

Chapter 8.32 - EMERGENCY MEDICAL AND TRANSPORTATION SERVICES

Sections:

8.32.010 - Title.

This chapter shall be known as the "Washington County Emergency Medical and Transportation Services Ordinance" and may so be pleaded.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.020 - Purpose and intent.

- A. The board of county commissioners finds that the county is authorized to regulate emergency ambulance, nonemergency ambulance and wheelchair car transport services provided by vehicles for hire pursuant to the county charter and ORS 221.485 to 221.495.
- B. The board of county commissioners determines that protection of the health, safety and welfare of persons needing emergency ambulance, nonemergency ambulance and wheelchair car transport services who cannot be transported by regular motor vehicle due to health conditions but must be transported in a special vehicle capable of transporting the person in an ambulance, wheelchair or semireclining wheelchair, requires that such services be regulated so as to promote efficient, effective and safe transportation.
- C. The board of county commissioners finds that it is required by state law to develop a plan relating to the need and coordination of ambulance services, for the efficient and effective provision of such services and is authorized to provide regulations more stringent than those adopted by Oregon Emergency Medical Services and Trauma Systems.
- D. The board of county commissioners finds that the franchising of emergency ambulance services is the most appropriate regulatory mechanism for coordinating and promoting the efficient and effective provision of emergency ambulance services.
- E. The county's regulatory authority granted by the Oregon Statute is limited to the regulation of all types of ambulance and wheelchair car service excluding those mentioned under "Exemptions."
- F. The county desires to have a uniform, countywide system for the delivery of emergency medical services and shall work to achieve such a system by promoting mutual policies and procedures that can be effectively utilized by all system participants.
- G. The county desires an EMS system that takes an active role in emergency medical prevention and the development of a comprehensive approach to emergency public health care, assessment, and cost containment.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.030 - Definitions.

As used in this chapter, unless the context requires otherwise:

- A. "9-1-1" means a universal telephone number used to request emergency medical assistance.
- B. "Administrative rules" means the rules relating to emergency medical services adopted as provided for in this chapter. Duly promulgated rules shall have the force of law.

- C. "Adult foster home" means any family home or facility in which residential care is provided for compensation to five or fewer elderly or physically disabled adults who are not related by blood or marriage. (OAR 411-050-0400(4))
- D. "Advanced Life Support," or "ALS" means prehospital emergency care, which encompasses procedures, treatments, and techniques as defined by rule.
- E. "Advanced Life Support (ALS) Ambulance" means an ambulance, which meets all county and state requirements and is staffed and equipped to provide service at the Emergency Medical Technician (EMT) Paramedic level.
- F. "Ambulance" means any privately or publicly owned motor vehicle, aircraft or marine craft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability.
- G. "Assisted living center" means a program within a physical structure, which provides or coordinates a range of services, available on a twenty-four (24) hour basis, for support of residential independence in a residential setting. (OAR 411-056-0005(6))
- H. "Base fee" means the fee charged for the pick-up of a patient, exclusive of mileage. This fee shall be all-inclusive and shall not include "flag drop" or any other charges.
- I. "Basic Life Support" or "BLS" means prehospital emergency care, which encompasses procedures, treatments, and techniques as defined by rule.
- J. "Basic Life Support (BLS) Ambulance" means an ambulance, which meets all county and state requirements and is staffed and equipped to providing service as defined by rule.
- K. "Board" means the Washington County board of county commissioners of the county.
- L. "Do business" or "operate an ambulance" in the county means to provide private or public ambulance and/or wheelchair car service in the county, including transporting patients from within the county to points outside the county, but not including transporting patients from outside the county to within the county.
- M. "Emergency" means those medical or trauma conditions that manifest themselves by symptoms of sufficient severity that a prudent layperson possessing an average knowledge of health and medicine would reasonably expect that failure to receive immediate medical attention would place the health of a person, or the fetus in the case of a pregnant woman, in serious jeopardy. An emergency condition also includes any condition specifically dealt with in the emergency medical dispatch system adopted by Washington County or those conditions covered in section 8.32.420 (G) of this chapter.
- N. "Emergency ambulance provider" means that ambulance provider designated by the board as the sole provider of emergency ambulance service in Washington County.
- O. "Emergency Medical Dispatch" or "EMD" means that system adopted by the county used to interrogate a caller requesting medical transportation in an effort to determine the severity of the medical condition.
- P. "Emergency Medical Services" or "EMS" means those prehospital functions and services which are required to prepare for and respond to medical emergencies, including transport, treatment, communications, evaluation and public education.
- P-Q. "EMS Alliance" means a group who shall review, advise, and make policy and operational/technical recommendations related to improving the delivery of Emergency Medical Services in Washington County, to the County EMS Office (WCEO) and the Board of County Commissioners (Board).
- Q-R. "Emergency Medical Services Program Supervisor" means the person designated by the board to administer and enforce the provisions of this chapter.
- R-S. "Emergency Medical Technician" or "EMT" means a person so certified by Oregon Emergency Medical Services and Trauma Systems at the basic, intermediate, or paramedic level.

