

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING THE KLAMATH)
COUNTY CODE, CHAPTER 405, AMBULANCE) ORDINANCE NO. 39.09
REGULATIONS)

WHEREAS, currently, Klamath County Code, Chapter 405.005(1) refers to a mutual aid and mutual aid agreement; and

WHEREAS, it was agreed upon by both Klamath County and the Klamath County Ambulance Advisory Committee that mutual aid need to be replaced with reciprocity and reciprocity arrangement agreement.

NOW THEREFORE, the Klamath County Board of Commissioners ordains that Chapter 405, *Ambulance Regulations*, of the Klamath County Code is amended to read as follows:

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CHAPTER 405.
AMBULANCE REGULATION

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- Ordinance No. 39.05 - 03/04/92*
- Ordinance No. 39.06 - 06/10/98*
- Ordinance No. 39.07 - 11/28/2000*
- Ordinance No. 39.08 - 10/05/2004*
- Ordinance No. 39.09 - 11/08/2016*

**CHAPTER 405
AMBULANCE REGULATION**

405.001 Policy and Purpose. The Board of Commissioners finds:

(1) That O.R.S. 682.205 and 682.335 requires Klamath 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 service areas;

(2) That this Chapter, which establishes ambulance providers for each service area, together with Exhibit "A" attached hereto and incorporated herein by this reference, establishes the Klamath County Ambulance Advisory Committee and creates the Klamath County Ambulance Service Area Plan.

(3) This Chapter and the Klamath County Ambulance Service Area Plan apply to all organizations or persons who provide pre-

hospital emergency care within the County except for those who are exempt by O.R.S. 682.035.

405.005 Definitions. The words and phrases in this Chapter shall have the meaning provided in O.R.S. Chapter 682 and OAR Chapter 333, Divisions 250, 255, 260, and 265, unless specifically defined herein to have a different meaning.

(1) "Reciprocity Arrangement" means aid provided by one party to another as defined by the Klamath County Ambulance Reciprocity Arrangement Agreement.

(2) "Supplemental Assistance" means assistance provided by one party to another through contractual agreement between the parties for the express purpose of recovering some of the cost for providing said service.

405.050 Ambulance Service Areas. For the efficient and effective provision of ambulance services in accordance with the Klamath County Ambulance Service Area Plan, the ambulance service areas shown on the map as Appendix A* are hereby adopted as the Ambulance Service Areas for Klamath County. The Board of Commissioners, by the adoption of an Order, may adjust the boundaries of the Ambulance Service Areas from time to time as necessary to provide efficient and effective ambulance services.

405.060 Assignment of an Ambulance Service Area.

(1) Effective July 1, 1992, no entity shall be assigned an Ambulance Service Area in Klamath County without submitting a proposal to the Board of Commissioners. The Board of Commissioners will assign the Ambulance Service Areas based on the protocols of this ordinance.

(2) Public notice shall be given at the time a Request for Proposal is solicited for the assignment of the Ambulance Service Area.

405.100 Licensing of Ambulance Service.

No entity shall provide ambulance service, offer to provide ambulance service, or advertise for the performance of ambulance service in Klamath County unless awarded the Ambulance Service Area (ASA) by the Board of Commissioners. In addition, that ambulance service will meet the requirements of the State of Oregon for Ambulance Vehicle licenses.

* Ambulance Service Area map and legal descriptions are available at the office of the Klamath County Counsel, 305 Main Street, 2nd Floor, Klamath Falls, Oregon 97601.

405.110 Application for Ambulance Service Area.

(1) Any person desiring to obtain or renew an Ambulance Service Area to engage in the business of operating an ambulance or ambulances within Klamath County shall submit an application to the Klamath County Ambulance Advisory Committee. The applications shall be reviewed by the Ambulance Advisory Committee created by this ordinance which shall recommend the issuance of Ambulance Service Areas to the Board of Commissioners. The assignment of Ambulance Service Areas shall be made by an Order of the Board of Commissioners.

(2) An application shall include the information required in the Proposal to Provide Ambulance Service and this information shall be updated on an annual basis:

(a) The name and address of the person applying for the Ambulance Service Area;

(b) A list of vehicles used in providing ambulance services including year of manufacture, make and model, mileage, and verification that each vehicle is licensed as an ambulance by the State of Oregon and proof of insurance;

(c) A list of personnel to be used in providing ambulance service, a general description of their duties, and their current Emergency Medical Technician certification number.

405.120 Review of Application. Each application shall be reviewed for the applicant's conformity with the requirements of Oregon law for providing ambulance service, in accordance with the initial proposal to provide ambulance service, the Klamath County Ambulance Service Area Plan and the need for efficient and effective ambulance services within Klamath County. The Board of Commissioners shall fix a time and place for a public review of the application. Any interested person may appear and/or file with the Ambulance Advisory Committee a memorandum in support of or opposition to the issuance of a Letter of Recommendation.

