

**An Ordinance to Promulgate Rules and Regulations
Concerning Ambulance Service and Franchise in Surry County
North Carolina**

**The Board of County Commissioners of Surry County ordain
and enact:**

1. **Definitions:** The following words and phrases used in this Ordinance shall have the following prescribed meanings except where the context clearly indicates a different meaning.

Ambulance:	The term ambulance shall mean and include a NC OEMS permitted vehicle equipped and approved to transport injured or infirmed persons, on call or demand, accepting patients and transporting them from a point in Surry County. This shall not be construed to include taxis, taxi services, or like vehicles.
Attendant:	A person credentialed at the NC EMT level or higher.
Board:	The Surry County Board of Commissioners.
Call, Run:	The act of moving toward the scene of need with an ambulance and transporting the patient to his/her destination.
Driver:	A person credentialed at the NC Emergency Medical Technician level or higher.
Emergency Call:	Responding to a scene where a person is in dire need of medical attention and transporting the patient to a medical facility.
EMT:	Emergency Medical Technician
EMT-I:	Emergency Medical Technician – Intermediate
EMT-P:	Emergency Medical Technician – Paramedic
FCC:	Federal Communications Commission
NCCEP:	North Carolina College of Emergency Physicians
NC DHHS:	North Carolina Department of Health and Human Services
NC OEMS:	North Carolina Office of Emergency Medical Services
Non-Emergency Call:	Responding to a scene where a person (or their legal guardian) requests medical attention of a non-emergency nature and transporting the patient to a medical facility.
Owner:	Any person to whom a franchise for the operation of an ambulance(s) has been granted.

Patient:	Any person being transported to medical attention, from medical attention or from medical facility to medical facility.
Person:	Any individual, partnership, association, corporation or other organization owning, operating, or proposing to operate an ambulance(s) within Surry County.
SCES:	Surry County Emergency Services
SCTP:	Specialty Care Transport Program

2. **Franchise Required:** In accordance with NC Administrative Code, {10 NCAC 13P.0201(A3)}, except as otherwise indicated herein, no person shall establish a base of operation or operate or cause to operate an ambulance within Surry County, on a point to point basis, without applying for and obtaining a franchise from the Board authorizing such operation and being written into County EMS System Plan. No person shall operate or cause to operate an ambulance within Surry County after revocation or during suspension of a franchise unless the franchise has been reinstated. **This Ordinance shall not apply to non-point-to-point ambulance services provided by an accredited tertiary hospital enterprise, whether organized as a “for profit” or not-for-profit enterprise.**

3. **Application Process:** Except as otherwise set forth within this Ordinance, all applicants applying to the Board for an ambulance franchise to operate one or more ambulances, shall file a sworn application on a form provided by Surry County stating the following:
 - a. The name and address of the owner. In the case where the owner is a corporation, a Certificate of Good Standing from the Office of the Secretary of State must be provided. Out of state applicants must first domesticate with the North Carolina Secretary of State.
 - b. The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of said application, if any.
 - c. The net worth applicant.
 - d. Whether there are any unsatisfied judgements of record against the owner, and if so, the captions of all actions and the amount of all judgements unsatisfied.
 - e. The make, type, year of manufacture, serial number, and equipment therein for each ambulance owned or operated or proposed to be operated by the applicant for a franchise within the County.
 - f. Criminal record, if any, of applicant must be provided. This includes a corporation and any court records of its officers, directors, management and supervisors.
 - g. Other reasonable information as the Board may require at its discretion.
 - h. The level of service applicant seeks to provide, to wit: convalescent, emergency, critical care, or other.
 - i. **Hospitals (including Forsyth/Novant and/or WFU BMC) desiring an ambulance franchise for point-to-point service may make application for the specific level of franchise desired by making a written request to the Board of Commissioners and the proposed method and manner for offering such service. The standard application form need not be used for hospitals and/or major medical center applicants.**

4. **Franchise Granting:**

- a. **Hearing on Application:** Upon receipt of application for franchise, the Board shall fix a time and place for hearing the applicant. A franchise shall not be granted unless the Board shall find, after the hearing, that public convenience and necessity require the proposed level of ambulance service applicant seeks to provide. In determining whether the public convenience and necessity require the operation of the proposed ambulance service for which the application for franchise is made, the Board will consider and investigate the statements made in the application, the adequacy of the existing ambulance service, the financial responsibility experience and character of the applicant.

Other determining factors include the public need for additional service level applied by applicant, the ability of existing holders of certificates to provide any necessary additional service, and any other factors pertinent to such determination. Under no circumstance shall franchised operator offer a level of ambulance service for which it has neither applied nor qualified.

- b. **Issuance of Franchise:** Upon finding that the public convenience and necessity require the proposed level of ambulance service for which applicant applied, the Board shall grant to the applicant a franchise on the terms and conditions described in this Article, provided:
 1. The applicant complies with all provisions of this Article.
 2. The ambulance(s) proposed to be operated under said franchise shall be found to meet the requirements identified in the General Statutes enacted January 1, 2002 and adopted by the NC DHHS or a representative thereof.
 3. There are no unappealed unsatisfied judgments of record against the applicant.