- ~~S~~.T. "Employee" means an employee, agent, driver, or attendant employed by a licensee.
- ~~T~~.U. "First responder" means a person so certified by Oregon Emergency Medical Services and Trauma Systems or agent at the first responder level.
- ~~U~~.V. "Franchise" means a contract wherein Washington County grants a privilege to do business under the terms and conditions set forth therein.
- ~~V~~.W. "Hospital" means an establishment as defined by OAR 333-071-0000(1)(a).
- ~~W~~.X. "Inter-facility transfer" means a transfer between hospitals or transfers from a hospital to a residential care facility, assisted living facility, adult foster care home, convalescent hospital or private residence.
- ~~X~~.Y. "Intermediate Life Support" or "ILS" means prehospital emergency care, which encompasses procedures, treatments, and techniques as defined by rule.
- ~~Y~~.Z. "Intermediate Life Support (ILS) Ambulance" means an ambulance which meets all county and state requirements and is staffed and equipped to providing service as defined by rule.
- ~~Z~~.AA. "License" means a nontransferable, non-assign-able authorization, personal to whom it is issued by the Washington County EMS Office (WCEO) and authorizing the person whose name appears thereon to do business in the county.
- ~~AA~~.BB. "Mass Casualty Incident" or "MCI" means any incident involving, or potentially involving, multiple patients as defined by rule.
- ~~BB~~.CC. "Medical officer" means a physician contracted with or employed by the county to act as the physician supervisor and who shall perform those functions as stated in ORS 183.205 and OAR 847-035-0020.
- ~~CC~~.DD. "Nonemergency" means those medical or trauma conditions that are not specifically dealt with in the emergency medical dispatch system adopted by the county. The county by rule shall further delineate categories contained in the emergency medical dispatch system that may be handled by a nonemergency ambulance provider. Unless specified by rule, those conditions that fall within the emergency medical dispatch system shall immediately be transferred to the emergency ambulance providers designated by Washington County.
- ~~DD~~.EE. "Nonemergency transportation service" means a person who holds a valid license to provide nonemergency ambulance transportation.
- ~~EE~~.FF. "Online Medical Control" or "OLMC" means a medical facility designated by the county as authorized to provide on-line-medical-control advice and support to EMTs and first responders.
- ~~FF~~.GG. "Oregon, Emergency Medical Services and Trauma Systems" or "Oregon, EMS and TS" means the EMS and TS section of the Department of Human Services of the State of Oregon, or its successor.
- ~~GG~~.HH. "Party" means:
- a. Each person or agency entitled as of right to a hearing;
 - b. Any person requesting to participate as a party or in a limited party status whom is determined either to have an interest in the outcome of the proceeding or represents a public interest in such results.
- ~~HH~~.II. "Patient" means an individual who, because of acute or chronic illness or injury, needs immediate medical assessment, treatment or transport.
- ~~II~~.JJ. "Per mile charge" means a charge per mile in addition to the base charge.
- ~~JJ~~.KK. "Person" means an individual, partnership, company, association, corporation, or any other legal entity, including any receiver, trustee, assignee, or similar representative.

~~KK~~.LL. "Quality improvement committee" means a group who shall provide advice to the Washington County EMS Office (WCEO) relating to a comprehensive quality improvement (QI) process.

~~LL~~.MM. "Residential care facility" means a program within a physical structure, which provides or coordinates a range of services, available on a twenty-four (24) hours basis, for support of residential independence in a residential setting. (OAR 411-056-0005)

~~MM~~.NN. "Semi-reclining wheelchair" means a wheelchair with a back, which locks in a variety of positions from upright vertical to no more than forty-five (45) degrees reclining.

~~NN~~.OO. "Stretcher car" means any vehicle configured to carry a patient in the reclining position, less than thirty (30) degrees, and without a person, other than the driver, attending to the patient or staffed by someone not certified at the EMT level.

~~OO~~.PP. "Washington County EMS Office (WCEO)" means the office within Washington County government which provides oversight and direction to EMS activities within the county.