405.130 Ambulance Inspection. All ambulance service vehicles and equipment used in patient care and transport in Klamath County will be inspected as required by O.R.S. 682.085.

If a vehicle and/or its equipment is found to not meet standards and is out of compliance, it can no longer be used for patient care or transport. The burden is then on the provider to correct deficiencies and demonstrate compliance.

405.140 Term of Ambulance Service Area. The assignments of the Ambulance Service Areas shall be issued for a period of seven (7) years and shall be valid from the date of issuance until the June 30th prior to the seventh anniversary. Thereafter,

assignments may be renewed commencing on the first day of July for a period of seven (7) years subject to the provisions for suspension or revocation as set forth in Section 405.500.

405.150 Renewal of Ambulance Service Area. Not less than forty-five (45) days prior to the expiration of the assignment of an Ambulance Service Area, any person desiring the renewal of the assignment of an Ambulance Service Area shall submit an application in the form of a letter of intent to continue as an EMS service provider for the assigned ASA to the Ambulance Advisory Committee. The application shall include the information required by Section 405.110 and in accordance with the Request for Proposal issued by the Board of Commissioners. Applications for renewal need only provide such information necessary to bring the original application up to date.

405.160 Discontinued Service. In the event that an entity assigned an Ambulance Service Area discontinues service before the expiration of the assignment, the Board of Commissioners shall set a time by which applications must be submitted for reassignment of the Ambulance Service Area. The application shall be in accordance with the Request for Proposal issued by the Board of Commissioners. Assignment of the Ambulance Service Area shall be for the remainder of the term unless otherwise specified by the Board of Commissioners.

405.200 Duties of Ambulance Service Provider. Upon assignment of an Ambulance Service Area to a provider in accordance with the proposal, the provider:

(1) Shall conduct its operations in strict compliance with all applicable State and Federal laws and the terms of this Chapter and the Klamath 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 or to another's assigned Ambulance Service Area except:

(a) When the ambulance provider assigned to the Ambulance Service Area is unavailable to respond and is requested by the other provider or the appropriate dispatch to respond; or

(b) When the response is for a supplemental assistance or reciprocity aid;

(4) Shall not transfer the assignment of an Ambulance Service Area without written notice to and recommended approval by the Ambulance Advisory Committee to the Board of Commissioners. The written notice shall include application for assignment of the

Ambulance Service Area submitted by the transferee. The application shall be reviewed in accordance with Section 405.110, and the transfer shall become effective with the Board of Commissioners' approval.

(5) Shall not voluntarily discontinue service to the assigned Ambulance Service Area without giving ninety (90) days written notice to the Board of Commissioners.

405.300 Ambulance Advisory Committee. There is hereby created a Klamath County Ambulance Advisory Committee.

(1) Membership. The Ambulance Advisory Committee shall consist of:

(a) All physician supervisors of the ambulance services and quick response teams providing service in Klamath County;

(b) An EMT representative from each Ambulance Service Area or medical response provider, with no more than one (1) representative from each provider;

(c) One representative from the Emergency Department of Merle West Medical Center;

(d) The Klamath County Emergency Services Director;

(e) The Administrator of the Klamath County Division of Health Services shall be an Ex-Officio member;

(f) One representative from 9-1-1 as an Ex-Officio member;

(g) Members of the Ambulance Advisory Committee shall be electors of the County and shall be appointed by the Board of Commissioners.

(h) Members of the Ambulance Advisory Committee may designate an individual to act on his or her behalf, with all rights of the regular member. This privilege shall be limited to two occurrences per year.

405.310 Meetings. The Ambulance Advisory Committee after its appointment shall hold an organizational meeting to adopt internal rules of procedure to aid in the administration of this Chapter and the Klamath County Ambulance Service Area Plan and to determine its regular meeting dates.

405.320 Term of Appointment. With respect to the initial appointments to the Ambulance Advisory Committee, one third of its membership shall be appointed for a one-year term, one third to a two-year term and one third to a three-year term. Thereafter, all appointments shall be for three-year terms.

405.330 Duties of the Committee. The Ambulance Advisory Committee shall be charged with:

(1) Periodically reviewing the Klamath County Ambulance Service Area Plan and making recommendations to the Board of Commissioners including, but not limited to: reviewing standards established in the plan and making recommendations regarding improvement and/or new standards as required by OAR 333-260-0000 through 333-260-0070; monitoring coordination between emergency medical service resources; reviewing dispatch procedures and compliance; and reviewing the effectiveness and efficiency of the Ambulance Service Area boundaries.

(2) Reviewing and monitoring the quality assurance programs, including but not limited to training, to insure compliance with the Klamath County Ambulance Service Area Plan;

(3) Providing for on-going input to the County from pre-hospital care consumers, providers and the medical community;

(4) Periodically reviewing the performance of ambulance service providers within the County; and

(5) Performing the responsibilities further enumerated by this Chapter.

405.400 Initial Response. Nothing in this Chapter prohibits an agency responsible for the dispatching of emergency services from dispatching an initial medical responder to the scene of a medical emergency in addition to dispatching an ambulance service provider. Such initial response shall only be in accordance with Sections 405.410 and 405.420.

