

**AN ORDINANCE ESTABLISHING COUNTY OF MENDOCINO ORDINANCES
CHAPTER 9.05 RELATING TO EMERGENCY MEDICAL SERVICES**

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

DIVISION ONE GENERAL

Sec. 9.05.010 Title.

This Chapter shall be known as the Emergency Medical Services (EMS) Ordinance of Mendocino County. (Ord No. XXXX (part) adopted XXXX.)

Sec. 9.05.020 Findings.

1. The County of Mendocino (hereinafter, “County”) has established an EMS system pursuant to Health and Safety Code Section 1797.200, *et seq.* and is required to ensure that the EMS system contains an organized pattern of readiness and response services.
2. The County will designate a Local EMS Agency (LEMSA) to administer the County EMS system pursuant to Health and Safety Code Section 1797.200, *et seq.*
3. The use of public and private agreements and operational procedures as provided for in Health and Safety Code Section 1797.204 will assist the County in achieving the required organized pattern of readiness and response services.
4. The LEMSA shall develop and implement protocols, policies, and guidelines setting forth minimum requirements for the permitting and operation of ground and air EMS providers for the purpose of providing the organization and resources required to maintain an EMS system that meets the health and safety needs of the citizens of the County.

Sec. 9.05.030 Scope and Intent.

1. Scope. It is the scope of this Chapter to coordinate all EMS providers in partnership with the established County Emergency Medical Care Committee and the LEMSA in order to provide a delivery system that best serves the citizens of Mendocino County.
2. Intent. It is the intent of this Chapter to provide medical direction and management of EMS in the County in conformance with California Health and Safety Code Section 1443, Health

and Safety Code Division 2.5, Welfare and Institution Code Section 17000, Vehicle Code Section 2512, and Government Code Section 37101.

3. Medical control shall be maintained in the following manner:
 - a. Prospectively, by written medical policies and procedures to provide standards for patient care;
 - b. Immediately, by direct voice communication between certified EMT-P (paramedic) or MICN (field) and authorized base hospital physician; and
 - c. Retrospectively, by means of medical audit of field care and continuing education.

Sec. 9.05.040 Definitions.

1. “Agency” means the Mendocino County Health Department, designated by the Board as the local EMS Agency pursuant to Health and Safety Code Section 1797, et seq.
2. “Advanced EMT”; see “Class of service.”
3. ALS. See “Class of Service.”
4. “Ambulance” means any privately or publicly owned vehicle specially designed, constructed, modified, equipped, arranged, maintained, and operated for the sole purpose of transporting sick, injured, wounded, invalid, convalescent or otherwise incapacitated persons, and expectant mothers.
5. “Ambulance dispatch” means the EMS dispatch system designated by the LEMSA.
6. “Ambulance driver” means any person who drives an ambulance in the County.
7. “Ambulance operator” means any person or entity who, for monetary, public service, or other consideration, or as an incident to any other occupation, transports, in one or more ambulances one or more persons needing medical attention or services from any location in the County.
8. “Ambulance service provider” refers to any air or ground ambulance providing any class of service.
9. “Ambulance support vehicle” means vehicles, other than ambulances, used by ambulance operators exclusively to transport medical supplies, lifesaving equipment, or personnel to the scene of an emergency when such a request has been made by any person or public agency responsible for providing emergency medical transportation.
10. “Authorized Registered Nurse” (ARN) means a nurse as defined by Health and Safety Code Section 1797.56.

11. “Base hospital” is designated by the LEMSA as defined under Health and Safety Code Section 1797.59.
12. BLS. See “Class of Service.”
13. “Board” means the Board of Supervisors, County of Mendocino.
14. “Central dispatch” means the EMS dispatch system.
15. “Certificate” or “License” means a specific document issued to an individual denoting competence in the named area of pre-hospital care, pursuant to Health and Safety Code Sections 1797.61, 1797.62, 1797.63, and 1797.210.
16. “Class of service” means the level or levels of complexity of field EMS that may be provided by the permittee and/or certified person. These are:
 - a. Emergency Medical Responder (EMR) is a person who has completed a state-approved EMR course that meets or exceeds the national EMS education standards for EMR and functions within the state and LEMSA-approved scope.
 - b. Basic Life Support (BLS) as defined in Health and Safety Code Section 1797.60. The support personnel for BLS are EMTs, as defined in Health and Safety Code Section 1797.80.
 - c. Advanced Life Support (ALS) as defined in Health and Safety Code Section 1797.56. The support personnel for BLS are EMTs, as defined in Health and Safety Code Section 1797.80.
17. “Code 3” means the authorized use of red lights and siren during an emergency response or transport.
18. “County” means the County of Mendocino, State of California.
19. “Critical care transport” (CCT) means any entity or person who transports a patient in circumstances where the skill level required in the care of that patient during export exceeds the ALS scope of training.
20. “Emergency call” means a request for dispatch of an ambulance to any emergency, as defined in Health and Safety Code Section 1797.
21. “Emergency Medical Care Committee” (EMCC) means the Emergency Medical Care Committee of the County appointed by the Board authorized by Health and Safety Code 1797.270 et seq.