~~PP~~.QQ. "Wheelchair car" means a motor vehicle for hire that is constructed, equipped, or regularly provided for nonemergency transportation of persons in wheelchairs and semireclining wheelchairs (no more than forty-five (45) degrees reclining) or requiring wheelchair car transportation for reasons related to health conditions and not requiring an ambulance or transport in a supine or recumbent position.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.040 - Exemptions.

- A. Notwithstanding any other provision, this chapter and the rules adopted hereunder shall not apply to:
1. Vehicles owned by or operated under the control of the United States Government or the State of Oregon;
 2. Vehicles operated solely on private property or within the confines of institutional grounds, regardless of whether the incidental crossing of any public street, road or highway serving the property or grounds is involved;
 3. Vehicles operated solely for the transport of lumber industry employees from lumber industry activities;
 4. Transport services provided for on-duty fire department personnel;
 5. Private vehicles not used for hire;
 6. Wheelchair car vehicles operated by a mass transit district. The scope of this exemption may be further delineated by rule as necessary to further the intent to exclude related mass transit district programs.
- B. A wheelchair car provider shall not be required to pay licensing fees so long as each of its pickup and mileage fees are no more than the percent set by rule of the highest of each such fees charged by any licensee other than the company seeking exclusion. Until a different amount is established by rule, the pickup and mileage fees shall not exceed twenty-five percent (25%) of the highest of each such fee charged by any other licensee. A person seeking exclusion shall file a certified statement of its fees with the WCEO and immediately shall notify the WCEO of any changes in those fees. The provider shall be required to complete a licensing application as determined by rule.
- C. Vehicles exempted under this provision remain subject to the prohibitions set forth in Section 8.32.420. In addition to prosecution as provided in Section 8.32.430, the WCEO may revoke or suspend this exemption if the coordinator determines that the operator has engaged in a prohibited activity or improperly obtained an exemption.

- D. Denial, suspension, or revocation of an exemption shall be handled in the same manner as for licenses and any such action may be challenged accordingly.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.050 - Compliance required.

- A. It is unlawful for any person to operate or allow to be operated a wheelchair car, inter-facility or nonemergency EMT-B, EMT-I, or EMT-P ambulance service in the county without first obtaining a company license and a license for each such vehicle used to provide that service.
- B. The issuance of a business license, land use approval, or similar governmental authorization does not meet the requirement of licensing and does not meet the intent of "allow to be operated."
- C. No person shall advertise any number other than 9-1-1 for the reporting of a medical emergency.
- D. No provider of ambulance or wheelchair car service shall charge any fee not on file with the WCEO.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.060 - Licenses.

- A. There are created the following licenses, which will be further delineated by rule:
 - 1. Wheelchair car service provider;
 - 2. Wheelchair car vehicle;
 - 3. Inter-facility EMT-B, EMT-I, or EMT-P ambulance provider;
 - 4. Inter-facility EMT-B, EMT-I, or EMT-P ambulance vehicle;
 - 5. Nonemergency EMT-B, EMT-I, or EMT-P ambulance provider;
 - 6. Nonemergency EMT-B, EMT-I, or EMT-P ambulance vehicle.
- B. No license shall be issued before payment in full of the license fees established by rule. The rule shall provide that a provider holding an ambulance provider license shall not be required to pay the wheelchair car provider license fee. Licensing fee shall be due and payable within thirty (30) days of invoicing. Licensing fees not paid within thirty (30) days of invoicing will double. The WCEO may grant exceptions to this in writing.
- C. License applications shall be submitted on such forms and contain such information as is required by the WCEO.
- D. Licenses shall be valid for a twelve-(12) month period unless earlier revoked or suspended. Renewal applications shall be filed with the WCEO as directed by the WCEO. If an application for renewal is timely filed, the license shall not be deemed to expire, despite any stated expiration date, unless the WCEO has issued an order granting or denying of such renewal.
- E. Provider licenses shall be displayed prominently in those areas readily accessible to the public.
- F. Each vehicle licensed to provide wheelchair, nonemergency or inter-facility service shall display on the rear window of the vehicle a licensing decal established by rule. The WCEO may grant in writing exceptions to the positioning of a decal.
- G. No vehicle shall be used to provide ambulance or wheelchair car service without first obtaining a vehicle license.
- H. The WCEO shall have the right to inspect all licensed vehicles. as the need arises. Vehicles inspected by another agent of government to standards establish by rule may be deemed acceptable.

