

Ordinance No. 21.

[note: this ordinance replaces Ordinance No. 21: "An Ordinance Regulating Ambulance Service and the Granting of Franchises to Ambulance Operators in The County of Caswell," enacted January 7, 1985]

Ordinance Regulating Ambulance Franchises and the Provision of Prehospital and Emergency Medical Services in Caswell County.

Statement of Purpose and General Authority: This ordinance is adopted under the authority of N.C.G.S. § 153A-250 to assure the provision of adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety, and welfare. This ordinance regulates the application, issuance of franchises, and compliance of emergency medical services and other pre-hospital emergency medical responders and providers with appropriate standards.

The Caswell County Board of Commissioners does ordain the following:

Section 1 – Abbreviations and Definitions

Unless otherwise expressly stated, words that are not defined in this document shall be given there common and ordinary meaning.

1.1 Abbreviations

The following abbreviations are used throughout this ordinance mean:

- (1) EMD: Emergency Medical Dispatch
- (2) EMDPRS: Emergency Medical Dispatch Priority Reference System
- (3) EMS: Emergency Medical Services
- (4) EMT: Emergency Medical Technician
- (5) EMT-I: Emergency Medical Technician-Intermediate
- (6) EMT-P: Emergency Medical Technician-Paramedic
- (7) NCAC: North Carolina Administrative Code
- (8) NCCEP: North Carolina College of Emergency Physicians
- (9) NCGS: North Carolina General Statutes
- (10) NCOEMS: North Carolina Office of Emergency Medical Services
- (11) USDOT: United States Department of Transportation

1.2 Definitions

The following terms are used throughout this ordinance mean:

- (1) **Ambulance** means any publicly or privately owned vehicle, as certified by the North Carolina Office of Emergency Medical Services, that is specifically designed, constructed or modified and equipped, and is intended to be used for and is maintained or operated for the transportation upon the streets and highways of this State for persons who are sick, injured, wounded or otherwise incapacitated or helpless.
- (2) **Ambulance Service** means any publicly or privately owned agency, as "Ambulance Service" means any publicly or privately owned agency, as credentialled by the North Carolina Office of Emergency of Emergency Medical Services, that has been specially licensed to operate a service that is intended for the treatment and transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.
- (3) **Committee** means the Caswell County Emergency Medical Services System Total Quality Management Committee.
- (4) **Contract** means a formal written agreement between two or more parties, which creates an obligation to provide certain services and/or benefits to the citizens of Caswell County.
- (5) **Convalescent Ambulance** means an ambulance used on a scheduled basis solely to transport patients having a known non-emergency medical condition. Convalescent ambulances shall not be used in place of any other category of ambulance defined in this Ordinance.
- (6) **County** means The County of Caswell, North Carolina
- (7) **Emergency Apparatus** means a motor vehicle dedicated and equipped to move medical equipment or other emergency equipment and EMS personnel functioning within the scope of practice of basic, intermediate, or paramedic level emergency medical technicians to the scene of a request of assistance.

- (8) **EMS System** means a coordinated arrangement of resources (including personnel, equipment, and facilities) organized to respond to medical emergencies and integrated with other health care providers and networks including, but not limited to, public health, community health monitoring activities, and special needs populations.
- (9) **Franchise**
"Franchise" shall mean a permit issued by the county to a person for the operation of an ambulance service, a first responder, or other pre-hospital emergency medical assistance organization.
- (10) **Franchise Holder**
"Franchise Holder" means any person having been issued a franchise by the county for the operation of an ambulance service, first responder or other pre-hospital emergency medical organization.
- (11) **Ground Ambulance**
"Ground Ambulance" means an ambulance used to transport patients with traumatic or medical conditions or patients for whom the need for emergency or non-emergency medical care is anticipated either at the patient location or during transport. Ground ambulances may be used to transport all types of patients.
- (12) **Medic**
"Medic" means an individual who has completed a training program in emergency medical care at least equal to the USDOT National Standard Curriculum for Emergency Medical Technician-Basic, Intermediate, or Paramedic and holds a credential issued by the North Carolina Office of EMS and is affiliated with the Caswell County EMS System.
- (13) **Medical Crew Members**
"Medical Crew Members" means EMS personnel or other health care professionals who hold a current credential and are affiliated with the Caswell County EMS System.
- (14) **Medical Director**
"Medical Director" means the physician who is responsible for the medical oversight of the Caswell County EMS System.
- (15) **Medical Oversight**
"Medical Oversight" means the responsibility for the management and accountability of the medical care aspects of the Caswell County EMS System.