22. “Emergency Medical Services” (EMS) means services performed in response to an emergency medical call.
23. “Emergency Medical Service (EMS) Aircraft Designated Dispatch Center” means the agency which has been designed by the EMS Agency for the purpose of coordinating air ambulance or rescue aircraft response to the scene of a medical emergency within the jurisdiction of the EMS Agency.
24. “EMS aircraft service” means any aircraft service utilized for the purpose of pre-hospital emergency patient response and transport. EMS aircraft service includes air ambulances and all categories of rescue aircraft as defined in Title 22 as follows:
 - a. “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 a minimum of two (2) attendants certified or licensed in ALS.
 - b. “Rescue aircraft” means an aircraft whose primary usual function is not pre-hospital, emergency patient transport but which may be utilized, in compliance with local EMS policy, for pre-hospital, emergency patient transport when use of an air or ground ambulance is inappropriate or unavailable. Rescue aircraft includes ALS, BLS, and auxiliary rescue aircraft.
 - c. “ALS rescue aircraft” means a rescue aircraft whose medical flight crew has at a minimum one (1) attendant certified or licensed in ALS.
 - d. “BLS Aircraft” means a rescue aircraft whose medical flight crew has at a minimum one (1) attendant certified as an EMT with at least eight (8) hours of hospital clinic training and whose field/clinical experience specified in Section 100074(c) of Title 22, California Code of Regulations, is in the aeromedical transport of patients.
 - e. “Auxiliary rescue aircraft” means a rescue aircraft which does not have a medical flight crew or whose medical flight crew does not meet the minimum requirements established in Section 100283 (paragraph “d” listed above).
25. “EMS Entity” means the entity authorized by the LEMSA pursuant to this Chapter to provide EMS responses and transports.
26. “EMS System” means a specifically organized arrangement which provides for the personnel, facilities, and equipment for the effective and coordinated delivery of medical care

services under emergency conditions, as described in Health and Safety Code Sections 1797 and 1798.

27. “Emergency Medical Technician” (EMT) means an individual trained and certified in all facets of BLS, as described in Health and Safety Code Section 17970.80 and 1797.170 and certified under Title 22.
28. “Advanced EMT” means an individual trained and certified in all facets of BLS and limited ALS, as described in Health and Safety Code Sections 1797.82 and 1797.171 and certified under Title 22.
29. “Emergency Medical Technician - Paramedic” (EMT-P) or “paramedic” means an EMT who is trained and certified in ALS according to standards established by this Chapter, as defined in Health and Safety Code Sections 1797.84 and 1797.172 and licensed under Title 22.
30. “Health care provider” means any physician, physician’s assistant, nurse practitioner, nurse, or anyone lawfully acting at the direction of such person.
31. LEMSA” means the Local EMS Agency established by the County, designated by the Board pursuant to Health and Safety Code Section 1797, *et seq.*
32. “Maddy EMS Fund” references funding available through Health and Safety Code Section 1797.98a which compensates health care providers for emergency services for people who do not have health insurance and cannot afford to pay for emergency care and for discretionary EMS purposes.
33. “Medical flight crew” means those individuals, excluding the pilot, specifically assigned to care for the patient during aircraft transport.
34. “Mobile Intensive Care Nurse” (MICN) means a registered nurse who has been certified by the LEMSA in conformance with the recommendations of the California Conference of Local Health Officers as qualified in the provision of emergency cardiac and non-cardiac care and the issuance of emergency instructions to field personnel.
35. “Patient” means any person encountered by prehospital personnel who demonstrates any known or suspected illness or injury OR is involved in an event with significant mechanism that could cause illness or injury OR who requests care or evaluation.
36. “Permittee” means an ambulance service which has been granted a permit by the LEMSA to engage in a business or service in which ambulances are operated. (Ord. No. XXXX (part), adopted XXXX; Ord. No. XXXX (part) adopted XXXX.)

