for each such provision.

(2) Violation of this chapter is punishable as provided in ORS 203.065. [Ord. 92-44, Sec. 12]

65.130 NUISANCE.

In addition to penalties provided by Section 65.120, violation of any of the provisions of this chapter is declared to be a nuisance. This chapter shall be enforceable by the Health Division of the State of Oregon Department of Human Resources, in a proceeding in Circuit Court for equitable relief. [Ord. 92-44, Sec. 13]