- (16) **Medical Responder**
"Medical Responder" means an individual who has completed a training program in emergency medical care at least equal to the National Standard Curriculum for Medical Responders as outlined by the US DOT and hold a current credential and are affiliated in the Caswell County EMS System.
- (17) **Office of Emergency Medical Services (OEMS)**
"Office of Emergency Medical Services means a section of the Division of Facility Services in the North Carolina Department of Health and Human Services.
- (18) **Operational Protocols**
"Operational Protocols" means the written administrative policies and procedures of an EMS System that provide guidance for the day to day operation of the system.
- (19) **Operator**
"Operator" means a person in actual physical control of an apparatus which is in motion or which has the engine running.
- (20) **Physician**
"Physician" means a medical or osteopathic physician licensed by the North Carolina Medical Board to practice medicine in the state of North Carolina.
- (21) **Prehospital Emergency Medical Services**
"Prehospital Emergency Medical Services" means a service that responds to medical emergencies and provides treatment and transportation to patients in a setting outside or before hospital services are provided.
- (22) **Provider**
"Provider" means an individual, firm, corporation, or association who engages or professes to engage in the business or service or responding to medical emergencies or transporting patients by means of ground or conveyance.
- (23) **Treatment Protocols**
"Treatment Protocols" means a written document approved by the medical directors of both the local EMS System and the North Carolina Office of EMS specifying the diagnostic procedures, treatment procedures, medication administration and patient-care-related policies that shall be completed by EMS personnel or medical crew members based upon the assessment of a patient.

- (24) **Total Quality Management Committee**
"Total Quality Management Committee" means a committee within an EMS system that is affiliated with a medical review committee as referenced in N.C.G.S. § 143-518 (a)(5) and is responsible for the continued monitoring and evaluation of medical and operational issues within the system and for improvement of the system.

SECTION II. Franchise Required

- 2.1 No person, either as an owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or non-emergency transportation of patients within The County of Caswell unless the person holds a valid permit pursuant to Article 7, Chapter 131E-156 of the General Statutes of North Carolina for each ambulance used in such business or service issued by the North Carolina Department of Health and Human Services, Office of Emergency Medical Services, and has been granted a franchise for the operation of such business or service by the county pursuant to this ordinance.
- 2.2 No person shall permit an ambulance to be operated when transporting a patient within The County of Caswell unless the crew consists of a minimum of one individual that holds a currently valid certificate as a Medical Responder and at least one individual that holds a currently valid certificate as an Emergency Medical Technician-Basic, Intermediate, or Paramedic as defined by the USDOT and currently holds a North Carolina Office of EMS credential and is affiliated with and subject to The Caswell County EMS System plan.
- 2.3 No person, either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of medical first responder, ambulance service or other pre-hospital emergency medical services organization unless granted a franchise for the operation of such business or service by the county pursuant to this ordinance.
- 2.4 No franchise shall be required for:
- (1) Any entity rendering assistance to the franchised ambulance service in the case of a major catastrophe, mutual aid, or emergency with which the services franchised by The County of Caswell are insufficient or unable to cope; or,

- (2) Any entity operated from a location or headquarters outside The County of Caswell in order to transport patients who are picked up beyond the limits of The County of Caswell, and transported back into the limits of The County of Caswell; or,
- (3) Apparatus owned and operated by any agency of the United States government, the State of North Carolina, or The County of Caswell.

