

**Chapter 8.30. AMBULANCE SERVICE AREA**

- 8.30.010. Title.**
- 8.30.020. Purpose.**
- 8.30.030. Definitions.**
- 8.30.035. Ambulance Service Area (ASA) Advisory Committee-Established.**
- 8.30.040. Administration.**
- 8.30.045. Service Providers Regulated.**
- 8.30.050. Franchise-Application.**
- 8.30.055. Franchise-Review of Application.**
- 8.30.060. Franchise-Terms and Renewals.**
- 8.30.065. Franchise-Discontinuance of Service; Transfer.**
- 8.30.070. Enforcement.**
- 8.30.075. Interruption of Service-Prevention.**
- 8.30.080. Appeals, Abatement and Penalties.**
- 8.30.085. Franchise Duties.**
- 8.30.090. Exemptions.**
- 8.30.100. Appendix A - Ambulance Service Area Plan for Deschutes County, Oregon**

**8.30.010. Title.**

This title shall be known as the Deschutes County Ambulance Service Area.  
(Ord. 98-064 §1, 1998)

**8.30.020. Purpose.**

- A. The purpose of DCC 8.30 is to establish ambulance services areas, assign emergency ambulance service providers, create an ambulance service area advisory committee, provide penalties and prescribe effective dates.
- B. For the efficient and effective provision of emergency ambulance services in accordance with the Ambulance Service Area (ASA) Plan, the ambulance service areas shown on the map known as Appendix #1 of the ASA Plan is hereby adopted as the ASA for Deschutes County. The Board, after notice to the affected ASA provider and by the adoption of an order, may adjust the boundaries of an ASA from time to time as necessary to provide efficient and effective emergency ambulance services.  
(Ord. 98-064 §1, 1998)

**8.30.030. Definitions.**

Unless otherwise apparent from the context, certain words and phrases used in DCC 8.30 are defined as set forth in the Ambulance Service Area Plan for Deschutes County, Oregon, Appendix A to this Chapter.  
(Ord. 2003-023 §1, 2003; Ord. 98-064 §1, 1998)

**8.30.035. Ambulance Service Area (ASA) Advisory Committee-Established.**

- A. A committee to be known as the Ambulance Service Area Advisory Committee (committee) is hereby established.
  - 1. The committee shall consist of not less than twelve and no more than fourteen members from the following:
    - a. Emergency department physician.
    - b. Deschutes County Health Department representative.

## DCC 8.30 – APPENDIX A

- c. Ambulance service provider representative from each ASA.
  - d. Deschutes County Emergency Manager
  - e. 9-1-1 center representative.
  - f. Citizen member.
2. The Board shall designate a County staff member as the ASA Administrator. The Administrator and other County staff as the Board deems appropriate shall be ex-officio members of the committee.
- B. Members shall be appointed by and serve at the pleasure of the Board. The Board may appoint additional persons to the committee to serve as ex-officio members or advisors. The Board may approve designation of alternates to serve in the absence of persons appointed to the committee.
  - C. Except for the ASA Administrator and any other County staff, appointments shall be for staggered terms on the initial committee for a term not to exceed three years. Subsequent appointments shall be for two-year terms. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term. Persons may be appointed to successive terms.
  - D. The committee shall elect a chairperson. The committee shall meet at such times it deems necessary or as called by the Administrator or the Board. The chairperson or any two members of the committee may call a special meeting with five days notice to other members of the committee. However, members may waive such notice.
  - E. A quorum constitutes one-half of the committee members plus one for the transaction of business. A majority vote of those present and voting is required to pass motions.
  - F. In addition to other duties prescribed by DCC 8.30, the committee shall:
    1. Review and make recommendations to the Administrator regarding the selection criteria for determining a franchise to provide ambulance service.
    2. Regularly provide information to the Board from pre-hospital care consumers, providers and the medical community.
    3. Periodically review the ASA Plan and make recommendations to the Board in regard to:
      - a. Standards established in the plan and improvements of or new standards as required by OAR 333-260-0000 through 333-260-0070;
      - b. Coordination between emergency medical service resources;
      - c. Dispatch procedures and compliance; and
      - d. Effectiveness and efficiency of the ASA boundaries.
    4. Implement the quality assurance program outlined in the ASA Plan to insure compliance with the ASA Plan.
    5. Perform such other duties as directed by the Board.
  - G. Committee members shall avoid acting in any manner where a conflict of interest may arise. Any committee member having a direct or indirect financial pecuniary interest in any matter before the committee for consideration shall withdraw from participation in any action by the committee in said matter. Nothing in DCC 8.30.035 shall limit the ability of any person to provide testimony before the committee.