5. **Franchise Term:** In order that applicants granted a franchise may establish the capital investment essential to adequate and efficient ambulance service provision required, the term of any franchise granted shall be one year. Any franchise granted may be suspended or revoked by the Board after a hearing held upon 30 days notice to any franchise holder for failure to comply with any provision of this Ordinance.

If upon such hearing, the Board shall find that the franchise holder has corrected substantially all of the deficiencies, and has brought himself into substantial compliance with the provisions of this Ordinance, the franchise shall not be suspended or revoked.

If a franchised operator is in good standing and desires a renewal of the term of its franchise agreement, it may request a renewal in writing prior to expiration of the initial or renewal term. The request should be directed to the County Manager. Notwithstanding the foregoing, the Board reserves the right to terminate any ambulance franchise upon finding that the public convenience and necessity no longer requires the proposed level of service offered by franchised operator.

A granted franchise may not be sold, assigned, or transferred or become vested in any person other than the applicant to whom the franchise was originally granted.

6. **Existing Ambulances:** Every owner operating an ambulance(s) in Surry County and holding a current franchise agreement as of the effective date of this Ordinance shall be deemed, in absence of evidence and findings of the Board to the contrary, to be operating under public convenience and necessity provided that all requirements of this Ordinance have been met.

7. **Ambulance Specifications:** Vehicles utilized as ambulances shall conform to specifications and requirements mandated by NC OEMS, a division of NC DHHS and Surry County Emergency Services Model System Plan.

8. **Drivers and Attendants:**

- a. **Qualifications:** No person shall be employed or act as an ambulance driver or attendant unless they have met minimum credential standards as governed and enforced by the NC OEMS.
- b. **Prohibited Acts:** Persons employed or acting as a driver or attendant are hereby forbidden to commit or cause to commit the following acts;
 - 1. To drive or attend a patient while under the influence of alcohol or other judgement impairing drug, (prescription or illicit) while on call.
 - 2. To smoke while inside the unit.
 - 3. To move any patient if there is suspicion of “foul play” without first notifying a law enforcement officer, unless necessary to preserve life or limb.
 - 4. To recommend to any person a mortuary preference to handle a deceased body.
 - 5. To use profanity in the presence of a patient, the patient’s family or bystanders.
 - 6. To commit or cause to be committed an assault or battery on bystanders, unless necessary to protect the patient or in self-defense.
 - 7. To drive or cause to be driven, any ambulance at a speed greater than reasonably necessary without due regard for the safety of others.
- c. Every ambulance on an emergency or non-emergency call within Surry County shall be occupied, at a minimum; by at least one NC credentialed EMT-I and one NC credentialed EMT-P. Mass Casualty Incidents are the only exception to this requirement.

9. **Communications Standards:**

- a. Each ambulance shall be equipped with a two-way VHF radio licensed by the Federal Communications Commission (FCC) which must be in operative condition at all times. The radio shall also be compatible with SCES radios which includes, but is not limited to the following frequencies:

<u>Frequency</u>	<u>Rx</u>	<u>Pl</u>	<u>Tx</u>	<u>Pl</u>
EMS F1	155.055	141.3	158.895	141.3
340	155.340	141.3	155.340	141.3
STATE RESCUE	155.280	141.3	155.280	141.3
EMS F2	155.580	141.3	158.970	141.3

- b. Each ambulance shall also be equipped with a two-way UHF radio licensed by the Federal Communications Commission (FCC) which must be in operative condition at all times. The radio shall also be compatible with SCES radios which includes, but is not limited to the following frequencies:

<u>Frequency</u>	<u>Sub-Tone</u>	<u>Tower</u>
Med 1	“B”	Saurtown Mountain
Med 10	“C”	Turner Mountain

- c. Each service shall provide the Board a copy of the FCC license authorizing the use of the communication equipment owned and operated by the service.
- d. Cellular phones are also required, as back-up communications and these numbers must remain operational and available to SCES Administration.

10. Rules for General Operations:

a. ***Operating Rules:***

- 1. No person shall operate a motor vehicle as an ambulance unless such vehicle has been registered in accordance with NC Law and all required licenses and permits have been obtained through the proper agency.
- 2. Every ambulance shall be operated in accordance with the laws of NC and the Ordinances of Surry County.

b. ***Ambulance Insurance Required:***

- 1. Pursuant to NCGS 153A-250, the County shall exercise its right to establish minimum limits for liability insurance maintained by franchised operators. Every owner operating ambulances under a franchise shall submit to the Board evidence of public liability and property damage insurance currently in force with an insurance company licensed to conduct business in NC, or shall enter into a bond with a personal or corporate surety, in the following minimum amounts:
 - a. Bodily Injury - \$1,000,000 per person
 - b. Property Damage - \$1,000,000 per accident

c. ***Liability Insurance Required:***

- 1. Every owner operating ambulances under a franchise shall submit to the Board evidence of public liability and property damage insurance currently in force with an insurance company licensed to conduct business in NC, covering the acts of the ambulance attendants in an amount of not less than \$1,000,000.

