AGENDA ITEM TRANSMITTAL

TO: Board of Supervisors FROM: James Rydingsword Health & Human Services Agency	Agenda Time Estimates: Minutes or ☐ Consent 5	Leave Blank: 1068	Date/Time Rec'd: 4/9/14 9p
	CONTACT FOR INFORMATION: Name: Marcie Morrow Phone No: 636-4066	NUMBER OF CERTIFIED COPIES REQUIRED: 1	

MEETING DATE:	(1) SUBJECT:
April 15, 2014	Adopt Ordinance to Repeal and Replace Ordinance No. 637 Providing for Regulation of Ambulance and Emergency Medical Services.

(2) BACKGROUND INFORMATION (If not summarized within this space provide a staff report instead, noting attachment):

On April 1, 2014 your Board read the title of the ordinance for the record: "An Ordinance Amending Chapter 11.09 ("San Benito County Emergency Medical Services Ordinance") of Title 11 of the San Benito County Code;" and accepted introduction, waived further reading of the ordinance, and continued the item to April 15, 2014 at 9:00 a.m., for adoption.

(3) OTHER AGENCY INVOLVEMENT:

EMS staff prepared the proposed ordinance with assistance from County Counsel.

(4) SUPPORTIVE DOCUMENTS RELATIVE TO THIS ITEM:	(5) PREVIOUS RELEVANT BOARD ACTIONS ON THIS SPECIFIC ITEM:
☐ Contract ☐ Resolution ☒ Ordinance ☐ Other:	Oridnance introduced on April 1, 2014

(6) FUNDING SOURCE(S):	(7) CURRENT YEAR COST:	(8) ANNUAL OR PROJECT COST:	(9) BUDGETED:
N/A	$0	$0	☐ YES ☒ NO

(10) WILL PROPOSAL REQUIRE ADDITIONAL PERSONNEL? ☐ YES ☒ NO If YES, STATE NUMBER: Permanent Limited Term

(11) RECOMMENDED ACTION(S):

1. Adopt Ordinance No. _____ repealing and replacing Ordinance No. 637 providing for regulation of Ambulance and Emergency Medical Services.

SIGNATURE OF AGENCY OR DEPARTMENT AUTHORIZED REPRESENTATIVE — DATE: 4-9-14

CLERK'S USE ONLY

☐ APPROVED ☐ DENIED ☐ ADOPTED ☐ CONTINUED TO _____
☐ ACKNOWLEDGED ☐ ACCEPTED ☐ RESOLUTION NO. _____ ☐ OTHER _____
☐ SET PUBLIC HEARING ☐ APPOINTED ☒ ORDINANCE NO. 923 ☐ NO ACTION TAKEN _____

BY: Janet Slebsager
Deputy Clerk of the Board
DATE: 4/15/14

8

COPY ROUTING: ORIGINATING DEPT. - AUDITOR - COUNTY COUNSEL

AGENDA ITEM TRANSMITTAL

TO: Board of Supervisors FROM: James Rydingsword Health & Human Services Agency	Agenda Time Estimates: Minutes or ☐ Consent 5	Leave Blank: 1068	Date/Time Rec'd: 3/24/14 @
	CONTACT FOR INFORMATION: Name: Marcie Morrow Phone No: 636-4066	NUMBER OF CERTIFIED COPIES REQUIRED: 1	

MEETING DATE: April 1, 2014

(1) SUBJECT: Introduce Ordinance to Repeal and Replace Ordinance No. 637 Providing for Regulation of Ambulance and Emergency Medical Services.

(2) BACKGROUND INFORMATION (If not summarized within this space provide a staff report instead, noting attachment):

Ordinance No. 637 providing for the regulation of Ambulance Services was adopted by the Board on April 13, 1993. Ordinance No. 637 is codified as Title 11 "Public Health and Safety," Chapter 11.09 "Ambulance Service" of the San Benito County Code.

The Board held a public hearing on March 4, 2014 regarding the proposal to repeal and replace Ordinance No. 637 providing for regulation of ambulance and emergency medical services in San Benito County.

On March 20, 2014 two recommended changes were received from Hazel Hawkins Hospital. Staff reviewed the recommendations with the EMS Medical Director and County Counsel, and believes the hospital recommendations are not relevant to the proposed ordinance. It is recommended to adopt the proposed new ordinance as introduced at the public hearing.

(3) OTHER AGENCY INVOLVEMENT:

EMS staff prepared the proposed ordinance with assistance from County Counsel.

(4) SUPPORTIVE DOCUMENTS RELATIVE TO THIS ITEM:	(5) PREVIOUS RELEVANT BOARD ACTIONS ON THIS SPECIFIC ITEM:
☐ Contract ☐ Resolution ☒ Ordinance ☐ Other:	Public Hearing held on March 4, 2014

(6) FUNDING SOURCE(S):	(7) CURRENT YEAR COST:	(8) ANNUAL OR PROJECT COST:	(9) BUDGETED:
N/A	$0	$0	☐ YES ☒ NO

(10) WILL PROPOSAL REQUIRE ADDITIONAL PERSONNEL? ☐ YES ☒ NO If YES, STATE NUMBER: Permanent Limited Term

(11) RECOMMENDED ACTION(S):

1. Read title of ordinance for the record: "An Ordinance Amending Chapter 11.09 ("San Benito County Emergency Medical Services Ordinance") of Title 11 of the San Benito County Code;" and,
2. Make a motion to accept introduction, waive further reading of the ordinance, and continue this item to April 15, 2014 at 9:00 a.m., for adoption.