(Ord. 2013-005 §1, 2013 Ord. 2003-023 §2, 2003; Ord. 98-064 §1, 1998)

### **8.30.040. Administration.**

The Administrator, under the supervision of the Board and with the assistance of the committee, shall be responsible for the administration of the ASA Plan. In order to carry out the duties imposed by the ASA Plan, the Administrator, or persons authorized by the Administrator, are authorized to enter on the premises of any person regulated by the ASA Plan at reasonable times and in a reasonable manner to determine compliance. The Administrator shall also have access to records pertaining to ambulance service operations

of any person regulated by the ASA Plan. These records shall be made and provided as requested by the Administrator.

(Ord. 98-064 §1, 1998)

**8.30.045. Service Providers Regulated.**

- A. Effective May 14, 1997, no person shall provide emergency ambulance services within Deschutes County unless such person is franchised in accordance with DCC 8.30. Each franchise retains the first right of refusal for non-emergency and inter-facility ambulance transports originating within their ASA boundaries. The franchisee may subcontract non-emergency or inter-facility ambulance transports as defined in the ASA Plan.
- B. If there is more than one application made for an ASA, the provider that meets the application requirements of DCC 8.30.050 and that was providing service on the effective date of this Ordinance shall be franchised to provide emergency ambulance service for the ASA.

(Ord. 2013-005 §1, 2013; Ord. 98-064 §1, 1998)

**8.30.050. Franchise-Application.**

- A. Any person desiring to provide ambulance service within Deschutes County shall submit an application to be assigned an ASA within 30 days of the effective date of this ordinance. The application shall be submitted to the Administrator.
- B. Applications for franchises shall be on forms provided by the Board. In addition to information required by the forms, the Board may require additional information it deems necessary to insure compliance with DCC 8.30 or to make a more informed decision.
- C. The applicant shall provide the following information:
  - 1. The name and address of the person or agency applying.
  - 2. The ASA the person desires to serve, the location(s) from which ambulance services will be provided, and the level of service to be provided.
  - 3. A statement as to whether or not the applicant will subcontract for any service to be provided. If some service will be provided by subcontract, a copy of that subcontract shall be provided.
  - 4. A list of vehicles to be used in providing emergency ambulance services including year, make and model, and verification that each vehicle is licensed as a basic and/or advance life support ambulance by the Oregon Health Authority.
  - 5. A statement that all equipment and supplies in each ambulance conforms to Health Authority standards.
  - 6. A list of personnel to be used in providing emergency ambulance service and their current Emergency Medical Services Provider level and license number, or other appropriate certification.
  - 7. Proof of financial ability to operate, including an operating budget for public bodies or financial statement for private entities, references, and statement of past ambulance service. Private companies must include a profit and loss statement in addition to the above materials. Other appropriate financial information such as income tax returns or reports by governmental authorities shall also be submitted upon request. Public bodies must provide information regarding the sources and amounts of funding for emergency ambulance services.
  - 8. Proof of public liability insurance in the amount of not less than the limits of liability provided under the Oregon Tort Claims Act, ORS 30.260 to 30.300. Public agencies may in lieu of insurance establish a program of self-insurance in accordance with State law.
  - 9. A statement of experience in providing emergency ambulance service of a comparable quality and quantity to insure compliance with DCC 8.30, regulations promoted thereunder, any franchise issued, and the ASA Plan.
  - 10. Statement of ability to comply with the rules and regulations of the ASA Plan and applicable County ordinances, in the form of a narrative summary.

