

**CHAPTER 117: AMBULANCE SERVICE REGULATIONS AND
AMBULANCE OPERATOR FRANCHISE**

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GENERAL PROVISIONS**§117.01 AUTHORITY AND PURPOSE.**

Pursuant to the authority granted by North Carolina General Statute §G.S. 153A-250, and upon a finding that it is necessary to assure the provision of adequate and continuing ambulance service and to preserve, protect and promote the public health, safety, and welfare of its citizens, the Haywood County Board of Commissioners hereby ordains this chapter.

§117.02 DEFINITIONS.

Unless the context otherwise requires, the following definitions shall apply in the interpretation and enforcement of this chapter:

AMBULANCE. Any privately or publicly owned motor vehicle, aircraft or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways or airways of this state of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

AMBULANCE ATTENDANT. An individual who has completed a training program in emergency medical care and first aid approved by the North Carolina Department of Human Resources and has been certified as an ambulance attendant by the Department of Human Resources, Office of Emergency Medical Services.

AVERAGE MAXIMUM USER FEE. All charges for ambulance services rendered by the franchisee divided by the total number of ambulance transports for the same reporting period.

AMBULANCE PROVIDER. An individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.

APPROVED. Approved by the North Carolina Medical Care Commission pursuant to the latter's rules and regulations promulgated under N.C. General Statutes §143B-165.

COMMUNICATIONS CENTER. That single facility operated by the County of Haywood which is the central communications center from which all ambulances shall be dispatched and controlled, and which receives all 911 emergency medical calls.

COUNTY. The Haywood County Board of Commissioners or their designated representative.

DISPATCHER. A person who is available at all times to receive requests for ambulance services, to dispatch ambulance services, and to advise local law enforcement agencies and emergency medical facilities of any existing or threatened emergency. Dispatchers shall meet all

requirements imposed by the State of North Carolina Department of Human Resources and the system's medical control authority.

EMERGENCY and EMERGENCY TRANSPORTATION SERVICE. The use of an ambulance, its equipment and personnel to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation or physiological or psychological illness or injury.

EMERGENCY CALL. Any assignment categorized as constituting an emergency as defined herein or by the system of care as prescribed by the Medical Control Authority.

EMERGENCY MEDICAL TECHNICIAN (EMT). An individual who has completed a training program in emergency medical care at least equal to the National Standard Training Program for Emergency Medical Technicians as defined by the United States Department of Transportation and has been certified as an emergency medical technician by the North Carolina Department of Human Resources and works within the parameters established by medical direction.

EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC (EMT-P). An individual who has completed a training program in emergency medical care at least equal to the National Standard Training Program for Emergency Medical Technician - Paramedic, as defined by the United States Department of Transportation and has been certified as an emergency medical technician-paramedic by the North Carolina Department of Human Resources and works within the parameters established by medical direction.

FIRST RESPONDER. An organization with personnel trained in emergency medical care approved by the system's medical control authority that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical personnel arrive on the scene.

FRANCHISE. A permit issued by the County to a person or organization for the operation of an ambulance service.

FRANCHISEE. Any person or entity having been issued a franchise by the County for the operation of an ambulance service.

LICENSE. Any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.

MEDICAL CONTROL AUTHORITY. Haywood County Hospital, or its successor organization approved consistent with North Carolina Department of Human Resources regulations.

MEDICAL DIRECTOR. A licensed physician appointed by Haywood County Hospital, or its successor organization approved consistent with North Carolina Department of Human Resource Regulations.

NON-EMERGENCY TRANSPORTATION SERVICE. The operation of an ambulance for any purpose other than transporting emergency patients.

OPERATOR. A person in actual physical control of an ambulance which is in motion or which has the engine running.

OWNER. Any person or entity who owns an ambulance.

PATIENT. An individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

PERSON. Any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.

RESCUE. Situations where the victim cannot escape an area through the normal exit or under his own power.

RESPONSE TIME. That increment of time measured in minutes and seconds from the receipt of assignment by the County's communication center and the arrival of the unit at the requested location.

SYSTEM STANDARD OF CARE. The written body of standards and policies governing clinical aspects of the EMS system. The standards will be reviewed by the Haywood County Hospital Audit and Review Committee on a quarterly basis. As used in this context, System Standard of Care is a comprehensive term including:

(a) Input standards (e.g., personnel certification requirements, equipment specifications, on-board inventory requirements, and other requirements which the system must fulfill before receipt of a request for service).

