

MCDOWELL COUNTY AMBULANCE ORDINANCE

An ordinance governing the granting of franchises for ambulance services in McDowell County, and providing for the enforcement thereof. The County of McDowell Board of Commissioners does ordain the following:

Section 1. Definitions

The following words and phrases, used in this ordinance, shall have the following prescribed meaning, unless the context clearly indicates a different meaning:

Ambulance - The term “ambulance” shall mean any vehicle that is specially designed, constructed, or modified and equipped, to transport individuals who are sick, injured, wounded, infirmed or otherwise incapacitated or helpless.

Ambulance Provider or Service - The terms “ambulance provider” or “ambulance service” shall mean any person or entity who engages or professes to engage in the business or service of transporting patients in an ambulance.

Attendant - The term “attendant” shall mean any individual who is responsible to provide attention to any patient being transported by ambulance. The attendant shall have successfully completed a training program in emergency medical care approved by the North Carolina Department of Human Resources and shall be currently certified to provide patient care in an ambulance per North Carolina Office of EMS guidelines.

Convalescent - The term “convalescent” shall mean any patient who is only in need of transportation by ambulance, but not in need of medical care during transport. Convalescent transports shall be for scheduled medical appointments; or, following discharge from a medical facility; or for transfer from one domiciliary care facility (Family Care Home, Rest Home, Nursing Home) to another. Transport to a hospital emergency room or emergency department would not be considered convalescent.

County - The term “county” shall mean the County of McDowell Board of Commissioners or their designated representative.

Driver - The term “driver” shall mean any person in control of an ambulance while occupied by a patient. The driver shall meet at least the minimum certification standards of the State of North Carolina. The driver shall have a valid North Carolina Driver License.

Emergency - The terms “emergency” and “emergency medical transportation” shall mean the use of an ambulance, its equipment and personnel to provide medical care and transportation to a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

Franchise - The term “franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service.

Franchisee - The term “franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service.

Non-emergency - The term “non-emergency” shall mean the operation of an ambulance for any purpose other than an emergency.

Patient - The term “patient” shall mean an individual who is being transported to or from medical attention in an ambulance.

Person - The term “person” shall mean any individual, entity, or group acting in concert for a common purpose.

Trip, Transport, Run, or Call - The terms “trip”, “transport”, “run”, and “call” shall mean the act of responding, with an ambulance, to the needs of a patient.

Section 2. Franchise Required

- A. No person shall operate or cause to be operated an ambulance within McDowell County without having applied for and received from the County a franchise for such operation pursuant to this ordinance. Nor shall any person operate or cause to be operated an ambulance within McDowell County after revocation or during suspension of their franchise.
- B. No franchise shall be required for:
 - 1. Any entity rendering assistance to a franchised ambulance provider in the case of a major catastrophe or mutual aid situation with which the services franchised by the County are insufficient to cope; or,
 - 2. Any entity operated from a location or headquarters outside of the County of McDowell in order to transport patients who are picked up beyond the limits of the County of McDowell, to a location within the County of McDowell or to pick up patients within the County of McDowell for transport to locations beyond the limits of the County of McDowell.
 - 3. McDowell County Emergency Medical Service
 - 4. McDowell County Rescue Squad and Ambulance Inc.

Section 3. Application for Ambulance Franchise

Application for a franchise to operate as an ambulance provider in the County of McDowell shall be in such form as the County may prescribe and shall contain:

1. Name and address of the applicant and of the owner(s) of the ambulances.
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 stating such names.
3. A full description of the type and level of service to be provided including the location of the place(s) from which it is intended to operate, the manner in which the public will be able to contact the provider to arrange service and how the ambulance(s) shall be dispatched. An audited financial statement of the applicant as the same pertains to the operations of ambulances in the County, said financial statement to be in such form and detail as may be required by the County.
4. A description of the applicant's capability to provide coverage for the area covered by the franchise application, and an accurate estimate of the minimum and maximum time for a response to calls within such district.
5. Any information the County shall deem necessary for a fair determination of the capability of the applicant to provide ambulance services in the County of McDowell in accordance with the requirements of state laws and the provisions of this regulation.
6. A completed copy of NC OEMS Provider Application as required in 10A NCAC 13P..0204

Section 4. Granting of Franchise

- A. Prior to accepting applications for the operation of an ambulance service, the County may designate specific service areas as franchise districts. Said districts will be established using criteria that includes geographic size, road access, the location of existing medical transportation services, population, and response time. The County shall have the authority to redistrict or arrange existing districts at any time at their discretion.
- B. An applicant may apply for a franchise to operate either emergency, or non-emergency, or convalescent transportation service. If more than one type of service is proposed, a separate application must be filed for each.
- C. Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within 60 (sixty) days after hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.
- D. A franchise may be granted if the County finds that:
 1. The applicant meets the standards outlined in the franchise ordinance.

2. The proposed service will interact within the existing service so as not to adversely affect the level of service or operations of other franchisees to render service.
3. A need exists for the proposed service in order to improve the level of ambulance services available to residents of the County and that this is a reasonable and cost effective manner of meeting the need.

Section 5. Term of Franchise

- A. The County may issue a franchise hereunder to an ambulance provider, to be valid for a term not to exceed three (3) years; provided that either party at its option may terminate the franchise upon 60 (sixty) days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may re-apply for a franchise if continued service is desired.
- B. Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate, or emergency medical technician certificate, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance. The franchisee shall not permit such an individual to drive an ambulance or provide medical care in conjunction with the ambulance service.
- C. Each franchised ambulance service shall comply at all times with the requirements of this ordinance, the franchise granted hereunder, and all applicable state and local laws and regulations relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.
- D. By its acceptance of the franchise, the franchisee specifically agrees that any acquisition of more than ten (10) percent of control of the franchise by a person or persons acting in concert occurring without prior approval of the County shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the County.
- E. Any change of ownership of a franchised ambulance 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.
- F. No franchise may be sold, assigned, mortgaged, or otherwise transferred without the approval of the County; and a finding of conformance with all requirements of this Ordinance as upon original franchising. Each franchised ambulance 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, the County, or their designated representatives.