- I. No provider of ambulance or wheelchair car service shall charge any fee not on file with the WCEO. The county recognizes that certain "rate or charge" information may be proprietary in nature and its disclosure may adversely impact a provider's ability to do business. The WCEO may exempt the disclosure of such information according to rule and to the extent allowed by law.
- J. The county shall develop a licensing fee structure, further explained by rule that will establish a licensing per unit for all units used to provide service under this chapter.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.070 - License—Issuance.

No nonemergency or inter-facility ambulance or wheelchair car license shall be issued unless it is first determined that:

- A. The applicant holds or will be simultaneously issued a nonemergency or inter-facility emergency medical service license;
- B. The ambulance meets all dimensional, sanitation, equipment, and other standards prescribed by this chapter and the rules.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.080 - License—Application denial notice.

If the WCEO refuses to issue or renew a license, revokes or suspends a license, the WCEO shall give the applicant or licensee written notice of the action, the basis for such action and advise the applicant of the right to appeal, and provide the time period within which an appeal must be filed. The applicant or licensee may submit an amended application without additional fee, or may appeal as specified in Section 8.32.120.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.090 - License—Amendment.

During a license year, an application upon which a license has been issued may be amended, and an amended license may be issued for the balance of the original or renewed license period.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.100 - License—Correction of violations.

The WCEO shall, upon a finding that the licensee is doing business or operating an ambulance in violation of this chapter or applicable federal, state, municipal or county laws, ordinances, rules or regulations provide written notice to the licensee of the violation, and shall demand that the violation be corrected within thirty (30) days from the date of the notice. The notice shall describe the action necessary to correct the violation, and the possible sanction, if any.

- A. The licensee shall be responsible for notifying the WCEO when corrective action has been taken and the WCEO shall then make an inspection, if necessary.
- B. If a licensee fails to take corrective action in the time required, the WCEO may notify the licensee that the license is revoked or suspended, subject to the right to appeal. Notice shall be by registered mail or personally delivered.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.110 - License—Investigation.

The WCEO may make inspections, obtain warrants, subpoena records, obtain testimony under oath, and take such other actions as are deemed necessary to investigate any applicant or licensee.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.120 - License hearing—Request filing.

A person receiving a notice from the WCEO of a denial, refusal to renew, suspension, revocation or violation as provided in this chapter may request a hearing by filing a written request with the WCEO within fourteen (14) days of issuance of the notice, setting forth reasons for the hearing and the issues to be heard. The WCEO may prescribe forms for the filing of an appeal.

- A. Filing of a hearing request shall abate the suspension or revocation; provided, however, that in any case where the WCEO finds a serious danger to the public health or safety, the WCEO may issue an order making the action effective immediately, but if the applicant licensee demands a hearing within fourteen (14) days after the date of notice of the order, then a hearing must be granted as soon as practicable after such demand, and no later than twenty (20) days after receipt of demand of a hearing, and the board shall issue an order pursuant to such hearing confirming, altering or revoking the WCEO's emergency order.
- B. The WCEO upon receipt of a timely request for hearing, shall, within fourteen (14) days, set a time and place for hearing, which shall be not more than thirty (30) days from the date of receipt of request for hearing.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.130 - License hearing—Conduct.

The hearing shall be conducted in accordance with the rules adopted by rule for denial or revocation of licenses, or if no such rules have been adopted, in substantial conformity with the relevant Attorney General's Model Rules of Procedure, September 15, 1997 as may be amended.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.140 - Petition for reconsideration.

The board may reconsider a final order upon the filing of a petition for reconsideration within fourteen (14) days after issuance of the order. If the board does not act within fourteen (14) days after the petition is filed, the petition shall be deemed denied. If the board allows the petition, a hearing on the reconsideration shall be held and an amended order shall be issued. Review of the final decision of the board shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 to 34.100.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.150 - Wheelchair car minimum requirements

In addition to any requirements imposed by rule, no license shall issue unless the WCEO has found compliance with the following minimum requirements. Failure of any licensee to comply with these requirements shall be grounds for license revocation or suspension:

A. Personnel:

1. Drivers and/or attendants shall not be current users of illegal controlled substances or current alcohol abusers;
2. Be able to read, write, and speak English language fluently;
3. Hold a valid Oregon driver's license unless exempted according to rule;
4. Be a registered nurse, or a state certified EMT-Basic or above, or hold a current first responder certificate for those situations established by rule.