Nadine DeRoza for James A. Rydingsword
SIGNATURE OF AGENCY OR DEPARTMENT AUTHORIZED REPRESENTATIVE

3-24-2014
DATE

CLERK'S USE ONLY

☒ APPROVED ☐ DENIED ☐ ADOPTED ☒ CONTINUED TO 4/15/14 9:00 AM for adoption
☐ ACKNOWLEDGED ☐ ACCEPTED ☐ RESOLUTION NO. ☐ OTHER
☐ SET PUBLIC HEARING ☐ APPOINTED ☐ ORDINANCE NO. ☐ NO ACTION TAKEN

BY: Glenna R. Morse
Deputy Clerk of the Board
DATE: 4/1/14

COPY ROUTING: ORIGINATING DEPT - AUDITOR - COUNTY COUNSEL

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

AN ORDINANCE OF THE COUNTY OF SAN BENITO TO REPEAL AND REPLACE ORDINANCE #637 PROVIDING FOR THE REGULATION OF AMBULANCE SERVICE IN THE COUNTY OF SAN BENITO AND AMENDING CHAPTER 11.09 OF THE SAN BENITO COUNTY CODE	ORDINANCE NO. 923

The Board of Supervisors of the San Benito County hereby repeals Ordinance #637 and ordains as follows:

SECTION 1. FINDINGS

WHEREAS, pursuant to Division 2.5 of the Health and Safety Code, Section 1797.200, et seq., the County of San Benito (COUNTY) designates the San Benito County Emergency Medical Services Agency (AGENCY) for the administration of local EMS services; and

WHEREAS, Division 2.5 of the Health and Safety Code, Sections 1797.224 and 1797.85 allows the COUNTY to create Exclusive Operating Areas to restrict operations to one or more 9-1-1 ambulance service providers in the development of an emergency medical services plan; and

WHEREAS, 9-1-1 ambulance services providers are regulated through contracts; and

WHEREAS, emergency and non-emergency Critical Care Transport, Basic Life Support, Gurney Van, and Wheelchair Van transport services have been unregulated;

Now therefore, the COUNTY has developed this Emergency Medical Services Ordinance.

SECTION 2. Chapter 11.09 of Title 11 of the San Benito County Code of Ordinances is amended to read as follows:

Chapter 11.09 SAN BENITO COUNTY EMERGENCY MEDICAL SERVICES ORDINANCE

Sections:

11.09.001	TITLE
11.09.002	PURPOSE
11.09.003	AUTHORITY WITHIN THE COUNTY AND CITIES
11.09.004	ORDINANCE ADMINISTRATION
11.09.005	GENERALLY
11.09.006	AMBULANCE SERVICES
11.09.007	CERTIFICATE OF OPERATION AND PERMITS REQUIRED
11.09.008	CERTIFICATE OF OPERATION AND PERMIT PROCESS
11.09.009	CHANGES TO OPERATIONS
11.09.010	ADDING VEHICLES OR AMBULANCES
11.09.011	RENEWAL OF CERTIFICATE OF OPERATION
11.09.012	FEES

11.09.013	HOLD HARMLESS AND LIABILITY INSURANCE AGREEMENT
11.09.014	FINANCIAL RESPONSIBILITY
11.01.015	GENERAL PERFORMANCE STANDARDS
11.09.016	AMBULANCE COMPLIANCE
11.09.017	AMBULANCE INSPECTION AND PERMIT PROCESS
11.09.018	AMBULANCE COMMUNICATION CAPACITY
11.09.019	AMBULANCE COLOR SCHEME AND DESIGN
11.09.020	AMBULANCE STAFFING
11.09.021	AMBULANCE PERSONNEL QUALIFICATIONS
11.09.022	PERSONNEL STANDARDS
11.09.023	MEDICAL CONTROL
11.09.024	PERSONAL PROTECTIVE EQUIPMENT
11.09.025	AMBULANCE STATION STANDARDS
11.09.026	SERVICE LEVEL
11.09.027	RESPONSE STANDARDS
11.09.028	DISPATCH
11.09.029	PROHIBITIONS
11.09.030	ADVERTISING
11.09.031	SERVICE CHARGES AND RATES
11.09.032	SYSTEM STATUS UPDATES
11.09.033	INVESTIGATIONS AND INSPECTIONS
11.09.034	CONSUMER COMPLAINTS
11.09.035	PENALTIES
11.09.036	NOTICE ISSUANCES
11.09.037	HEARINGS
11.09.038	APPEALS
11.09.039	EMERGENCY ACTION
11.09.040	DECISION
11.09.041	QUALITY MANAGEMENT PROGRAM
11.09.042	CCT CONTINUOUS QUALITY IMPROVEMENT PLAN
11.09.043	EXEMPTIONS
11.09.044	MEDICAL DIRECTION
11.09.045	EMS SPECIAL EVENT NOTIFICATION
11.09.046	EMERGENCY AND DISASTER OPERATIONS
11.09.047	CLINICAL EXPERIENCE PROGRAM
11.09.048	COUNTY LIABILITY
11.09.049	SEVERABILITY
11.09.050	EFFECTIVE DATE

GENERAL PROVISIONS

11.09.001 TITLE

This ordinance shall be known as the "San Benito County Emergency Medical Services Ordinance."

11.09.002 PURPOSE

The purposes of this ordinance are to:

(A) Establish formal policies and regulations for issuing certificates and permits, and regulating the operation of air and ground ambulance services in the COUNTY;

(B) Protect the public by assuring that ambulances operate safely and meet certain minimum levels and standards of equipment, staffing, and mechanical reliability;

(C) Allow for adequate, appropriate, and efficient ambulance services in all areas of the COUNTY;

(D) Allow for the orderly and lawful operation of a local emergency and non-emergency medical services system pursuant to the provisions of Health and Safety Code Section 1797 et seq.; and

(E) Allow for all ambulance services to be a part of the county EMS system with the necessary training, policies, procedures, and communication systems.