## DCC 8.30 – APPENDIX A

11. A description of any prepaid ambulance plan, including number of years of operation, funding and term.
  12. Any other materials or information requested.
  13. In the case of an application to transfer or take over an already assigned franchise:
    - a. A detailed summary of how the proposed change will improve emergency ambulance response time, and the quality and level of services to the ASA. It shall include an assessment of how the proposed change will impact the existing first response system.
    - b. Evidence that the call volume in the ASA is sufficient to financially or otherwise justify the change in service.
    - c. Any other records or materials requested.
  - D. The Board may, from time to time, by order, adopt fees to defray the actual reasonable costs incurred by Deschutes County in processing applications, and adopt annual franchise fees to defray reasonable costs of Deschutes County in administering the ASA Plan.
  - E. Franchise applications shall be reviewed by the ASA committee, who will make a recommendation of assignment of the ASAs to the Board. The assignment of an ASA shall be made by an order of the Board.
- (Ord. 2013-005 §1, 2013; Ord. 98-064 §1, 1998)

### **8.30.055. Franchise-Review of Application.**

- A. Applications shall be reviewed by the committee, who shall make such an investigation as it deems appropriate, and who may request assistance of other persons as necessary.
- B. The Administrator shall notify the holder of a franchise for providing emergency ambulance service to an ASA of any applications by another person to take over that franchise.
- C. Unless the time is extended by the Board for good cause, the committee shall make its recommendation to the Board to grant, deny, modify, or attach appropriate conditions to the application. The committee shall transmit its recommendation within 60 days after the application.
- D. Upon receipt of the committee's recommendation, the Board:
  1. Shall publish notice of its intent to hold a public hearing on the application and recommendations at least 10 days, but not later than 30 days following publication of notice.
  2. May require additional investigation by the committee if it finds that there is insufficient information on which to base its action.
  3. Shall, upon the basis of the application, the committee's recommendation, such other information as is permitted by DCC 8.30, and such information as is presented to the Board at the public hearing, make an order granting, denying, or modifying the application or attaching conditions thereto.
  4. Shall not make an order adverse to the applicant or to the holder of, or applicant for, another franchise effective less than 30 days after the date of such order and shall notify such persons in writing of the order. The Board may suspend operation of this DCC 8.30.055 and enter an emergency order if it finds there is an immediate and serious danger to the public or a health hazard or public nuisance would be created by a delay.
  5. After the Board makes an order granting an emergency ambulance service franchise with or without conditions, and the franchise finds he/she is unable to provide a particular service, the Board may permit the franchise to subcontract such service to another person if the Board finds that the quality and extent of the service would not be jeopardized. The Board may require the filing of such information, as it deems necessary.

(Ord. 98-064 §1, 1998)

### **8.30.060. Franchise-Terms and Renewals.**

- A. The initial ambulance service franchise in an ASA shall be valid from the date of issuance until June 30, 2000.

## DCC 8.30 – APPENDIX A

- B. Thereafter, the term of an emergency ambulance service franchise shall be five years beginning on July 1 and ending June 30 five years later.
- C. Unless grounds exist for refusal to renew a franchise under provisions for suspension or revocation as set forth in DCC 8.30, or unless the franchise is to be given to a new person, franchises shall be renewable. Application for renewal shall be made on forms provided by the Board.
- D. Not more than 180 days and not less than 120 days prior to the expiration of the franchise, a franchisee wanting to renew the franchise and any person desiring to take over the franchise shall submit an application to the Administrator.
- E. Review of all applications for renewal or take over of a franchise shall be conducted in the same manner as provided for in DCC 8.30.

(Ord. 2003-023 §3, 2003; Ord. 98-064 §1, 1998)

### **8.30.065. Franchise-Discontinuance of Service; Transfer.**

- A. If a franchise discontinues service before the expiration date of his/her franchise, the Board shall set a time by which applications must be submitted for a new franchise in the ASA.
- B. The committee shall develop an interim plan for coverage of the ASA, using existing franchisees and/or other available resources until the ASA can be reassigned.
- C. The Board shall issue a temporary certificate, valid for a stated period not to exceed six months, entitling a person to provide emergency ambulance service in all or part of the ASA. The Board may renew a temporary certificate for one additional six month period.
- D. A franchise may transfer its franchise to another person only upon written notice to and approval by the Board. Review of an application for transfer of a franchise shall be conducted in the same manner as for an application pursuant to DCC 8.30.