Sec. 9.05.050 Administrative Authority.

This Chapter shall be administered by the County through its designated LEMSA.

Sec. 9.05.060 EMS Fund and EMS Trust.

An EMS special fund, known as the “Maddy EMS Fund,” is established pursuant to Health and Safety Code Section 1797.98a, et seq. Monies collected from permits and fines are to be deposited in this fund and distributed according to the Health and Safety Code. (Ord. No. XXXX (part) adopted XXXX.)

An EMS Trust is established for monies collected from EMS providers related to permits, fines, and liquidated damages. Said monies will be exclusively utilized to fund EMS-related system improvements at the direction of the LEMSA. It is not intended to support EMS provider operations.

DIVISION TWO PERMITS

Sec. 9.05.100 Permit Required.

No person (either as owner, agent, or otherwise) shall furnish, operate, conduct, maintain, or otherwise engage in, or offer, or profess to engage in providing ambulance service in the County unless the person has a current Provider Agreement to provide ambulance services and a current valid Ambulance Service Provider Permit in accordance with the LEMSA System Plan and EMS protocols, policies, and guidelines.

This Chapter shall apply to providers of air and ground ambulances, including BLS, ALS, and CCT vehicles (hereinafter, “ambulance service providers”), except that (1) it shall not apply to ambulance service providers engaged in the transport of patients where the transport initiated outside County boundaries for transport into the County and (2) Paragraph 2 below shall not apply to air ambulances.

1. Exemptions. The only exemption to this permit requirement is for ambulances meeting all of the original jurisdiction’s requirement as an ambulance service in adjoining county or state ambulance provider areas that provide less than 20 calls per month to service areas of the County that would be difficult for a primary permitted provider to service and has been providing this services nonstop for the past five (5) years or during a declared Multi-Casualty Incident (MCI)/disaster.

2. The LEMSA may establish one or more exclusive operating areas (EOAs), as defined in Health & Safety Code Section 1797.85, which may be awarded either without a competitive process (a “non-competitive EOA”) or pursuant to a competitive process (a “competitive EOA”), provided that in either case the requirements of Health and Safety Code Section 1797.224 are met. An ambulance service provider granted an EOA shall enter into an agreement with the County (an “EOA Agreement”) setting forth the terms on which the ambulance service provider shall provide services within the EOA, including the level and type of ambulance services covered by the EOA. No ambulance service provider permit shall be valid within an EOA, nor shall any ambulance service provider render any type or level of ambulance services within an EOA, unless that ambulance service provider has entered into an EOA Agreement with the County to provide that level or type of ambulance services within that EOA. A permitted EOA provider may subcontract with other permitted or unpermitted (as exempted by paragraph 2 above) provider.
3. Any ambulance service provider permit held by an ambulance company as provided in paragraph 3 above shall automatically expire upon the expiration or termination of the EOA Agreement held by such provider for any reason.
4. Nothing in this Chapter or in any rule or regulation enacted by the County shall be construed as requiring the County to establish either a competitive or non-competitive EOA.
5. Investigation by the LEMSA. Upon receipt of a completed application, the LEMSA is delegated to conduct an initial investigation of the permit requester, including the company and its ownership, to determine that there are no concerns related to the health, safety, and welfare of the public. Upon the LEMSA’s approval, a permit may be granted.
6. Issuance or Denial of Permit.
 - A. The LEMSA may approve the issuance of a permit to conduct an ambulance service.
 - B. The LEMSA may deny the issuance of a permit if the applicant or any partner, officer, or director thereof:
 1. Was previously the holder of a permit issued under this Chapter which permit has been revoked or not reissued, and the terms or conditions of the suspension have not been fulfilled or corrected.
 2. Is committing any act which, if committed by any permittee, would be grounds for the suspension or revocation of a permit issued pursuant to this Chapter.