11.09.003 AUTHORITY

(A) It is the intent of the Board of Supervisors with this chapter to undertake the prescribed functions and responsibilities of a local government entity concerning ambulance service as authorized by the State of California pursuant to, among other authority, Health and Safety Code §§ 1443 and 1797 *et seq.*, Welfare and Institutions Code § 17000 and Vehicle Code § 2512.

(B) It is the further intent of the Board of Supervisors, in enacting this chapter, to exercise to the full extent allowable under the laws of the State of California its discretion and authority to regulate emergency and non-emergency ambulance transportation services throughout all the unincorporated and incorporated areas of the COUNTY.

11.09.004 ORDINANCE ADMINISTRATION

(A) The AGENCY shall be responsible for the administration of this ordinance, and shall make necessary and reasonable policies, procedures, and/or protocols for the effective and reasonable administration of this ordinance.

(B) All references herein to AGENCY policies and medical orders/direction by the EMS Medical Director shall be interpreted as referring to the current version and all subsequent additions/deletions to such policies and regulations.

11.09.005 DEFINITIONS

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this chapter.

(A) 9-1-1 AMBULANCE SERVICE: an ambulance service that provides Advanced Life Support (ALS) and is contracted by the AGENCY to provide 9-1-1 emergency ambulance service.

(B) 9-1-1 EMERGENCY CALL: a 9-1-1 request for an ambulance to transport or assist persons in apparent sudden need of medical attention; or an ambulance transport that is initially classified as a non-emergency call that becomes a 9-1-1 emergency call due to a change in the patient's medical condition; or a medical emergency, as determined by a physician, to transport blood, or any therapeutic device, accessory to such device, or tissue or organ for transplant.

(C) ADVANCED LIFE SUPPORT or ALS: means special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during interfacility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

(D) ALS AMBULANCE SERVICE: The service performed due to the patient's medical condition that requires paramedic level care. This service may be performed in response to:

(1) Contracted 9-1-1 ambulance service.
(2) Interfacility transfer services
(3) Transportation of a patient, regardless of a presumption of death of the patient, or transportation of a body for the purpose of making an anatomical gift, as provided in Section 12811, Vehicle Code, and the Uniform Anatomical Gift Act, Health and Safety Code sections 7150 et seq.

(E) AGENCY: The San Benito County Emergency Medical Services Agency.

(F) AMBULANCE: a ground transportation vehicle certified by the California Highway Patrol that is specially constructed, modified or equipped and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons and staffed with no less than two EMTs. The specifications of this chapter also apply to AIR AMBULANCE and Gurney or Wheelchair Van where appropriate.

(G) AMBULANCE PERMIT: the document and/or decal issued by the AGENCY for each vehicle conforming to the requirements of these regulations, which is owned or controlled by a person holding a Certificate of Operation.

(H) AMBULANCE PROVIDER: a person, firm, partnership, corporation or other organization, which furnishes or offers to furnish ambulance service.

(I) AMBULANCE SERVICE: the activity, business or service, for hire, profit or otherwise, of transporting one or more persons by an ambulance or air ambulance on, in, or from any of the streets, roads, highways, alleys, or any public way or place in this County.

(J) AIR AMBULANCE: any aircraft specially constructed, modified or equipped, and used for the primary purposes of responding to emergency calls and transporting critically ill or injured patients whose medical flight crew has at a minimum two (2) attendants certified or licensed in advanced life support.

(K) BASIC LIFE SUPPORT or BLS: emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

(L) BOARD: The Board of Supervisor of the County of San Benito.

(M) CITIES: All incorporated cities within the County of San Benito.

(N) CERTIFICATE OF OPERATION: written authorization from the AGENCY to operate ALS and BLS ambulances, air ambulances, or gurney and wheelchair vans in San Benito County.

(O) COUNTY: County of San Benito, California.

(P) COUNTY POLICIES: the policies and regulations as defined in the AGENCY'S Policy, Procedure & Field Treatment Guidelines.

(Q) CRITICAL CARE TRANSPORT or CCT: any emergency or non-emergency transport of a patient where the skill level required in the care of that patient during transport requires, or may require, care within the CCT-Paramedic or CCT-Registered Nurse scope of practice.

(R) CRITICAL CARE TRANSPORT POLICIES: the policies and regulations as defined in the AGENCY'S Policy, Procedure & Field Treatment Guidelines.

(S) EMERGENCY MEDICAL TECHNICIAN or EMT: an individual trained and certified in basic life support care in accordance with the provisions contained in the California Code of Regulations, Title 22, Division 9, Chapter 2, et seq.

(T) EXCLUSIVE OPERATING AREA or EOA: an EMS area or sub area as defined by the AGENCY, which restricts operations to one or more ambulance providers.

(U) GURNEY VAN TRANSPORT: any vehicle specially constructed, modified or equipped and/or used for the purpose of transporting patients who cannot travel in an upright, sitting position and for whom the need for any medical care, treatment or procedure is not required, likely, or foreseeable.

(V) NON-EMERGENCY CALL: a request for an ambulance to transport or assist persons that would not constitute a 9-1-1 emergency call.

(W)PARAMEDIC: an individual trained and licensed in advanced life support care in accordance with the provisions contained in the California Code of Regulations, Title 22, Division 9, Chapter 4, et seq. and accredited by the AGENCY.

(X) PERMITTEE: a person, firm, partnership, corporation or other organization to whom a Certificate of Operation and Ambulance permit(s) have been issued for purposes of operating an ambulance service.

(Y) PERSONAL PROTECTIVE EQUIPMENT or PPE: the minimum equipment, supplies, and personal protective equipment – per responder – to ensure safety and readiness.