Section 6. Standards for Personnel

Drivers and attendants shall meet the requirements of the North Carolina Medical Care Commission for certification as Emergency Medical Technicians, and shall be so certified, pursuant to Article 26, Chapter 130-233, and Article 56, Chapter 143, of the General Statutes of North Carolina and the same shall be incorporated herein by reference.

Section 7. Standards for Vehicles and Equipment

- A. Vehicles and equipment shall meet standards as developed by the North Carolina Medical Care Commission pursuant to Article 26, Chapter 130, and Article 56, Chapter 143, or the General Statutes of North Carolina, and shall be applied and the same are incorporated herein by reference.
- B. Provider must submit a detailed plan explaining policies and procedures to meet all requirements set forth in section 10A NCAC 13P.02.04

Section 8. Standards of Communication

- A. Each ambulance must be equipped with a two-way VHF radio and a two way UHF radio licensed by the Federal Communications Commission (FCC) which must be in operative condition at all times. The radio must be capable of reception and transmission of McDowell County EMS Dispatch 153.875, 155.160, 155.280, 155.340, and 463.150 at a minimum.
- B. Each ambulance provider shall provide the County a copy of the FCC license authorizing the use of any communication equipment owned and operated by that provider.
- C. Each base of operations must have at least one open telephone line. Telephone numbers must be registered with each law enforcement agency, each ambulance provider and Central Communications in McDowell County.
- D. Each emergency response shall be dispatched by Central Communications.
- E. Non-emergency, or convalescent, transportation services shall be dispatched in a manner that is approved by the County.

Section 9. Insurance

- A. No ambulance franchise shall be issued under this Ordinance, nor shall such franchise be valid after issuance nor shall any ambulance be operated in the County of McDowell unless the franchisee has at all times in force insurance coverage, issued by an insurance company licensed to do business in North Carolina, for each and every ambulance owned and/or operated by-or-for the ambulance provider:

1. In the sum of \$2,000,000 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 his by law, regardless of whether the ambulance was being driven by the owner or his agent; and
 2. In the sum of \$2,000,000 for the loss of or damage to the property of another, including personal property, under like circumstances.
 3. In the sum of \$2,000,000 covering the acts, error, or omissions of any and all personnel authorized to act on behalf of the ambulance provider.
- B. By acceptance of the franchise, the franchisee shall hold McDowell County, its agents and employees, harmless from any harm or liability incurred as a result of the franchisee's operation of its business and fully acknowledges that it acts as an independent contractor and not as an agent of the County.

Section 10. Records

- A. Each franchisee shall maintain the following records:
1. Record of dispatch, to show time call was received, time en-route, time arrived on scene, time left scene, time of arrival at destination, and time of return to service.
 2. Trip record, shall state all information required by Section 10.1 A and other information on a form approved by the County. The trip record shall be so designed as to provide the patient with a copy, thereof, containing all required information. A copy of the trip record may serve as a receipt for any charges paid.
 3. Daily report log shall be maintained for the purpose of identifying patients served in any one day.
- B. Each ambulance provider shall provide to the County Manager and EMS Director a quarterly report summarizing its operations.
- C. Ambulance provider shall appoint one member to attend peer performance review meetings as scheduled by the EMS System Administrator. Each provider shall also submit a detailed peer performance review report to the EMS System Administrator. Peer performance review report shall provide documentation of all required indicators as stated in NC rule.

Section 11. Rates and Charges

- A. Each franchisee shall submit a schedule of rates to the County for approval and shall not charge more or less than the approved rates without specific approval of the County.

- B. No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination and has been released to medical attention.
- C. On non-emergency or convalescent transports, attempts to collect payment may be made before the ambulance begins its trip.

Section 12. Penalties for Violation

- A. It shall be a misdemeanor for any person to obtain or receive ambulance service without intending at the time of obtaining or receiving such service to pay the charges.
- B. Violation of any of the terms of this Ordinance shall be a misdemeanor as provided by the North Carolina General Statutes 14-4. If the violating party is a franchisee, the County may suspend or revoke its franchise.

Section 13. Enforcement

The McDowell County Manager or his designated agent shall:

1. Receive all franchise proposals from potential providers.
2. Study each proposal for conformance to this Ordinance.
3. Recommend to the Board of Commissioners the award of franchise(s) to the applicant(s) when appropriate.
4. Perform such inspections of premises, vehicles, equipment, personnel and records of franchisee and applicants as may be deemed necessary to assure initial and continued compliance with this Ordinance.
5. Recommend to the Board the temporary or permanent suspension or revocation of a franchise in the event of non-compliance with the terms of this ordinance.
6. Ensure by cooperative agreement with other ambulance providers the continued service in a district where a franchise has been suspended or terminated.
7. Receive and investigate complaints and arrange for any necessary corrective action.

Section 14. Addendum to Ordinance

- A. The County may, through appropriate actions, amend or expand this Ordinance to include other emergency departments or services as deemed necessary.
- B. The requirements of this Ordinance shall automatically be revised to conform with changes in any applicable state or county requirements, laws or regulation.

Section 15. Effective Date

This Ordinance shall take effect on the 20th day of July, 1992.

s/Jack A. Wood
Chairman of the Board of
Commissioners of
McDowell County, NC

s/Carrie Padgett
Clerk to the Board of
Commissioners
McDowell County, NC

Reference: N.C. General Statutes 153A-250