(b) Performance standards (e.g., priority dispatching protocols and pre-arrival instructions, medical protocols, standing orders, response time standards, and other performance specifications describing how the system should behave upon receipt of a request for service).

(c) Outcome standards (e.g., target survival rates for certain narrowly defined presenting problems or presumptive diagnosis, such as witnessed cardiac arrests involving patients whose medical histories meet defined criteria). Outcome standards are results the system intends to achieve by meeting its input and performance standards.

*FRANCHISE***§117.20 FRANCHISE REQUIRED.**

(A) 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 emergency and/or non-emergency transportation of patients within the County of Haywood unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Human Resources, 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 chapter.

(B) No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the County of Haywood unless he or she holds a current valid certificate as an ambulance attendant, emergency medical technician, EMT-Intermediate or EMT-Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services.

(C) No franchise shall be required for:

(1) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or declared state of emergency with which the services franchised by the County of Haywood are insufficient or unable to cope; or,

(2) Any entity operated from a location or headquarters outside of the County of Haywood in order to transport patients who are picked up beyond the limits of the County of Haywood to facilities located within the County of Haywood, without the prior written permission of the authorized franchise holder.

(3) Ambulances owned and operated by an agency of the United States Government.

§117.21 APPLICATION FOR AMBULANCE FRANCHISE.

(A) Application for a franchise to operate ambulances in the County of Haywood shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain:

(1) Description of applicant organization.

(a) The applicant will provide a complete description and supporting documentation of the applying organization. All owners, officers, and key management personnel of the organization will be identified by name, ownership percentage, address, and phone number. The

address of the organization's headquarters will be provided along with the location of all sub-stations, satellite offices, or other divisions.

(b) The applicant will provide documentation that its business is lawfully established. Copies of documents required include Articles of Incorporation, assumed name certificates, applicable business licenses, employer tax identification numbers, ambulance licenses, vehicle permits, and Medicare and Medicaid provider numbers.

(c) The president or owner of the organization will warrant that the company has fulfilled all obligations and is current with regard to federal and state taxes (income, employer and employee withholdings), local business taxes, personal property taxes, state and Federal unemployment insurance, and workers compensation insurance payments. The owner or president also shall warrant that there are no, and for the past seven years have been no claims, debts, or liens resulting from Internal Revenue Service.

(d) The president or owner will also warrant that none of the organizations principle owners (>5%), key management personnel, companies with which they have been involved previously, the company or its predecessors have been convicted of any offenses regarding Medicare or Medicaid fraud and/or abuse, or have had their ambulance license suspended or revoked, or have been disbarred or suspended from participating in Medicare or Medicaid reimbursement programs, within the last seven years.

(e) Any items above which have occurred must be described in detail along with the final resolution of the action(s).

(f) Applicants will be required to submit to a thorough investigation of documentation and materials presented with this permit application. All principal owners (>5%) will submit executed notarized investigative releases and grant permission for the County to undertake a criminal record check.

(2) Description of services. The applicant shall provide a complete description of services for which it is requesting this permit. This description shall include geographic area and type of service to be provided.

(3) Analogous experience. Applicant shall provide documentation demonstrating current, and relevant past Emergency Medical Services (EMS) experience. This documentation shall demonstrate that the applicant is able to fully, safely, and reliably perform the services for which this permit is requested.

(4) Performance deployment and medical control compliance. The applicant shall provide pro forma deployment plans including stations and post locations for the ambulances. Plans and procedures for monitoring clinical care and assuring medical quality will be provided with this application. Proposed response time for each type of service to be provided will be defined.

(5) Vehicles and equipment. The applicant shall provide a complete listing of vehicles which it intends to utilize in the performance of the services covered by the permit requested. The type of vehicle, mileage and age will be provided. The applicant will also indicate its ratio of active to reserve units for services under this permit. A listing of all medical equipment and supplies which will be placed on-board each ambulance will be detailed. The major pieces of medical equipment (>\$500) which are held in reserve (not placed on an ambulance, but retained for replacement in case of malfunction or repair) will be listed.

(6) Personnel. The applicant shall provide a listing of all personnel which it intends to utilize in the performance of the services requested in the permit application. Copies of current certification, appropriate driver's licenses, and signed permission forms for criminal record checks will be attached to the application.

(7) Insurance.

(a) The applicant will document by attaching a certificate of insurance that it possesses professional medical liability insurance with combined single limits of \$3,000,000.