3. Has acted in the capacity of a permitted person or firm under this Chapter without having a valid permit.
4. Has entered the plea of guilty to, no contest to, or has been found guilty of a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal irrespective of an order granting probation following such conviction suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty or setting aside the plea or verdict of guilty or dismissing the accusation or information (Ord. No. XXXX (part) adopted XXXX).
7. Temporary Variance. In the event of a change in ownership of any kind or nature, any interruption of service of more than twenty-four (24) hours duration, or any substantial change in staffing or equipment of the ambulance service which causes the ambulance service to be carried out differently than specified in the current operating permit, the permittee shall notify the LEMSA immediately in writing. Upon request by the permittee, the LEMSA may grant a temporary variance from the condition so specified in the original permit if it finds that such change is in substantial compliance with the provisions of this Chapter. If the LEMSA finds that such change is not within substantial compliance with this Chapter, it may suspend or revoke the permit. In all cases where a change in the ownership of an ambulance service occurs, an application for a new permit shall be filed within thirty (30) days. In no case shall any temporary variance be valid for more than sixty (60) days without written approval of the LEMSA (Ord. No. 3791 (part), adopted 1991).
8. Permits issued in conformance to this division are nontransferable.

Sec. 9.05.110 Fees.

The LEMSA shall establish the fees for EMS services including, but not limited to, the ambulance service permits, first responder permits, EOA procurement process, EOA contract monitoring, receiving healthcare facilities, and specialty centers (e.g., trauma, stroke, cardiac). If the fees are not paid within 30 days of permit expiration, the provider's permit will be considered suspended and the provider shall not provide the related service(s) within the County until the fees are paid in full. If the fees are not paid within 180 days, the permit will be considered expired and a new application must be submitted to the LEMSA.

Sec. 9.05.120 Mutual Aid.

All permitted ambulance service providers are required to be part of the County mutual aid system and respond to contiguous boundary mutual aid requests when they have available resources should the need arise (Ord. No. 3791 (part), adopted 1991).

Sec. 9.05.130 Documentation

All permitted EMS providers are required to document, via the electronic patient care report (ePCR) process, all incident and patient contacts as defined by LEMSA policy and data submission requirements. This includes requests received through the 9-1-1 system as well as any other dispatch center via any alternate telephone numbers or communication systems.

Sec. 9.05.140 Inter-Facility Transportation.

Permitted ambulance service providers may offer IFT services. These services are intended for the scheduled or non-urgent transportation of people needing an ambulance where the origination is from and/or to a federally recognized medical facility. Any provider offering IFT shall not accept any ambulance transport request of an emergent (prehospital) nature. Every request for service, including IFT, shall be evaluated using medical priority dispatch protocols approved by the LEMSA Medical Director and any calls determined to be emergent, based on LEMSA policies, must be referred to the 9-1-1 system for the appropriate response.

Sec. 9.05.150 Violations.

Violations of this Chapter shall subject the violator to penalties under all applicable federal, state, and local laws, regulations, and policies. Said violation(s) may result in written warning, administrative fine, suspension, or revocation of permit as defined by LEMSA policy. The process for investigation is defined by the LEMSA policies as well as the process to lift a permit suspension.

Sec. 9.05.160 Appeal Procedure.

If the initial application or renewal of a permit or certificate is denied by the LEMSA, or if the LEMSA suspends or revokes a permit or certificate, the permittee shall have the right to demand a hearing by an administrative law judge. A request for a hearing shall be made in writing to the LEMSA Director within fifteen (15) calendar days following the denial, suspension or revocation of the permit. Upon receipt of the written request, the LEMSA Director shall contact

the permittee to discuss the issue(s) and whether it can be resolved administratively. If not, the LEMSA Director shall appoint an administrative law judge approved by the Board, set the matter for hearing on a date not more than sixty (60) days following receipt of the written request, and give notice to both the appellant and the LEMSA of the date set for the hearing. At the hearing, the administrative law judge shall hear the appellant, the LEMSA, and any other interested person who may present evidence relevant to the decision of the LEMSA. Within thirty (30) days following the conclusion of the hearing, the administrative law judge shall issue its recommendation whether or not the permit or certificate should be issued or the suspension or revocation sustained to the LEMSA Director (Ord. No. 3791 (part), adopted 1991). The LEMSA Director will either accept or reject the administrative law judge recommendation based on all pertinent information.

DIVISION THREE: EFFECTIVE

This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the *Ukiah Daily Journal*, a newspaper of general circulation, printed and published in the County of Mendocino, State of California, together with the names of the members of the Board voting for and against the same. In addition, notification by first class mail shall be provided to all existing ambulance service providers in the County, provided that the County has notice of the business address of each such provider.

PASSED, ADOPTED, AND APPROVED by the Board of Supervisors of the County of Mendocino this ____ day of _____, 2016.

Carre Brown, Chair
Board of Supervisors

ATTEST: _____
Carmel Angelo, Clerk of the
Board of Supervisors, County of Mendocino,
State of California