(Z) QUICK RESPONSE VEHICLE or QRV: a unit staffed with at least one EMT with BLS equipment, or at least one California State licensed and San Benito County accredited paramedic with ALS equipment capable of providing care at scenes of medical emergencies or being utilized for community paramedicine and/or mobile integrated healthcare programs, whether or not the vehicle is capable of transporting patients.

(AA) SPECIAL EVENT: a designated event, including, but not limited to street fairs, concerts, sporting events, contests, or other events that place a grouping or gathering of people in one general locale sufficient in number, or subject to activity that creates the need to have one or more ambulances pre-positioned at the event.

(BB) WHEELCHAIR VAN TRANSPORT: any vehicle specially constructed, modified or equipped and/or used for the purpose of transporting patients in wheelchairs for whom the need for any medical care, treatment or procedure is not required, likely, or foreseeable.

11.09.006 AMBULANCE SERVICES

(A) ALS emergency ambulance services shall only be provided under a 9-1-1 contract with the AGENCY under provisions of Health & Safety Code, Section 1797.224.

(B) BLS emergency and non-emergency transport service shall be provided under the provisions of this ordinance.

(C) CCT emergency and non-emergency transport service shall be provided under the provisions of this ordinance and the AGENCY's policies.

(D) Nothing in this ordinance shall be construed as regulating the clinical work of Registered Nurses (RN) working in a CCT capacity.

11.09.007 CERTIFICATE OF OPERATION AND PERMITS REQUIRED

(A) No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in ambulance service within San Benito County unless the person holds (and is entitled to hold) a currently valid ambulance Certificate of Operation issued by the AGENCY.

(B) No person (either as owner, agent or otherwise) shall furnish and operate an ambulance unless that ambulance has a currently valid Ambulance Permit issued by the AGENCY.

(C) Quick Response Vehicles, Gurney and Wheelchair Van transport providers are required to hold an ambulance Certificate of Operation.

(D) No person (either as owner, agent or otherwise) shall furnish and operate a Quick Response Vehicle, Gurney or Wheelchair Van unless that vehicle has a currently valid Ambulance Permit issued by the AGENCY.

(E) No Certificate of Operation or Ambulance Permit is required for the delivery into San Benito County of persons picked up outside San Benito County. No Certificate of Operation or Ambulance Permit is required for specialized teams, including but not limited to, neonatal intensive care units permitted by another emergency medical services agency, transporting patients to acute care hospitals based outside of San Benito County.

(F) Exclusive Operating Areas: The COUNTY has not established EOA for BLS, and/or CCT emergency and/or non-emergency transport, but retains its option to do so in the future.

11.09.008 CERTIFICATE OF OPERATION AND PERMIT PROCESS

(A) Application forms for an ambulance service Certificate of Operation shall be supplied by the AGENCY.

(B) The applicant must be a licensed CHP ambulance service prior to submitting an application.

(C) Required data: Each applicant who desires an ambulance service Certificate of Operation shall submit the following on, or as attachments with, their application:

(1) The names and addresses of the applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s), hereafter called "applicant";
(2) The name under which the applicant has engaged, does, or proposes to engage in ambulance service;
(3) The level(s) of service requested;
(4) A statement specifying whether the applicant has provided services in San Benito County prior to the establishment of this ordinance, and if so, what type and for how long;
(5) A statement specifying whether the applicant has previously operated a company outside of San Benito County, and if so, under what name, what type, where and for how long;
(6) A copy of a current CHP Emergency Ambulance Non-Transferable License, if applicable;
(7) An assets and liabilities statement or a letter prepared by a certified public accountant showing proof of financial solvency;
(8) A copy of the business license for the city in which the applicant is doing business;
(9) A statement of the legal history of the applicant, including criminal and civil convictions;
(10) A statement specifying the education, training, and experience in the care and transportation of patients;
(11) A statement that the applicant will abide by the regulations of the California Vehicle Code and the California Code or Regulations, Title 13, Motor Vehicles;
(12) A statement that the applicant owns or has under his control, in good mechanical condition, required equipment to consistently provide service in the area for which they are applying, and that the applicant owns or has access to suitable facilities for maintaining equipment in a clean and sanitary condition;
(13) A statement that the applicant understands and will comply with the COUNTY's Staffing, and Equipment and Supply Specifications policies or contractual requirements regarding equipment carried for each level of service;
(14) A list of the actual number of vehicles or ambulances and for each: the make and model, year, the vehicle identification number (VIN), State vehicle license number and proof of current Department of Motor Vehicle registration, and proof of California Highway Patrol Ambulance Inspection Report and Ambulance Identification Certificate;
(15) A statement that the applicant understands and will comply with the ambulance inspection process, including the required fees.
(16) A statement that the applicant has or will have sufficient personnel adequately trained and available to deliver service of good quality at all times, including copies of their certifications/licenses;
(17) A statement of the applicant's training and orientation programs for EMTs and/or paramedics, and dispatchers;
(18) A description of the number and type, frequency and private line codes of the vehicle's radios, and if used, phone numbers of the vehicle's cellular phones;
(19) A description of the company's program for maintenance of the vehicles;
(20) A description and photo/image of the company's logo and color scheme to be used to designate the vehicles or ambulances of the applicant;
(21) The number of vehicles or ambulances to be deployed on each shift;
(22) A description of the locations from which services will be offered, noting the hours of operation and phone numbers;
(23) Evidence of insurance coverage compliance under section 11.09.013;
(24) A Certificate of Consent to Self Insure issued by the California State Director of Industrial Relations, or a Certificate of Workman's Compensation Insurance;
(25) A Quality Improvement Program as specified in section 11.09.041;

(26) A Disaster Response Plan as specified in section 11.09.046;
(27) All service charges and rates to be charged, showing compliance with any maximum charges established by the County;
(28) The application fee for a Certificate of Operation;
(29) In a separate payment, the fee for each vehicle or ambulance to be inspected.
(30) If applying for a CCT Certificate of Operation, copies of all paperwork for interfacility transport as identified in the AGENCY CCT policy.
(31) Any other information the AGENCY deems necessary for determination of compliance with this division.