(b) The applicant will document by attaching a certificate of insurance that it possesses comprehensive and truck liability covering owned, hired, and non-owned vehicles with minimum limits of \$1,000,000, each for bodily injury including death, occurrence, and property damage of not less than \$100,000 per occurrence. Such insurance to include coverage for loading and unloading hazards.

(c) The applicant will document by attaching a certificate of insurance that it possesses comprehensive general liability insurance with combined single limits of not less than \$1,000,000.

(8) Proof of Financial Stability. The applicant will provide audited financial statements for the most recent three years available. The proposer may submit other items to document financial stability including lines of credit, bank and vendor letters of reference, or other items which may detail the applicant's financial position.

(9) Acceptance of terms and conditions. The applicant will agree to comply in writing, upon submitting this application and acceptance of a permit, with all regulations and conditions for permit holders, and also any subsequent regulations and conditions legally imposed by proper authorities.

(10) Information provided is accurate. The applicant will warrant that all information provided with its application for EMS permit is accurate and complete. Any omission, falsification or misrepresentation of information and materials shall result in permit denial, and the applicant will be precluded from further permit application for five years.

(11) Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the County of Haywood in

accordance with the requirements of state laws and the provisions of this regulation, including a statement from the local medical control authority in regards to the application.

§117.22 GRANTING OF FRANCHISE.

(A) Prior to accepting applications for the operation of an ambulance service, the Board of Commissioners 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 rearrange existing districts at any time at their discretion. However, no such districting or redistricting shall occur without the County first conducting a public hearing and making a finding of fact that a need does exist, that the proposed service offers a higher standard of care, and that the County's existing franchise holder(s) is unwilling or unable to meet the need or the proposed hither standard of care.

(B) An applicant may apply for a franchise to operate either emergency transportation service or non-emergency transportation service or both. If both types of service are to be provided, separate applications must be filed for each type.

(C) Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within 30 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.

(D) A franchise may be granted if the County finds that:

(1) The applicant meets all applicable state standards and regulations and the requirements and regulations of the franchise ordinance and standards which are consistent with and supplementary to any N.C. Statute or any Department of Human Resources regulation relating to ambulance services.

(2) The proposed service will fit 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. Factors to be considered in evaluating need include: call volume in the proposed area; quality of the existing service and whether quality would be improved in the proposed and surrounding service areas by an additional service; response times; communications systems capability for maintaining medical control.

§117.23 TERM OF FRANCHISE.

(A) The County may issue a franchise hereunder to an ambulance provider, to be valid for a term to be determined by the County, provided that either party at its option, may terminate the franchise upon 180 days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply 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 including a franchisee, 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 chapter, the franchise granted hereunder, and all applicable state and local laws relating to health, sanitation, safety, equipment, ambulance design, and medical control authority requirements, and all other laws, regulations and ordinances. Noncompliance with any franchise term may constitute grounds for immediate suspension or termination of the franchise by the County irrespective of the termination provisions of §117.23(A) above.

(D) Prior approval of the County shall be required where ownership or control of more than 10 percent of the right of control or franchisee is acquired by a person or group of persons acting in concert, none of whom own or control 10 percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition 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 chapter as upon original franchising.

(F) No franchise may be sold, assigned, mortgaged, or otherwise transferred without the approval of the County.

§117.24 STANDARDS FOR DRIVERS AND ATTENDANTS.

Standards for drivers and attendants as developed by the North Carolina Medical Care Commission as requirements for certification of ambulance attendants and emergency medical technicians pursuant to Article 7, Chapter 131 E-158, and Article 56, Chapter 143 of the General Statutes of North Carolina, shall be applied and the same are incorporated herein by reference.

§117.25 STANDARDS FOR VEHICLES AND EQUIPMENT.

Vehicle and equipment standards as developed by the North Carolina Medical Care Commission pursuant to Article 7, Chapter 131 E-157, and Article 56, Chapter I 43, of the General Statutes of North Carolina, shall be applied and the same are incorporated herein by reference.

§117.26 STANDARDS FOR COMMUNICATIONS.

(A) Each ambulance vehicle 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 each hospital(s) emergency department in the county in which the ambulance is based. Each ambulance vehicle shall be equipped with two-way radio communications capabilities compatibility with all hospitals emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the state. Each ambulance vehicle 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 the ambulance dispatching agency within the county.

(B) Each ambulance provider shall maintain current authorizations or Federal Communications Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per Federal Communications Commission's Rules and Regulations.