B. Vehicles:

1. Be in full compliance with all state statutes regarding vehicles, equipment and licensing;
2. Be regularly maintained and in good serviceable condition;
3. Be clean and sanitary;
4. Be equipped with a lap belt and a minimum of a three point tie-down device with ratchet tightening for each wheelchair to maintain the rider transported herein in a sanitary and safe manner;
5. Provide a mechanism of entry that allows for safe and secure entry of the rider into the car which shall be by ramp or lift equipped with an emergency manual override. If a lift is used it shall be one that is installed and retracts inside the vehicle. External lifts shall not be used unless the WCEO grants an exception;
6. Carry an industrial first aid kit as defined by OSHA or by rule;
7. Provide at least two points of wheelchair access to the riding compartment, at least one shall be by lift or ramp and one for emergency access only;
8. If passengers carry a wheelchair for use it shall be safe and in good working condition;
9. Provide air conditioning and heating capable of keeping the rear compartment at a reasonable temperature;
10. Carry one fire extinguisher (2A-10BC), five- pound type readily accessible to the driver;
11. Meet county minimum equipment requirements as established by rule;
12. Carry an operational two-way radio or cellular phone capable of maintaining spontaneous two-way communication.

C. Companies:

1. Shall maintain adequate records, for a period of three years, available for inspection, which shall at a minimum include a log of all transports showing the driver's name, the name and address of the customer, point of pickup and destination, date and time of pickup, and the reason for the pickup;
2. Shall maintain complete and accurate list of all charges on file. No fee increase shall take effect without first notifying the WCEO;
3. Shall maintain on file a certificate of insurance for general liability and automobile liability coverage as specified by rule;
4. Shall obtain and maintain current all other licenses required for operation.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.160 - EMS program supervisor—Appointment.

The county shall appoint an EMS program supervisor who shall be responsible for implementation of this chapter.

(Ord. 693 (Exhibit A (part)), 2008)

8.32.170 - EMS program supervisor—Duties.

The EMS program supervisor shall administer and enforce this chapter and shall perform such duties as established by the county administrator or by resolution and order of the board.

(Ord. 693 (Exhibit A (part)), 2008)

8.32.180 - EMS program supervisor—Authority.

The EMS program supervisor shall have the authority to issue, suspend or revoke licenses, propose administrative rules or amendments thereto, adopt emergency rules, administer and enforce any franchise, seek judicial enforcement of this code and take such other action to carry out this chapter and the rules adopted pursuant thereto.

(Ord. 693 (Exhibit A (part)), 2008)

8.32.190 - Medical officer.

The county shall employ or contract with a physician to act as the physician supervisor and who shall perform those functions as stated in ORS 183.205 and OAR 847-035-0020. Unless granted a written variance as described by rule, all licensees who use state certified first responders and/or emergency medical technicians, shall have as their physician supervisor the county medical officer.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.200 - Medical supervision.

Unless granted a written variance as described by rule, all licensees who employ emergency medical providers licensed by the Authority shall have as their physician supervisor the county medical director.
(Ord. 554 (Exhibit A (part)), 2000)

8.32.210 - EMS ~~Alliance~~Advisory Council – Duties

The purpose of the ~~EMS Alliance~~Advisory Council is to review, advise, and make policy and operational/technical recommendations related to improving the delivery of Emergency Medical Services in Washington County, WCEO and the Board.

The ~~EMS Alliance will, through collaboration and consensus:~~Advisory Council shall:

1. Develop a comprehensive County EMS plan for review and consideration by the Washington County Board of Commissioners.
2. Monitor and report on the EMS system and develop annual updates to the County EMS plan as appropriate.

- ~~1.3.~~ Advise the Board via the WCEO on issues and plans related to the provision of EMS within the County.
- ~~2.4.~~ Submit recommendations regarding proposed changes or additions to the rules and regulations promulgated by the Board for the purposes of carrying out the intent of the EMS Ordinance.
- ~~3.5.~~ Serve as the collection and collaboration platform to address systems related EMS issues in Washington County.