(D) City managers of all cities where the applicant applies to serve will be notified of the application and may submit any information to the AGENCY directly relating to the application within 30 days.

(E) Within sixty (60) days of receipt of a complete application and the required fee, the AGENCY shall determine 1-7 (below) or if an extension is necessary:
(1) Whether the applicant is a licensed CHP ambulance service, and
(2) Whether the applicant meets the requirements of this ordinance and of other applicable laws, ordinances, and regulations; and
(3) Whether the applicant is able to provide the requested service, and
(4) Whether the applicant has knowingly made a false statement of fact in such application, and
(5) Whether the applicant has knowingly failed to disclose facts pertinent to the application process, and
(6) Whether the applicant was previously a holder of a Certificate of Operation issued under this chapter, which has been revoked or not renewed based on the provisions of this ordinance, and
(7) Whether the applicant's vehicles, equipment, and appurtenances, including radios, are in good working order and the ambulances pass an inspection, according to the provisions of section 11.09.016 - 017.

(F) Approval or denial:
(1) If it is determined that the applicant does not meet all requirements within this division, then the AGENCY shall deny the application and notify the applicant in writing.
(2) If it is determined that the applicant meets all requirements within this division, the AGENCY shall approve the application and issue a Certificate of Operation and, upon a positive inspection, appropriate Ambulance Permits.

(G) Appeal from denial of issuance: Whenever the AGENCY denies an application, the applicant may request a hearing on the denial at which the applicant will have the burden of proof. The appeal will be made to the Board of Supervisors according to the provisions of section 11.09.011.

(H) Decisions—finality: The decision of the AGENCY rendered pursuant to this chapter shall be final, unless appealed to the Board of Supervisors within thirty (30) days after such decision is rendered in writing, and notice of the same is given to the applicant.

(I) Term:
(1) Certificates of Operation shall be valid for one calendar year beginning on January 1 and ending on December 31. The annual fee for an initial Certificate of Operation may be prorated on a quarterly basis for the first year.

(2) Certificates of Operation shall be continued upon conditions of section 11.09.037 unless earlier suspended, revoked or terminated for cause.
(3) Notice of intent to discontinue service: A PERMITTEE providing ambulance service may discontinue such services only after providing sixty (60) days notice in writing of intent to discontinue services to the AGENCY or upon mutual written agreement.

(J) Existing ambulance companies:
(1) Within sixty (60) days of the effective date of the ordinance codified in this ordinance, non 9-1-1 ambulance companies that have been continuously providing ambulance services shall apply for a Certificate of Operation and Ambulance Permits. The AGENCY shall issue or deny a Certificate of Operation to each existing company, based on their ability to meet the requirements as set forth in this ordinance. The fees for the initial Certificate of Operation and Ambulance Permits for existing companies shall be the fee set for new applicants.

(2) The AGENCY may issue a provisional sixty (60) day Certificate of Operation to an existing non 9-1-1 ambulance company to allow for required ambulance inspections. Upon a satisfactory completion of the inspections, the provisional status will be made permanent.

(K) Transfer of Certificate of Operation or Ambulance Permit: Application for transfer of any PERMITTEE's Certificate of Operation shall be subject to the same terms, conditions, and requirements as if the application were for an original certificate. No ambulance permit shall be transferred to another person(s), or company or corporation, except upon prior approval of the AGENCY.

(L) Interruption of Service: In the event of any actual or anticipated interruption of service, or any actual or anticipated substantial changes in the ambulance services, which cause, or threaten to cause, the ambulance service to be carried out differently than specified in the certificate of operation, the certificate holder shall immediately notify the agency verbally, to be followed by written notification within three days, stating the facts of the actual or anticipated change.

(M) Temporary or Emergency Certificates: The AGENCY may grant a temporary or emergency certificate of operation to insure the public health, safety or welfare. The temporary or emergency certificate shall remain in effect for the period indicated by the EMS Administrator, but shall not exceed 180 days.

11.09.009 CHANGES TO OPERATIONS

The PERMITTEE shall notify the COUNTY about changes to business location and phone numbers; ambulance stations and phone numbers; hours of operations; service charges and rates; insurance coverage; and changes to applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s) on file; within fifteen (15) days of such changes.

11.09.010 ADDING VEHICLES OR AMBULANCES

If a PERMITTEE desires to include additional vehicles or ambulances under its Certificate of Operation, the PERMITTEE shall submit a vehicle description form for each additional unit, provide the designated fee per unit to the AGENCY, and schedule an inspection. The term of the Ambulance Permit for additional authorized units shall run concurrently with the last

authorized permit period. The fee paid for each additional unit will be prorated on a quarterly basis.

11.09.011 RENEWAL OF CERTIFICATE OF OPERATION

(A) Applicants for renewal of an ambulance service Certificate of Operation under this ordinance shall file with the AGENCY an application in writing, which shall include information required in section 11.09.008(C). A renewal fee shall accompany the application for renewal. Renewal applications may be submitted ninety (90) days prior to the expiration date but no later than forty-five (45) days prior to the expiration date.

(B) Late renewal applications received less than forty-five (45) days prior to the expiration of the Certificate of Operation shall pay a late penalty fee of twenty percent (20%) of all fees due. The fee shall be submitted with the application.