(Ord. 98-064 §1, 1998)

### **8.30.070. Enforcement.**

- A. Subject to the policies and remedies stated in DCC 8.30, and penalties provided elsewhere in DCC 8.30, the Administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke, or refuse to renew a franchise as provided in DCC 8.30.070.
- B. If in the judgment of the committee or Board, there is sufficient evidence to constitute a violation of applicable local, state or federal law, or if the franchise has materially misrepresented facts or information given in the application for the franchise, the Board shall notify the franchisee in writing, by certified mail, or by personal service, as is provided by law for the service of a summons, of the violation and what steps he must take to cure the violation. The Board shall send a copy of the notice to the committee.
- C. Ten days following the receipt of notice of violation, the Board may enter its order of revocation, modification, suspension or non-renewal, and may thereby revoke, modify, suspend, or not renew the franchise, unless prior thereto the franchisee shall file with the Board his request for a hearing on the Board's notice of violation. If said request is timely filed, or if the Board moves on its own, revocation, modification, suspension, or non-renewal will be stayed until the Board can, at its earliest convenience, hold a public hearing on the matter. Notice of said hearing shall be given to the franchisee by mail and to all others by publication in a newspaper of general circulation in the County or the ASA at least 10 days prior to such hearing. The burden of proof at the hearing shall be upon the Administrator to show by substantial evidence in the record as a whole that the franchisee failed to comply with DCC 8.30, the ASA Plan, state statute, or administrative rule.
- D. In lieu of the suspension or revocation of the franchise, 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 by mail to the franchisee. The

## DCC 8.30 – APPENDIX A

notice shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The franchisee shall notify the Board of the corrective action taken. If the franchisee fails to take corrective action within the time required, the Board shall notify the franchisee by certified mail, return receipt requested, or by personal service, that the franchise is suspended or revoked upon service of the notice.

- E. Should the franchisee fail to comply with the Board's order, then the Board may take any steps authorized by law to enforce its order.

(Ord. 98-064 §1, 1998)

### **8.30.075. Interruption of Service-Prevention.**

Whenever the Board finds that the failure of service would adversely impact the health, welfare or safety of the residents of this County, the Board shall, after reasonable notice, but not less than 24 hours notice to the franchisee, hold a public hearing. Upon appropriate findings after the hearing, the Board shall have the right to authorize another franchisee or other person to provide services.

(Ord. 98-064 §1, 1998)

### **8.30.080. Appeals, Abatements and Penalties.**

- A. All the decisions of the Board under DCC 8.30 shall be reviewable by the Circuit Court of the State of Oregon for the County of Deschutes, only by way of writ of review.
- B. The provision of emergency ambulance service by any person in violation of DCC 8.30, or regulations promulgated thereunder, is a nuisance and the court may, in addition to other remedies provided by law or by DCC 8.30, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such emergency ambulance service.
- C. Any person who violates any of the provisions of DCC 8.30 is guilty of a violation. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision.
- D. Violations of these provisions are punishable, upon conviction, by a fine of not more than \$500.00 for a non-continuing offense, i.e., an offense not spanning two or more consecutive calendar days. In the case of a continuing offense, i.e., an offense which spans two or more consecutive calendar days, violations of the provisions is punishable by a fine of not more than \$500.00 per day up to a maximum of \$1,000.00 as provided by law.

(Ord. 98-064 §1, 1998)

### **8.30.085. Franchisee Duties.**

The Franchisee:

- A. Shall conduct its operation in compliance with all applicable state and federal laws, rules and regulations, the terms of this Ordinance and the Deschutes County ASA Plan;
- B. Shall not fail or refuse to respond to an emergency call for service when an ambulance is available for service;
- C. Shall not respond to a medical emergency located outside its assigned ASA except:
  - 1. When a request for specific emergency ambulance service is made by the person calling for the ambulance and the call does not dictate an emergency service response;
  - 2. When the franchisee assigned to the ASA is unavailable to respond and the franchisee is requested by another franchisee or 9-1-1 dispatch to respond;
  - 3. When the response is for supplemental assistance or mutual aid.
- D. Shall not voluntarily discontinue service to its assigned ASA until it has:
  - 1. Given 60 days written notice to the Administrator, or
  - 2. Obtained written approval of the Board.

## DCC 8.30 – APPENDIX A

E. DCC 8.30.085(A)(4) shall not apply to:

1. Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction; or
2. Transfer of franchises pursuant to DCC 8.30.

(Ord. 98-064 §1, 1998)

### **8.30.090. Exemptions.**

A. Nothing in DCC 8.30 prohibits a 911 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an emergency ambulance service provider.

B. DCC 8.30 shall not apply to the following:

1. Ambulance services and ambulances owned or operated under the control of the United States Government; and
2. Vehicles and aircraft being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident; and
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; and
4. Ambulances or vehicles not covered by the Deschutes County ASA Plan 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. 98-064 §1, 1998)