

- 2.1 Ambulances owned or operated under the control of the United States Government or the State of Oregon;
- 2.2 Vehicles being used to render temporary assistance in the case of major catastrophe or emergency with which the ambulance service 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;
- 2.3 Vehicles operated solely on private property or within the confines of institutional grounds, whether or not incidental crossings of any public street, road or highway through the property is involved;
- 2.4 Ambulances or vehicles transporting patients from outside Wasco County to health care facilities within Wasco County or which are passing through without a destination in Wasco County;
- 2.5 Air or waterborne ambulance services.

Section 3. AMBULANCE SERVICE AREAS

For the efficient and effective provision of ambulance service in Wasco County as mandated in ORS 682.062, the Wasco County Ambulance Service Area Plan and appropriate maps, as designated in OAR 333-260-0000 through OAR 333-260-0070 shall become attachment exhibits to this Ordinance, as they are adopted or changed by Resolution to maintain the efficient and effective emergency medical service for the citizens of Wasco County based on population and geographic limits.

The Board of Commissioners, by Order, may adjust the boundaries of the Ambulance Service Areas, from time to time as necessary, to provide the

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most efficient and effective ambulance service to the citizens of Wasco County.

Section 4. ASSIGNMENT OF AMBULANCE SERVICE AREAS

4.1 Effective on the date of this Ordinance, no person shall provide ambulance services in Wasco County unless an Ambulance Service Area has been assigned to that person pursuant to this Ordinance.

4.2 Any person desiring to provide ambulance services within Wasco County shall submit an application therefore to the Wasco County Ambulance Service Area Review Committee whose Chair is the Wasco County Ambulance Service Area Coordinator. The Chairman will then bring this before the Wasco County Ambulance Service Area Review Committee. The recommendations of this Committee will then be presented before the Board of Commissioners by the Chairman for the Commission's consideration.

The Board of Commissioners can, at its option, open for competitive bid any ASA contract that is within 60 days of its expiration date.

4.3 Applications made pursuant to Section 4.2 shall be made on the approved form which consists of:

4.3.1 The name and address of the person applying for the assignment of an Ambulance Service Area. If a private company is the applicant a list of names of shareholders,

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partners and all other persons with a monetary interest in the company.

4.3.2 The Ambulance Service Area that the person desires to serve and the location from which ambulance services will be provided;

4.3.3 A list of vehicles to be used in providing ambulance services, including the year, make, model, and verification that each vehicle is certified as a basic or advanced life support vehicle by the State of Oregon;

4.3.4 A list of personnel to be used in providing ambulance service and the current Emergency Technician certificate class and number for each person;

4.3.5 Proof of financial stability by providing documentation such as budget documents, business plans, bank statements, tax returns etc., and any other information requested by the Board of Commissioners to establish such financial responsibility and proof of adequate financial resources to fund operations of the ambulance service;

4.3.6 Sufficient additional information to allow the Wasco County Ambulance Service Area Review Committee and the Board of Commissioners to review the application in light of the review criteria established by the Ambulance Service Area Plan, this County Ordinance, the Wasco County Ambulance

Service Area Review Committee and the Board of Commissioners;

4.3.7 Each application will be reviewed for the applicant's conformity with the requirements of Oregon law for providing ambulance services, the specific criteria of the Wasco County Ambulance Service Area Plan, and the need for efficient and effective ambulance service within the area sought to be served and the adjoining area of the County.

4.4 Assignments of initial Ambulance Service Areas shall be valid from the date of issue for five years. Thereafter, assignments may be renewed for additional terms of five years beginning on January 1 following the year of expiration and subject to the provisions for suspension or revocation as set forth in this Ordinance.

4.5 Not less than 60 days prior to the expiration of the assignment of an Ambulance Service Area, any person desiring the renewal of an assignment or a new assignment of an Ambulance Service Area shall submit an application therefore to the Wasco County Ambulance Service Area Coordinator. The application shall contain the information and be reviewed as provided in Section 4.3 above.

4.5.1 Notice of receipt of applications for assignment to an Ambulance Service Area will be sent via first class mail to Providers of ambulance services in the area sought to be served and all Ambulance Service Areas adjacent thereto.

4.6 Any person assigned to an Ambulance Service Area who wishes to discontinue service shall notify the Board of Commissioners in writing not less than 180 days before the date that person wishes to discontinue service.

4.6.1 If the Board of Commissioners receives notice, as provided in this section, that a provider wishes to discontinue service, the Commission shall, within 30 business days, notify providers in surrounding ASA's. Applications from other potential providers shall be received within 60 days of said notice and shall conform to with the provisions of this Ordinance.

4.6.2 Notice that applications will be accepted pursuant to Section 4.3 of the Ordinance shall be published at least twice in a newspaper of general circulation in Wasco County. The notice shall be published in conjunction with the notifications required in Section 4.6.1.

4.6.3 Notice of receipt of intent to discontinue service will be sent, via first class mail, to providers of ambulance services in the area from which service is to be discontinued and all Ambulance Service Areas adjacent thereto.