(C) All vehicles specified by the PERMITTEE shall be inspected and have their permits renewed in accordance with the provisions of section 11.09.017, Ambulance Inspection and Permit Process. The issuance of a renewed Certificate of Operation shall be based on all vehicles having been inspected.

(D) Renewal of a Certificate of Operation shall require conformance with all requirements of an initial certificate. Nothing in this division shall be construed as requiring the granting of a renewal certificate upon expiration of a previous certificate without first having met all requirements. The applicant bears the burden of proof that all requirements have been met for the issuance of a renewal certificate for the specified period of operation.

(E) An ambulance provider shall submit, with their renewal application, a financial statement of its business activities or a letter showing proof of financial solvency, prepared by a certified public accountant. Renewal of a certificate is contingent upon proof of financial solvency within the proper time frames.

11.09.012 FEES

(A) An application for an initial or renewal Certificate of Operation shall be accompanied by the fee for the highest level of service intended, and all Ambulance Permit fees as defined in the applicable COUNTY fee schedule.

(B) The Board of Supervisors shall set the fees by resolution. The fees shall not exceed the reasonable cost of administering and enforcing this ordinance as determined by the Board of Supervisors.

11.09.013 HOLD HARMLESS AND LIABILITY INSURANCE AGREEMENT

(A) Each PERMITTEE, at its sole cost and expense, shall obtain, maintain, and comply with all County insurance coverage(s) and requirements. Types of insurance coverage include Commercial General Liability, Commercial or Business Automobile Liability, Worker's Compensation and Employers Liability, Professional Liability/Errors & Omissions, and Endorsements and Conditions.

(B) Lack of coverage as required at any time shall automatically suspend the Certificate of Operation. Failure of the PERMITTEE to notify the AGENCY of lack of coverage for any reason shall be deemed a violation of regulation subject to fine.

(C) As a condition of being issued a permit, PERMITTEE shall be required to indemnify and hold harmless the COUNTY from any and all claims or actions for property damage, personal injury, sickness, disease, caused by the PERMITTEE's acts or omissions and will pay any and all judgment decrees, costs, attorney's fees which may be rendered against the COUNTY, its directors, officers, agents, employees and volunteers in any and all such actions or proceedings.

11.09.014 FINANCIAL RESPONSIBILITY

Each PERMITTEE shall provide the COUNTY with information in reference to any pending legal or administrative action or unpaid judgments or liens against the PERMITTEE, and the notice of the transactions or acts giving rise to the judgments or liens. The PERMITTEE shall notify the AGENCY in writing of the actions within one (1) week of the notification from the levying agency. The reported information will be reviewed by the AGENCY who will make a determination regarding the effect the action will have on the PERMITTEE's ability to provide continuous service in accordance with this division.

11.09.015 GENERAL PERFORMANCE STANDARDS

(A) PERMITTEE shall maintain sufficient ambulances, operational procedures and personnel, with valid certifications and licenses to meet performance standards and permit specifications.

(B) PERMITTEE shall follow the AGENCY's policies.

(C) PERMITTEE and their personnel shall follow the regulations of the California Vehicle Code and the California Code or Regulations, Title 13, Motor Vehicles.

(D) PERMITTEE shall maintain supervisory or management personnel, available on a twenty-four (24) hour basis on site or on-call, authorized to make operational decisions, direct personnel and commit resources for use.

(E) PERMITTEE shall maintain a Quality Assurance Program and perform quality assurance activities in accordance with this ordinance.

(F) PERMITTEE shall maintain a Disaster Response Plan that includes a personnel call-back plan for disasters and mass casualty incidents in accordance with section 11.09.046 of this ordinance.

(G) PERMITTEE shall ensure that all management, supervisory, dispatch and field personnel maintain knowledge and familiarity with multi-casualty incident medical operations, staging, and incident command structure.

11.09.016 AMBULANCE COMPLIANCE

(A) Each ambulance shall be equipped according to the standard vehicle safety and equipment requirements of the California Vehicle Code and the California Code or Regulations, Title 13, Motor Vehicles.

(B) Each ambulance shall carry a photocopy or original current vehicle registration, current insurance identification, current CHP ambulance identification card (or CHP Inspection report valid for 30 days after an initial inspection), and current COUNTY issued ambulance permit.

(C) Each ambulance shall carry standard patient carrying fixtures and restraints necessary for the comfort and safety of patients.

(D) Each ambulance shall be equipped with no less than the standardized equipment and supplies as established according to the COUNTY's Equipment and Supply Specifications policy for the level of service provided. CCT ambulances shall be equipped according to the COUNTY's Critical Care Transport policy.

(E) PERMITTEE shall maintain its vehicles, equipment, and supplies in a clean, sanitary, and safe mechanical condition at all times.

11.09.017 AMBULANCE INSPECTION AND PERMIT PROCESS

(A) No person, firm, partnership, corporation or other organization, except as identified in section 11.09.007, shall operate or cause any ambulance, quick response vehicle, and gurney or wheelchair van to be operated in San Benito County unless an ambulance permit has been issued for that vehicle in accordance with these regulations.

(B) The COUNTY shall inspect each vehicle for which it receives an application to ensure compliance with this ordinance and the COUNTY's policies, protocols, and regulations as they pertain to that vehicle and the service level applied for, according to the provisions of section 11.09.016 - 017.

(C) The annual inspection for permit renewal shall be based on the list of vehicles submitted by the PERMITTEE.

(D) The PERMITTEE shall be notified in a timely manner of the results of the inspection and any corrective action required if a vehicle fails the inspection.

(E) Upon passage of the inspection, the COUNTY shall issue an ambulance permit or renewal of the permit, to the PERMITTEE.