Section III. APPLICATION FOR FRANCHISE

- 3-1 A proposal for a franchise to operate ground ambulances, convalescent ambulances, a medical responder or other pre-hospital emergency medical services organization in The County of Caswell shall be made by the provider and shall contain at a minimum the following information:
- (1) The name and address of the provider and the owner of any apparatus.
 - (2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation.
 - (3) A resume of the training and experience of all personnel associated with the applicant in the care of patients.
 - (4) A full description of the type and level of service to be provided including the location of the place or places from which it is intended to operate, the manner in which the public will be able to obtain assistance and how apparatus will be dispatched.
 - (5) An audited financial statement of the applicant as the same pertains to the operations in The County of Caswell, said financial statement to be in such form and in such detail as may be required by the county.
 - (6) A description of the applicant's capability to provide twenty-four hour emergency and non-emergency coverage, seven days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district.
 - (7) Any information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide pre-hospital services in The County of Caswell in accordance with the requirements of state laws and the provisions of the regulation.

(8) A non-refundable application fee in an amount set by the Board of Commissioners will be submitted with each application for franchise. There will be no consideration given to any application for franchise until this application fee is collected.

Section IV. Granting of a Franchise

- 4.1 Prior to accepting applications for the operation of a service, the Board of Commissioners may designate service districts. The county shall have the authority to redistrict or rearrange existing districts at any time and at their discretion.
- 4.2 An applicant may apply for a franchise to operate either emergency, non-emergency, convalescent transportation or any combination of the aforementioned services.
- 4.3 Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant(s) request(s). Within 45 days after the hearing, the county shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 4.4 A franchise may be granted if the county finds that:
 - (1) The applicant shows that he or she meets federal, state, and local standards outlined in the franchise ordinance.
 - (2) The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchises to render service.
 - (3) A need exists for the proposed service in order to improve the level of pre-hospital emergency medical services available to residents of the county and that this is a reasonable and cost effective manner of meeting the need.

Section V. Term of the Franchise

- 5.1 The county may issue a franchise hereunder to a provider, to be valid for a term of five years, after which the franchise holder must resubmit a franchise application. Any franchise granted may be suspended or revoked by the Board of Commissioners, after a hearing held upon 30 days notice to any franchise holder for failure to comply with any provision of this ordinance. The Director of Emergency Services may issue the notice of a suspension or revocation hearing. The franchise holder shall be afforded the opportunity to show good cause why his franchise should not be suspended or revoked. If, upon such hearing, the Board of Commissioners shall find that the franchise holder has corrected any deficiencies, and brought itself into compliance with the terms of the ordinance,

the franchise will not be suspended or revoked. After a notice of service termination is given, the provider may reapply for a franchise if continued service is desired.

- 5.2 Upon suspension, revocation, or termination of a franchise granted hereunder, such franchise service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license, medical responder or technician credential, such persons shall cease to drive an ambulance, provide medical care in conjunction with a franchise, or attend a patient. The franchise holder shall not permit such an individual to drive an ambulance or provide medical care in conjunction with the service.
- 5.3 Each franchised service shall comply at all times with the requirements of this ordinance, the franchise granted hereunder, and all applicable state and local laws relating to health, sanitation, safety, equipment, and apparatus design and all other applicable laws and ordinances.
- 5.4 Any change in ownership or any fractional interest of a franchised service without the approval of the county shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this ordinance as upon original franchising.
- 5.5 No franchise shall be sold, assigned, mortgaged, or otherwise transferred without the approval of the county; and finding of conformance with all the requirements as upon original franchising. Each franchised service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the state, county, or their designated representatives.
- 5.6 An annual renewal fee in an amount to be set by the Board of Commissioners will be collected from each franchise provider on or before June 30. The annual fee will not be collected in the same year in which a franchise application fee is collected. Any provider failing to make payment of this annual fee will be subject to suspension of their provider franchise.