8.32.220 - EMS ~~Alliance~~Advisory Council - Membership

~~The EMS Advisory Council shall consist~~ The EMS alliance consists of representatives from participating cities and fire districts as noted by the Intergovernmental Agreement for Forming an EMS Alliance in Washington County

~~of representatives from each of the following disciplines:~~

- ~~1. Emergency Ambulance Services Franchise Holder (1 Vote)~~
- ~~2. 911 Public Safety Access Point (PSAP) (1 Vote)~~
- ~~3. Washington County EMS Medical Director (1 Vote)~~
- ~~4. Hospital Emergency Department (ED) Physician (represents views of the broader medical community) (1 Vote)~~
- ~~5. Municipal Representative (an elected official or employee from a non-EMS/fire agency within Washington County) (1 Vote)~~
- ~~6. Two Public/Consumer Representatives (residing in or are employed within Washington County, and are interested in EMS but not directly or indirectly conflicted by affiliation) (2 Votes)~~
- ~~7. Two Field Providers (e.g., Advance Life Support/Basic Life Support (ALS/BLS), Public/Private and/or Career/Volunteer who provide emergency medical services in Washington County) (2 Votes)~~
- ~~8. Three Fire Service Agency Representatives: one from each; west, central and east fire agencies (West = Banks Fire Department, Forest Grove Fire & Rescue, Gaston Rural Fire Department or Washington County Fire District 2 / Central = Hillsboro Fire Department / East = Tualatin Valley Fire & Rescue) (3 Votes)~~
- ~~9. EMS Program Supervisor (a non-voting ex-officio member with no term limit)~~

The ~~twelve (12)~~ voting members of the ~~EMS Alliance~~Advisory Council Governing Board shall be decision makers for their respective jurisdiction~~disciplines~~. It is their responsibility to represent their jurisdiction's discipline's perspectives and concerns in the process of determining what is in the best interest of Washington County's EMS system. ~~The Council is advisory in nature and authority.~~

8.32.230 - EMS ~~Alliance~~advisory Council - Compensation

Members of the ~~EMS Alliance~~Council serve without compensation.

8.32.240 - Quality improvement committee—Duties.

The quality improvement committee shall advise the WCEO and serve as a foundation for a comprehensive quality improvement process. The committee shall evaluate the EMS system in terms of structure, performance, and outcome.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.250 - Quality improvement committee—Membership.

The membership of the quality improvement committee shall consist of the following:

- A. One representative from Meridian Park, Tuality, St. Vincent's, and Tuality at Forest Grove Hospitals;
- B. One representative from each provider of EMS;
- C. One representative from each 9-1-1 emergency communications center;
- D. One representative from each ambulance licensee and franchisee.

The WCEO may appoint additional members to the committee as needed.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.260 - Quality improvement committee—Compensation.

Members shall serve without compensation.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.270 - Subcommittees.

The WCEO shall create as many subcommittees as necessary to assist the ~~Advisory Council~~ EMS Alliance and Quality Improvement committee in the performance of their duties. The EMS Alliance may convene work groups to bring technical experts and other stakeholders together to operationalize the vision of the EMS Alliance. Work groups convened by the WCEO may also provide information and support to the work of the EMS Alliance.

(Ord. 554 (Ord. 693 (Exhibit A (part)), 2008; Exhibit A (part)), 2000)

8.32.280 - Rule adoption—Scope.

The WCEO may adopt, amend, or repeal the administrative rules deemed necessary to achieve the purpose of this chapter. Such rules shall be adopted and may establish among other things:

1. A. Vehicle and equipment standards, including staffing;
 - a. B. Medically related personnel standards, including monitoring performance, mandating and testing acceptable knowledge of response and medical protocols,
 - b. continuing education, and the terms of probationary periods for new employees of licensees or franchisees, employees who change certification levels, or in response to concerns about emergency care.
2. Emergency medical procedures or protocols specific to emergency responders under the regulatory authority of WCEO.
3. D. General operating procedures, including response time standards, dispatch priorities, standards and coordination with the 9-1-1 system, protocols and staffing levels. The rules shall allow for substitution of EMT personnel on ambulances as approved by statute or Oregon administrative rule;
- E. Reports;
- F. Procedures for receiving and acting upon citizens' input and complaints;

- G. Standards and procedures for designation as a medical resource hospital;
- H. Required insurance coverage;
- I. Designation of ambulance service areas;
- J. Communications;
- K. Procedures for contested cases, investigations, issuance of licenses or franchises and such other activities authorized by this code;
- L. License, testing and other reciprocity agreements with other jurisdictions;
- M. Licensing, franchising and inspection fees;
- N. Ambulance franchising or contracting through a request for proposals or similar competitive process;
- O. Administrative or civil penalties for violation of this chapter, any rule or franchise provision and procedures for enforcing such penalties;
- P. Exemptions as provided for in Section 8.32.020.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.290 - Rule adoption—Procedure.