(F) The ambulance inspection will be for all equipment identified in the COUNTY's policies, which has not been inspected by the CHP under the California Code of Regulations, Title 13, Vehicle Code, Division 2, Chapter 2, Article 1, sections 1103 and 1103.2.

11.09.018 AMBULANCE COMMUNICATION CAPABILITY

Each ambulance and quick response vehicle shall have a radio for establishing and maintaining radio contact with COUNTY's designated communications center and county hospital(s) as prescribed by the COUNTY and in compliance with FCC regulations.

11.09.019 AMBULANCE COLOR SCHEME AND DESIGN

(A) At the time of initial application, PERMITTEE shall request a specific color scheme and design and, upon approval by the COUNTY, shall apply such color scheme and design to each vehicle receiving an ambulance permit.

(B) The color scheme and design shall not imitate or conflict with any other color scheme authorized by this ordinance in a manner that is misleading or would tend to deceive the public.

(C) No sign, letter, color, appliance or thing of decorative or distinguishing nature shall be attached or applied to any ambulance unless it has first been approved in the color scheme authorized for each ambulance company.

11.09.020 AMBULANCE STAFFING

Each BLS ambulance shall be staffed with a minimum of two (2) California certified EMTs. Paramedics licensed in California may also staff BLS ambulances but may not utilize the paramedic scope of practice. Each ALS ambulance shall be staffed with a minimum of one (1) paramedic and one (1) EMT. Each CCT ambulance shall be staffed according to the COUNTY's CCT policy.

11.09.021 AMBULANCE PERSONNEL QUALIFICATIONS

(A) All personnel while on duty must carry all applicable certificates and PERMITTEE identification, and comply with the COUNTY's policies and procedures.

(B) All EMT and paramedic personnel must have a current driver license, ambulance driver certificate, and a medical examiner's certificate. EMTs hired to solely provide patient care duties are exempt from this requirement. The PERMITTEE is required to inform the COUNTY of these personnel and any changes to their work status.

(C) PERMITTEE's EMT personnel assigned to provide BLS service under this ordinance must meet the minimum qualifications:
   (1) EMTs must hold current, valid EMT certification in the State of California.
   (2) EMTs shall be certified in cardiopulmonary resuscitation (CPR/AED) according to the policies of the COUNTY and State.
   (3) EMTs assigned to provide CCT driver/assistant service must meet the additional qualifications specified in the COUNTY's CCT policy.

(D) PERMITTEE's paramedic personnel assigned to provide ALS or CCT service under this ordinance must meet the minimum qualifications:
   (1) Paramedics must hold current, valid paramedic license in the State of California.
   (2) Paramedics shall be accredited by the COUNTY and hold current and valid ALS certifications.
   (3) Paramedics assigned to provide CCT patient care must meet the additional qualifications specified in the COUNTY's CCT policy.

(E) PERMITTEE's registered nurse (RN) personnel assigned to provide CCT service under this ordinance must meet the minimum qualifications specified in the COUNTY's CCT policy.

(F) All drivers must completed an Emergency Vehicle Operation Course (EVOC), or its equivalent, related to responding to calls for emergency medical service that includes, but is not limited to, the following didactic and practical components: legal aspects of the emergency ambulance operation, the practice of defensive driving, accident avoidance, principles of vehicle control, routine vehicle safety checks, breaking and stopping, acceleration, and steering.

(G) The PERMITTEE shall retain on file at all times, copies of all current and valid licenses, certifications, and/or accreditations of all emergency medical personnel performing services under this ordinance.

11.09.022 PERSONNEL STANDARDS

Ambulance companies shall maintain personnel standards that include orientation to the COUNTY policies and procedures, special training as deemed necessary by the EMS Medical Director, uniforms and appearances, safety apparel, identification, driver training, work-hour scheduling limitations, with due consideration for collective bargaining agreements and/or State and Federal regulations where they apply.

11.09.023 MEDICAL CONTROL

All 9-1-1 Ambulance Service personnel are to provide patient care in accordance with the COUNTY's policies and as directed by standing or specific orders issued by the EMS Medical Director, or his or her designee.

11.09.024 PERSONAL PROTECTIVE EQUIPMENT

(A) PERMITTEE shall supply and maintain standardized personal protective equipment and supplies to ensure safety and readiness, according to Cal/OSHA guidelines.
(B) PERMITTEE shall ensure that all personnel receive training in all available equipment, including fit testing, according to Cal/OSHA guidelines.

11.09.025 AMBULANCE STATION STANDARDS

Ambulance company stations shall meet the minimum standards in Section 8 of the Federal Housing Authority, and include an EMS bulletin board, provisions for storage, and protection of ambulance(s). Stations shall comply with all applicable zoning, building, and occupational health and safety regulations.

11.09.026 SERVICE LEVEL

The PERMITTEE shall be approved by the COUNTY prior to beginning service, including the 9-1-1 Ambulance Service provider.

11.09.027 RESPONSE STANDARDS

(A) Any private call of a life threatening nature or a call requiring ALS level care shall be immediately referred to the 9-1-1 emergency operators.

(B) If an ambulance responds to a patient who appears to have a medical emergency, the crew shall call 9-1-1 and request a 9-1-1 response, and render appropriate care within their scope of practice until the ALS ambulance is on scene.

(C) PERMITTEE shall dispatch an ambulance to a non-emergency BLS call within fifteen (15) minutes unless the caller is immediately advised of a delay in responding to the call or the unavailability of an ambulance. The exception to this is for calls that have been prescheduled.

(D) PERMITTEE shall provide prompt transportation of the patient to the most appropriate medical facility, licensed, equipped, and staffed to meet the needs of the patient in accordance with applicable laws, rules, regulations, and policies.