Section VI. Standards for Operators and Technicians

- 6.1 Standards for emergency vehicle operators will be at the minimum equal to the North Carolina Rescue Commission, Emergency Vehicle Driver Certification.
- 6.2 Standards for medical technicians are National Standard Curriculum for Emergency Medical Technician – Basic, Intermediate, and Paramedic as defined by the United States Department of Transportation and hold current credentials in North Carolina, pursuant to Article 7, Chapter 131E-158 and 131E-159 of the General Statutes of North Carolina and shall be applied and the same are incorporated herein by reference.

- 6.3 All personnel providing pre-hospital medical care will be subject to the direction and control of the Caswell County EMS System Medical Director and their level of services subject to review by the Caswell County Emergency Medical Services Total Quality Management Committee.
- 6.4 All franchises and personnel will adhere to the Caswell County Emergency Medical Services System Plan.

Section VII. Standards for Vehicles and Equipment

- 7.1 Apparatus and equipment standards (medical) as developed by the North Carolina Medical Care Commission pursuant to Article 7, Chapter 131E-157 of the General Statutes of North Carolina and shall be applied and the same are incorporated herein by reference. All advance life support equipment is to be approved by the North Carolina Medical Care Commission and should be operated and maintained according to manufactures recommendations and normally acceptable operations.

Section VIII. Standards for Communications

- 8.1 Each apparatus shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the county to Caswell County's Emergency Communications Center.
- 8.2 Each provider shall maintain current authorizations or Federal Communication Commission licenses for all frequencies and/or radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per Federal Communication Commission Rules and Regulations.
- 8.3 Each base of operations must have at least one (1) open telephone line. Telephone numbers must be registered with each law enforcement agency, fire department servicing that base, emergency services, and the Caswell County Emergency Communications Center.
- 8.4 All emergency apparatus shall be dispatched thru the Caswell County Emergency Communications Center.

Section IX. Insurance

- 9.1 No franchise shall be issued under this ordinance, nor shall such franchise be valid after issuance, nor shall any apparatus be operated in The County of Caswell unless the franchise holder has at all times in force and effect insurance

coverage, issued by an insurance company licensed to do business in the state of North Carolina, for each and every apparatus owned and /or operated by or for the service providing for the payment of damages; for each medical first responder or other pre-hospital emergency medical services organization. The issuance of said insurance shall comply with the following:

- (1) Issued in the sum of no less than \$1,000,000 for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agency; and,
- (2) In the sum of no less than \$500,000 for the loss of or damage to the property of another, including personal property, under like circumstances, in the sums as may be required by the state or as approved by The County of Caswell.
- (3) Each in the sum of no less than \$1,000,000 for malpractice.
- (4) Each in the sum of no less than \$1,000,000 for general liability.

9.2 The Board of Commissioners may at its own discretion provide malpractice insurance for franchised, volunteer pre-hospital emergency medical services.

Section X. Records

10.1 Each franchise holder shall maintain the following records:

- (1) **Patient Care Report:** Shall record all times associated with a call involving patient contact. These times at a minimum will include: time received, enroute, arrival at scene, departure from scene, arrival at destination, and time apparatus back in service. The report shall list all individuals and apparatus on each response. The report shall also contain a detailed account of all actions taken at the scene of the call. All Patient Care Reports should be compliant to NCOEMS data submission requirements and contain all data points specified by NCCEP."Standards for Medical Oversight and Data Collection" in accordance to 10A NCAC 13P .201 (EMS System Requirements). This rule is in accordance to NC General Statute 150B-21.6.
- (2) **Receipts/Patient Information:** Shall provide the ability to provide the patient or their designee a copy of all information collected and a receipt of any charges paid.
- (3) **Daily Inspection Report:** Shall list the contents and description of operations for each apparatus, signed by the individual verifying vehicle operations and equipment.