(C) All franchised ambulance services shall be dispatched and controlled by the County's communications center. No provider shall publish or advertise any phone numbers for ambulance services for the purpose of receiving request for emergency ambulance service other than 911 or other number of the County communications center.

§117.27 INSURANCE.

(A) No ambulance franchise shall be issued under this Chapter, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the County of Haywood unless the franchisee 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 ambulance owned and/or operated by or for the ambulance service providing for the payment of damages:

(1) In the sum of one million (\$1,000,000) dollars per person per accident 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; such insurance to include coverage for loading and unloading hazards and,

(2) In the sum of one hundred thousand (\$100,000) dollars per person per accident or the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State or as approved by the County of Haywood.

(3) In the sum of three million (\$3,000,000) dollars, combined single limit per occurrence for damages resulting from professional liability claims.

§117.28 RECORDS.

Each franchisee shall maintain the following records:

(1) Record of Dispatch - Shall show time call was received, time ambulance dispatched, time arrived on scene, time arrived at destination, time in service, and time returned to base.

(2) Trip Record - Shall state all information required in Section (1) in addition to information on a form approved by the County.

(3) Daily Report Log - Shall be maintained for the purpose of identifying more than one person transported in any one day.

(4) Daily Driver and Attendant Checklist and Inspection Report - Shall list contents and description of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.

(5) Reports reasonably required by the medical control authority.

(6) Any other records required by regulating agencies.

RATES

§117.40 RATES AND CHARGES.

(A) Each franchisee shall submit its Average Maximum User fee and supporting schedules to the County for approval and shall not charge more than the approved annual Average Maximum User Fee without specific approval by the County.

(B) For services provided within the County, the Franchisee shall not attempt to collect user fees until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service request

payment from a family member or guardian of the patient once the patient is in the process of receiving medical attention.

(C) For services provided which involve transportation originating outside the County or terminating more than fifty (50) miles outside the County, payment may be required before rendering service.

ENFORCEMENT

§117.50 ENFORCEMENT.

The Director of the Haywood County Emergency Medical Services shall be the enforcing agency for the regulations contained in this Chapter. Such office will:

(A) Receive all franchise proposals from potential providers.

(B) Study each proposal for conformance to this Chapter.

(C) Recommend to the Board of Commissioners the award of the franchise(s) to the applicants submitting the best proposal(s).

(D) Inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this Chapter and perform any other inspections that may be required.

(E) Recommend to the Board of Commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this Chapter. Recommend the imposition of penalties as provided under section §117.98 hereof.

(F) Insure by cooperative agreement with other ambulance services the continued service in an area where an ambulance service franchise has been suspended.

(G) Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by the County Manager.

(H) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions; review the complaint with the County Manager; obtain corrective action with the approval of the County Manager; notify the County Commissions of any proposed corrective actions or actions already taken due to emergency.

(I) Recommend improvements to the County which will insure better medical transportation.

(J) Maintain all records required by this chapter and other applicable County regulations.

(K) Perform such of the above functions as may be requested by any municipality within the County of Haywood.

§117.51 RECORDS, PREMISES AND EQUIPMENT AVAILABLE FOR INSPECTION.

The County may inspect a franchisee's records, premises, and equipment at any reasonable time in order to insure compliance with this chapter and any franchise granted hereunder.

§117.52 ADDENDUM TO ORDINANCE.

(A) The Board of Commissioners of the County of Haywood may, through appropriate actions, amend or expand this chapter to include other emergency departments or agencies as deemed necessary.

(B) The County reserves the right to adopt in the future such regulations as it deems necessary to fulfill its obligations under this chapter. All such regulations shall be binding on all franchisees. However, prior to the implementation of any such regulations, County will publish the proposed regulations for a period of not less than 30 days, shall request a fiscal impact statement from franchisees, and shall hold a public hearing on said regulations.

§117.98 PENALTIES.

(A) Any person or entity violating any provision of section §117.20 of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with North Carolina General Statute 14-1. Each day that the violation continues shall constitute a separate offense.

(B) If the Haywood County Board of Commissioners find that any person or entity including a franchisee, has violated the provisions of section §117.20 or that any franchisee has failed to comply with any of the terms or obligations of the franchise, they may, in addition to all other remedies available either in law or in equity, institute a civil penalty in an amount equal to the maximum allowable N.C. General Misdemeanor fine; act or proceed to restrain, correct, or abate the violation of failure to comply. Each day that the violation or failure to comply continues shall constitute a separate violation.

§117.99 EFFECTIVE DATE.

This ordinance shall take effect on the 1st day of December 1995.