- A. Prior to the adoption or repeal of any permanent rule, notice of the proposed adoption, amendment or repeal shall be given:
 - 1. By publication in a newspaper of general circulation in the county at least ten days prior to the day of intended action;
 - 2. At least thirty (30) days' notice by mail to all members of the ~~EMS Alliance Advisory Council~~, quality improvement committee, and to all current licensees and franchisees and to those persons who are on file as having requested notice from the WCEO; and
 - 3. Such other notice as the WCEO deems necessary to provide a reasonable opportunity for interested persons to be notified of the proposed action.
- B. The notice should state the subject matter and purpose of the intended action and the time, place and manner in which interested persons may present their views on the intended action. It should inform the reader that a copy of the proposal and the WCEO's recommendation is available for inspection.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.300 - Rule adoption—Hearing.

- A. The WCEO shall conduct a public hearing on the adoption, amendment, or repeal of proposed permanent rules. The hearing shall be conducted in accordance with the rules adopted by rule, or if no such rules have been adopted, in substantial conformity with the relevant Attorney General's Model Rules of Procedure, September 15, 1997 as may be amended.
- B. A decision by the WCEO shall be preceded by:
 - 1. A written recommendation from the WCEO;
 - 2. The recommendation, if any, of the ~~EMS Alliance Advisory Council~~ and/or quality improvement committee; and
 - 3. A reasonable opportunity for testimony from the public.

- C. No rule relating to training standards, medical protocols, medical equipment or resource hospitals shall be adopted, amended or repealed without the ~~EMS Alliance Advisory Council~~ and/or quality improvement committee be given reasonable opportunity to make a recommendation. In cases where a modification is necessary to prevent improper medical treatment, reasonable action may be taken and the ~~Advisory Council~~EMS Alliance and/or quality improvement committee notified as soon as practical.
- D. The WCEO should adopt a written order setting forth its action, together with findings regarding:
 - 1. The legal authority for the action; and
 - 2. The need for the action and how the action fulfills that need.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.310 - Rule adoption—Effective date—Appeal.

- A. The action taken by the WCEO shall become effective on the thirtieth (30th) day following filing of the written order with the clerk of the board unless a petition for review to the board is timely filed with the WCEO or the board on its own motion within the thirty (30) days decides to review the action, or the action specifies a later effective date.
- B. The petition for review must be filed within fourteen (14) days of the date the order is filed with the clerk and shall state the alleged errors, the evidence and legal authority to be relied upon on appeal and the requested action by the board. The fee set forth by resolution and order of the board shall accompany the petition. Only those parties who made an appearance of record, either oral or in writing, shall be entitled to file a petition for review.
- C. All hearings on appeal shall be conducted in accordance with the rules for a public hearing adopted by the board.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.320 - Rule adoption—Review.

- A. Except as provided below, when reviewing a decision of the WCEO, the board may consider the decision and findings of the WCEO but is not bound thereby and may take such action as the board deems necessary to further the intent and purpose of this chapter and protect the public health, safety and welfare.
- B. The board should follow the recommendation of the medical officer regarding rules relating to training standards, medical protocols, medical equipment and resource hospitals unless it determines that the recommendation is clearly outweighed by a countervailing interest of the public.
- C. The board may invalidate an action of the WCEO for procedural error only if it finds that the substantial rights of the petitioner have been prejudiced in a manner that cannot be cured by de novo review by the board or other corrective action.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.330 - Board initiation of rule making.

Notwithstanding any other provision, the board may on its own motion initiate the adoption, amendment, review, or repeal of any rule.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.340 - Emergency rules—Procedures generally.

Notwithstanding any other provision, if the WCEO finds that failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned, and sets forth in writing the specific reason for taking action, the WCEO may proceed to adopt, amend or suspend a rule without notice or hearing or upon any abbreviated notice and hearing deemed practicable. The rule shall be accompanied by a written order of the WCEO setting forth the information specified by section 8.32.300. Such an emergency rule is temporary and shall be effective upon filing with the clerk of the board for a period no longer than one hundred eighty (180) days. A rule temporarily suspended shall gain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed. An emergency rule may be appealed to the WCEO in the same manner as an appeal of a rule to the board, except that the effect of the rule shall not be stayed pending appeal unless otherwise directed by the board.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.350 - Emergency rules—Post-adoption procedures.

Upon adoption, a copy of an emergency rule shall be sent to all members of the ~~Advisory Council~~ EMS Alliance, quality improvement committee and to all licensees. Emergency rules may be appealed to the board as provided for other rules.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.360 - Rules—Copies.

The WCEO shall, upon request, receipt of, and payment of a fee established by the county, supply copies of rules, or orders or designated parts thereof.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.370 - Rules—Compilation.