- (4) Training Records: Shall record all information associated with the training session including the topic/title, date, start time, completion time, total hours, location, the instructor and all attendee's original signature(s) for each class.

Section XI. Rates and Charges

- 11.1 Each franchise holder shall submit a schedule of rates to the county for approval and shall not charge more or less than the approved county rates without specific approval by the county
- 11.2 No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination or has received medical attention and is in a condition deemed by a physician fit to consult with the service. Such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.
- 11.3 On non-emergency calls where a person requires transportation to a non-emergency facility, attempts to collect payment can be made before the ambulance begins its trip.

Section XII. Enforcement

- 12.1 The Caswell County Director of Emergency Services shall be the enforcing officer for the regulations contained in the ordinance. Such office will:
 - (1) Receive all franchise proposals from potential providers.
 - (2) Study each proposal for conformance to this ordinance.
 - (3) Recommend to the Board of Commissioners, after review by the Quality Management Committee, the award of any franchise.
 - (4) Inspect the premises, vehicles, equipment, and personnel of franchise holders to assure compliance to this ordinance and perform any other inspections that may be required.
 - (5) Recommend to the Board of Commissioners, after review by the Total Quality Management Committee, the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this ordinance. Additionally, recommend the imposition of misdemeanor or civil penalties as provided herein.

- (6) Ensure by cooperative agreement with other services or agencies, if necessary, the continued service in a district where a franchise has been suspended.
 - (7) Receive monthly reports from franchise holders and consolidate the same into a quarterly summary for review by the Quality Management Committee and the County.
 - (8) Receive complaints from the public, enforcement agencies and other franchise holders regarding franchise infractions. Review complaints with the committee and execute corrective action under the recommendation of the committee.
 - (9) With the approval of the committee, recommend improvements to the County, which will ensure a higher degree of quality medical services.
 - (10) Maintain all records required by this ordinance and other applicable County regulations.
 - (11) Perform such of the above functions as may be requested by any municipality within The County of Caswell.
 - (12) Serve as staff to the Caswell Emergency Medical Services Quality Management Committee on all matters that pertain to the committee.
- 12.2 Violations of this ordinance shall be enforced by the Director of Emergency Services, who is authorized to issue notices of violation for each failure to comply and may assess a civil penalty of \$500.00 for each separate violation, and who may proceed to schedule a hearing for suspension or revocation of a franchise.
- 12.3 Franchise holders whose franchise is suspended, revoked, terminated, or expired shall immediately cease operations.
- 12.4 The County retains all other remedies at law or in equity not enumerated herein to enforce compliance with the terms of this ordinance.

Section XIII. Miscellaneous

- 13.1 The County may inspect a franchise holder's records, premises, and equipment at any time in order to insure compliance with this ordinance and any franchise granted hereunder.
- 13.2 All county or municipal fire departments, law enforcement organizations, and other governmental organizations located within Caswell County will not be subject to the provisions of this ordinance.

13.3 When an ambulance service, medical first responder group, or other pre-hospital emergency medical provider has satisfactorily met all other requirements herein stated, then the County shall issue said provider an award of franchise which shall also be signed by the provider acknowledging acceptance to be bound by the terms of this ordinance.

Section XIV. Effective Date and Repeal of Prior Ordinance

14.1 Adoption of this ordinance repeals and replaces Ordinance No. 21: "An Ordinance Regulating Ambulance Service and the Granting of Franchises to Ambulance Operators in The County of Caswell," enacted January 7, 1985.

14.2 This ordinance has been adopted following a public hearing in accordance with N.C.G.S. § 153A-250. It shall take effect on the date of its adoption, indicated below.

Adopted this the 6th day of March, 2006.

Attest:

Wanda P. Smith
Wanda P. Smith
Clerk to the Board

Nathaniel Hall
Nathaniel Hall
Chairman, Caswell County Board
Of Commissioners