405.410 Initial Responders. The initial responder shall respond with Oregon Certified Emergency Medical Technicians and/or first responders and who are employed by or volunteer with the initial responder, if available.

405.420 Ambulance Service Provider. 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.

405.500 Revocation, Suspension or Denial of Ambulance Service Area. Any Ambulance Service Area assigned pursuant to this Chapter shall be subject to revocation, suspension or denial by the Board of Commissioners, when, upon its own motion, a provider is found to have:

(1) Willfully violated provisions of this Chapter, the Klamath County Ambulance Service Area Plan or provisions of State or Federal laws and regulations; or

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

405.510 Procedure. Prior to initiation of revocation, suspension, or denial, the Board of Commissioners will provide an Ambulance Service Area holder with thirty (30) days notice of any alleged failure to meet the requirements of this Chapter and the Klamath County Ambulance Service Area Plan. However, such action shall not proceed if, within thirty (30) days, the Ambulance Service Area holder has corrected the said identified failure to the satisfaction of the Board of Commissioners.

405.520 Charges to be filed with Board of Commissioners. No such assignment shall be revoked or suspended without charges in writing first being filed with or by the Board of Commissioners setting forth with reasonable certainty the nature of such charges against said Ambulance Service Area holder. Upon the filing of charges aforesaid, the Board of Commissioners shall fix a time and place for the hearing of said charges by the Board of Commissioners.

405.530 Notice. The holder of the Ambulance Service Area shall be provided a copy of the charges as filed and the time and place for the hearing of said charges at least thirty (30) days prior to the date fixed by the Board of Commissioners for the hearing. The Ambulance Service Area holder shall have the right to appear and defend against the charges, and, if they so desire, to be represented by counsel.

405.540 Emergency Revocation Procedure. In an emergency, the Board of Commissioners shall proceed with immediate action to suspend an Ambulance Service Area, provided that the Board of Commissioners finds that it is a danger to the public health and safety to allow the Ambulance Service Area holder to continue doing business. The Board of Commissioners, having made such finding, shall serve written notice of suspension to the Ambulance Service Area holder and to the State Health Division. This notice shall advise the Ambulance Service Area holder that it shall, within ten (10) days of the date of service upon said Ambulance Service Area holder, request a hearing before the Board of Commissioners.

(1) Upon receipt of the request for hearing, the Board of Commissioners shall set a time and a place for a hearing at the earliest possible time and shall promptly notify the Ambulance Service Area holder as to the time and place of hearing by

certified mail, return receipt requested, to the last known mailing address of the Ambulance Service Area holder. Notice may also be given to such persons as the Board of Commissioners may believe to be interested persons.

(2) At the hearing the Ambulance Service Area holder shall have the same rights as set forth in Section 405.530.

405.550 Appeal. Any entity whose Ambulance Service Area is revoked, denied or suspended may, within sixty (60) days from the date of the Order, appeal the decision to the Circuit Court. All appeals to Circuit Court shall be by Writ of Review.

405.600 Obedience to Law. In addition to the provisions of this Chapter and the Klamath County Ambulance Service Area Plan, all ambulance providers shall comply with all applicable laws, ordinances and regulations now in force, or hereinafter enacted, governing the operation of motor vehicles upon highways, streets, alleys and other public ways.

405.700 Penalties. Violation of this Chapter shall be punishable, upon conviction, by a fine of not more than \$360 for each day that an Ambulance Service Area holder conducts business in violation of this Chapter and the Klamath County Service Area Plan.

405.900 Repealer. Ordinance No. 39.2, Ordinance No. 39.3, Ordinance No. 39.4, and Ordinance No. 39.5 are hereby repealed in their entirety.

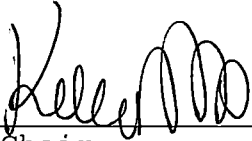
405.910 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

405.920 Conflict of Interest. Members of the Ambulance Advisory Committee shall avoid acting in any matters where a conflict of interest may arise. Any Committee member having a direct or indirect financial or pecuniary interest in any matter before the Committee for consideration shall withdraw from participation in any action taken by the Committee in said matter. Nothing in this section shall limit the ability of any person to provide testimony to the Committee.

The Klamath County Ambulance Service Plan can be obtained from the County Counsel Office, 305 Main Street, 2nd Floor, Klamath Falls, OR 97601.

DONE and DATED this 8th day of November, 2016.

KLAMATH COUNTY BOARD OF COMMISSIONERS


Chair

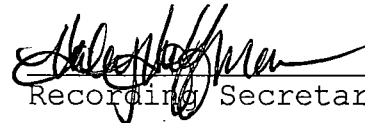

Commissioner


Commissioner

APPROVED FOR LEGAL SUFFICIENCY:

 11/31/2016
David P. Groff
Klamath County Counsel

ATTEST:


Recording Secretary