Section 5. DUTIES OF AMBULANCE SERVICE PROVIDERS

Upon assignment of an Ambulance Service Area, the Provider providing ambulance services shall:

5.1 Conduct its operations in compliance with all applicable state and federal laws and regulations, the terms of this Ordinance and the Wasco County Ambulance Service Area Plan;

5.2 Must not refuse to respond or fail to respond to an emergency call for service if an ambulance and personnel are available for service;

5.3 Not respond to a medical emergency outside its assigned Ambulance Service Area except:

5.3.1 When the ambulance service provider assigned to the Ambulance Service Area is unavailable to respond and the provider is requested by the other provider or emergency dispatch to respond; or

5.3.2 When the response is for supplemental assistance or mutual aid.

5.4 Provide written notice to the Wasco County Ambulance Service Area Coordinator of any notice of deficiency, notice of intent to begin administrative proceeding, or claim for damages resulting from the operation of the ambulance. Said notice shall be given by personal service or service by certified mail within seven business days of the date notice is received by the ambulance service provider.

Upon receipt of notification of deficiency affecting the efficient provision of service the Coordinator shall require the provider to provide proof of correction within 10 business days. Said proof shall

consist of official documentation that the deficiency has been rectified. If such proof is not received within the identified timeline, the Committee shall forward proof of deficiency to the Board of Commissioners with a recommendation for corrective action.

5.5 Not transfer the assignment of an Ambulance Service Area to another provider without written notice to Wasco County Ambulance Service Area Review Committee and the approval of the Board of Commissioners. Written notice shall include an application by the new Provider for assignment to the Ambulance Service Area in question and will be evaluated as provided for in Section 4.3 of this Ordinance.

5.6 Not voluntarily discontinue service to the assigned Ambulance Service Area without notice to the Wasco County Ambulance Service Area Review Committee and the Board of Commissioners as provided in Section 4.6 of this Ordinance.

5.7 Make records pertaining to ambulance services available for inspection by the County on request.

Section 6. SUSPENSION OR REVOCATION OF ASSIGNMENT

6.1 Upon the recommendation of the Wasco County Ambulance Service Area Review Committee or on its own motion, the Board of Commissioners may suspend or revoke the assignment of an Ambulance Service Area upon a finding that the holder thereof has:

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6.1.1 Violated the provisions of this Ordinance, the Wasco County Ambulance Service Area Plan, or provisions of state or federal laws or regulations; or

6.1.2 Misrepresented material facts or information given in an application for assignment of an Ambulance Service Area or as part of the review of the performance of the service provided.

6.1.3 Fails to maintain adequate financial resources to fund operations.

6.2 In lieu of the suspension or revocation of the assignment of an Ambulance Service Area, the Board of Commissioners may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within a time stated therein. Notice of the Board's action shall be provided to the holder of the assignment which shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The holder of the assignment shall notify the Wasco County Ambulance Service Area Review Committee and the Board of Commissioners of the actions taken. If the assigned Provider fails to take corrective action within the time required, the Board of Commissioners shall notify the holder and the Ambulance Service Area Review Committee that the Provider's Ambulance Service Area assignment is either suspended or revoked upon receipt of the notice.

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Section 7. APPEAL

An Ambulance Service Area Provider receiving a notice of assignment, denial, suspension, revocation, or contingent suspension or revocation of an Ambulance Service Area may request a hearing before the Board of Commissioners. This shall be done by filing a written request for hearing within 14 business days of the decision. The request shall set forth the reasons for the hearing and the issues proposed to be reviewed. The Board of Commissioners may make a written finding that prompt implementation of their decision is required due to an immediate hazard to public safety. The Commission shall set a time and place for a hearing which will be de nova on the record or a full de novo hearing, as determined necessary. Within 14 business days after the conclusion of the hearing, the Board of Commissioners shall reaffirm, reverse, or modify the original decision.

Section 8. PENALTIES

Any person who violates any provision of this Ordinance is guilty of a violation. Failure from day to day to comply with the terms of this Ordinance shall be a separate offense for each such day. Failure to comply with any provision of this Ordinance shall be a separate offense for each such provision.

Violations of the provision of this Ordinance are punishable, upon conviction, by a fine of not more than Five Hundred Dollars (\$500) per day per violation.

Section 9. NUISANCE

In addition to the penalties provided in Section 8, violation of any of the provisions of this Ordinance is declared to be a nuisance and may be regarded as such in all actions, suits, or proceedings. Pursuant to ORS 682.991, this Ordinance may be enforced in a proceeding for equitable relief in the Circuit Court.

Section 10. SEPARABILITY

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

Section 11. EFFECTIVE DATE

This Ordinance shall take effect on May 15, 2012, upon its adoption.

Regularly passed and adopted by the Board of Commissioners of the County of Wasco, State of Oregon, by a _____ to _____ vote this 15th day of February, 2011.

APPROVED AS TO FORM: WASCO COUNTY BOARD
OF COMMISSIONERS

Eric J. Nisley, District Attorney

Rod L. Runyon, Chairman of Commission

ATTEST:

Sherry Holliday, County Commissioner

Kathy McBride, Executive Asst.

Scott C. Hege, County Commissioner