11. **Authority to fix rates / fees / charges:** Pursuant to NCGS 153A-250, the County shall exercise its right to establish and/or revise a schedule of rates, fees and charges that may be charged by franchised operators. Regulation of rates shall arise upon a finding that a franchised operator's rate schedule is so excessive so as effectively undermine the public convenience and necessity found to have existed when the franchise was awarded.

12. **Authority to determine franchise service area:** At its discretion the Board shall have authority to fix and change from time to time the areas that may be served by each franchised operator.

13. Compliance Investigation:

- a. ***Agent to Investigate:*** The Board shall have the authority to appoint the SCES Emergency Services Director, or other qualified person ("Inspector") to make inspections of ambulance and ambulance services to aid the Board in determining compliance with this Ordinance and in investigating alleged violations of this Ordinance.
- b. ***Inspection of Ambulances:*** Any person holding a franchise shall allow the designated Inspector to make inspections of its ambulances, access all records kept in connection with the operation of the ambulance or ambulance service, access all equipment used in connection with the operation of the ambulance or ambulance

service, and access to any other material or items necessary to determine compliance with this Ordinance or to investigate alleged violations of this Ordinance.

14. Call Reporting:

- a. Each franchised operator shall report the number of calls and/or runs no later than the 10th day of each month to the Surry County Emergency Services Director (or designee). The report shall be in writing and contain at a minimum the following information:
 1. The number of emergency calls with times and dates.
 2. The number of non-emergency calls with times and dates.
 3. The total number of calls with times and dates

15. Quality Management: Each franchised operator (or designee) shall attend all regularly scheduled SCES Quality Management meetings. Failure to attend these meetings may result in suspension and/or revocation of their franchise.

16. Continuing Education Training Requirement: Each franchised operator shall ensure that their personnel actively participate in an approved continuing education program appropriate to their level of credential and/or licensure. A copy of their education plan will be available for review by the SCES ALS Training Coordinator as well as sign-in rosters and in-service program outlines. Failure to ensure that personnel actively participate in an approved continuing education program may result in suspension and/or revocation of their franchise.

A copy of the continuing education plan shall be provided to the Board upon application for franchise and reviewed by the SCES ALS Training Coordinator and/or Emergency Services Director.

17. NC OEMS System Plan: Each franchise applicant planning to operate a transport service within Surry County is required to comply with the provisions of the Surry County EMS system plan. A franchise shall not be awarded until all requirements of this plan are met.

18. NC OEMS SCTP System Plan: Franchise applicants planning to operate a Critical Care Transport Service (aka: SCTP) are required to submit a SCTP plan for approval. A franchise shall not be awarded until the NC OEMS gives its approval. A copy of the approved SCTP system plan shall also be provided to the Board upon application for franchise and prior to hearing.

19. Medical Direction: Franchise applicants are required to submit the name of the physician providing Medical Direction for their service. This physician shall meet the minimum requirements outlined in the NCCEP recommendations for medical directors. A letter with the original signature of the medical director shall be submitted to the Board upon application for franchise as well as documentation of an in force medical malpractice insurance policy.

20. Exemptions:

- a. Vehicles owned and operated by the following agencies are excluded from the requirements of this Ordinance:
 1. Vehicles owned and/or operated by the State of NC.
 2. Vehicles owned and/or operated by the United States Federal Government.
 3. Ambulances and/or Ambulance Services requested by the SCES Emergency Services Director or designee to provide assistance in the event of a disaster.

4. Ambulances owned and operated by Surry County are exempt from Sections 2-6 of this Ordinance.
- b. Ambulances or Ambulance Services, that do not have an office or station within Surry County and that are transporting patients from a location outside Surry County to a location inside Surry County, are excluded from the requirements of this Ordinance. Ambulances and/or Ambulance Services may not receive a patient from within Surry County for transportation to a location within Surry County without a franchise to operate within Surry County. This Ordinance shall not apply to ambulances or ambulance services that receive a patient outside of Surry County but transport the patient through Surry County in route to another destination.

21. Repeal of Prior Ambulance Ordinance.

This Ambulance Ordinance repeals prior ambulance ordinances and amendments thereto. The Ambulance Commission established by the County's prior Ordinance is of no further force and effect and Commission members are relieved from further service to the Commission.

22. Penalty / Fine:

- a. It shall be the duty of the franchise holder to assure the provisions of this Ordinance are adhered to at all times.
- b. Violation of Section 2 of this Ordinance shall constitute a Class 3 misdemeanor punishable by a fine of not more than \$700.00. Each day of continuing violation shall constitute a separate offense.
- c. The County Manager for Surry County is hereby empowered to seek a court order to enjoin the violation of Section 2 of this Ordinance.

This Ordinance shall take effect and be enforced on the 7th day of September, 2004.

Adopted by the Surry County Commissioners, this the 7th day of September, 2004.

SURRY COUNTY BOARD
OF COMMISSIONERS

Chairman of the Board

ATTEST:

Clerk to the Board