The WCEO shall compile and index all rules. The compilation may be supplemented or revised as often as necessary. Such compilation supersedes any other rules.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.380 - Rules—Petition.

An interested person may petition the WCEO and request the promulgation, amendment, or repeal of a rule. The WCEO shall promptly provide copies of the petition to the ~~Advisory Council~~ EMS Alliance and/or quality improvement committee for review. Not later than thirty (30) days after the date the WCEO receives the petition, the WCEO may deny the petition in writing or may initiate rule-making proceedings. The form of the petition and the procedures for consideration of the petition shall be in substantial conformity with the Attorney General's Model Rules of Procedure, OAR 137-01-070.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.390 - Emergency ambulance franchise.

- A. The county may grant a franchise authorizing the franchisee the exclusive privilege to provide emergency ambulance services within the county. The WCEO shall establish terms, standards, requirements, enforcement provisions, and infrastructure necessary for regulating the provision of emergency ambulance service through administrative rules, the EMS Ambulance Service Area Plan and the Franchise Agreement for Emergency Ambulance Services.
- B. At a minimum, the county requires a franchisee to provide emergency ambulance service by properly licensed ambulances, staffed with two (2) individuals: one trained and certified at the EMT-Paramedic level and one trained and certified at the EMT-Basic level, as set forth in the State of Oregon Administrative Rules pertaining to EMT certification. The franchisee shall meet response time standards as established by administrative rule.
- C. The requirements and process by which the franchise agreement is extended or the competitive process by which a new provider(s) shall be established in rule. These processes shall provide for the opportunity for review by petition of a party, by the board or at the direction of the board. In the event of a competitive process to select a new provider(s) the county retains the right to determine the number of service areas and providers in the county, until after all proposals have been reviewed.

(Ord. 693 (Exhibit A (part)), 2008)

8.32.400 - Intergovernmental agreements.

The county administrator and the WCEO are authorized to negotiate intergovernmental agreements authorizing enforcement of this chapter within the incorporated areas of the county or adjacent counties. Such agreements shall be subject to approval by the board.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.410 - EMS fund.

All license, inspection, franchise or other such fees received pursuant to this chapter shall be deposited in the EMS fund or account. Such revenues shall be used only for expenses reasonably attributable to implementation of this chapter. Usage of EMS funds shall conform to those guidelines prescribed by Medicare and are intended to comply with Medicare anti-kickback provisions related to oversight funding.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.420 - Prohibited activities.

No applicant or licensee, applicant or licensee's employee holding a license issued under Section 8.32.050 or any other person doing business as defined herein shall:

- A. Make a false statement of a material fact, or omit disclosure of a material fact, in an application for a license or for an exemption;
- B. Monitor or intercept emergency medical services communications for profit or gain;
- C. Solicit information as to accident locations by payment of any form of gratuity;
- D. Charge for services not performed or makes duplicate charges for the same service;
- E. Perform services of an EMT or EMT trainee unless authorized by state law, this chapter, and the rules adopted hereunder;
- F. Falsify, deface, or obliterate any license, decal, or certificate required under this chapter; and
- G. Transport any individual requiring or with a high probability of requiring before or during transport, the services of an emergency ambulance.

- H. It is unlawful to provide regular supine or recumbent transport by any vehicle other than an ambulance. This prohibition shall include stretcher cars which are defined as motor vehicles for hire constructed and equipped or regularly provided for nonemergency transportation of persons in a supine or recumbent position for reasons related to health conditions in which there is no one in attendance with the person except the driver,
- I. Violate any provision of this chapter or any rule duly enacted hereunder.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.430 - Citation.

The WCEO as defined in the uniform citation ordinance and a private citizen may issue a citation for violation of this chapter and the rules and regulations adopted pursuant thereto. Citations shall conform to the requirements of the uniform citation ordinance, Chapter 1.08.

(Ord. 693 (Exhibit A (part)), 2008; Ord. 554 (Exhibit A (part)), 2000)

8.32.440 - Citation—Other enforcement procedures not excluded.

The provisions of this chapter are in addition to and not in lieu of any other procedures and remedies provided by law, including equitable relief and damages.

(Ord. 554 (Exhibit A (part)), 2000)

8.32.450 - Violation—Penalty.

In addition to civil remedies such as an injunction to halt violations, or any other provision, a violation of any provision of this chapter or the rules adopted pursuant to this chapter may be punishable by a fine of not more than two hundred fifty (\$250.00) dollars per occurrence. Each day of violation is deemed a separate occurrence.

(Ord. 554 (Exhibit A (part)), 2000)