(E) The PERMITTEE or their employees shall report within one (1) day to the COUNTY, on an Unusual Occurrence Form, any critical failure or call for service where the unit that responded was not staffed and equipped at the appropriate service level.

11.09.028 DISPATCH

(A) Each ambulance company providing service under this ordinance shall assign at least one person or an agency to be responsible for receiving calls and dispatching ambulances. The PERMITTEE shall have a Dispatcher Training Program that includes prioritizing tasks including, but not limited to, call intake, unit assignment, crew utilization and computer input; documentation and reporting; communication equipment; and compliance with the AGENCY's policies, procedures, and/or protocols covering ambulance service operation, ambulance transport, equipment, ambulance personnel, and standards of dispatch. Dispatchers shall be certified in CPR/AED.

(B) Each PERMITTEE ambulance dispatch center shall have access to AGENCY approved resource management system for the purpose of county system status updates.

11.09.029 PROHIBITIONS

Ambulance companies are hereby prohibited from engaging in the following activities:
(A) Permitting the operation of an ambulance in any manner contrary to the provisions of this ordinance or contrary to any applicable statute, rule, or regulation.
(B) Responding to a call when not requested to respond to that call by an individual requesting that service or the appropriate dispatch center.
(C) Causing or allowing its vehicles to respond to a 9-1-1 emergency call location without first receiving a specific request from the COUNTY's designated communications center.
(D) Providing ALS service without possessing a current and valid ALS Certificate of Operation and associated Ambulance Permit(s).
(E) Providing Critical Care Transport services without possessing a current and valid Critical Care Transport Certificate of Operation and associated Ambulance Permit(s).

11.09.030 ADVERTISING

(A) No person or organization shall announce, advertise, offer, or in any way claim that it provides non-9-1-1 ambulance, quick response vehicle, gurney or wheelchair van service in San Benito County unless it possesses a current and valid Certificate of Operation.
(B) No person or organization shall announce, advertise, offer, or in any way claim that it provides emergency 9-1-1 service unless it has been approved as an emergency 9-1-1 provider by the AGENCY.
(C) Any use of a telephone number on a vehicle shall include the phrase "FOR EMERGENCIES, CALL 9-1-1" in capital letters that are at least as big as the letters used for the telephone number.

11.09.031 SERVICE CHARGES & RATES

The PERMITTEE shall submit their service charges and rates to the AGENCY with their application for a Certificate of Operation and with each renewal. All service charges and rates must be defined in sufficient detail so as to be understandable to the public. The AGENCY reserves the option, with Board of Supervisor approval, to set base rates for 9-1-1 Ambulance Service calls.

11.09.032 SYSTEM STATUS UPDATES

(A) The PERMITTEE shall annually submit a system update to the AGENCY. The update shall identify:
  (1) Station locations.
  (2) Posting locations.
  (3) The number of vehicles normally available for response by time of day and day of week, with any seasonal variations.

(B) The PERMITTEE shall, at the start of each calendar year, submit to the AGENCY, in an electronic form, a list of all EMTs, paramedics and nurses employed along with their certificate or license numbers. In addition, the PERMITTEE shall notify the AGENCY within thirty (30) days of any EMTs, paramedics, or nurses who have been newly hired, terminated, retired, or have separated their employment.

11.09.033 INVESTIGATIONS AND INSPECTIONS

(A) The AGENCY shall have the right to inspect the records, facilities, equipment, supplies, personnel, and methods of operation of the PERMITTEE whenever the AGENCY deems such inspection necessary.

(B) The PERMITTEE shall cooperate with the AGENCY, in any investigations of possible violations of state laws and regulations, county ordinances, and AGENCY's policies, procedures, and/or protocols. PERMITTEE shall make all dispatch logs and similar dispatch records, including recordings, available for inspection and copying at reasonable times at the PERMITTEE's regular place of business. All recordings shall remain available for a minimum of ninety (90) days from the date the recording was made.

(C) The PERMITTEE shall allow the AGENCY to inspect, on a pre-announced or unannounced basis, all vehicles used to provide services. The inspections should be held, whenever possible, during normal business hours at the PERMITTEE's operations center. The purpose of such inspections is to determine if the vehicle and its equipment and supplies are in good working order, properly maintained and equipped for the provision of service for which it is permitted. The inspection will be for all equipment identified in the AGENCY's policies, which has not been inspected by the CHP under the California Code of Regulations, Title 13, Vehicle Code, Division 2, Chapter 2, Article 1, sections 1103 and 1103.2.

(D) At the request of the AGENCY, the PERMITTEE shall submit self-inspections of all vehicles on the AGENCY's Ambulance Inspection Form.

(E) The PERMITTEE shall inform the AGENCY of any suspension and/or revocation of their California Highway Patrol Ambulance Service License, or Vehicle Certificate, or Authorized Emergency Vehicle Permit for any of their support vehicle(s).

11.09.034 CONSUMER COMPLAINTS

(A) Any user of a permitted service contending that he/she received unsatisfactory service(s) may file a written complaint with the AGENCY. Such written complaint(s) shall set forth the allegations. The AGENCY shall notify the PERMITTEE of the complaint and provide the PERMITTEE with information about the complaint.

(B) The AGENCY shall conduct an investigation of the allegation(s) in the written complaint to determine the validity of said allegation(s). If the allegation(s) are found to be valid, the

AGENCY shall take actions to secure compliance with the provisions of this chapter and any established regulations.

(C) If the AGENCY is unable to secure compliance, it will initiate action to penalize, suspend or revoke the Certificate of Operation.

11.09.035 PENALTIES

(A) The AGENCY may suspend or revoke a Certificate of Operation for:
(1) Violating any provision, regulation, law, state or federal standards or ordinances; or
(2) Failure to make and retain records showing its operations in any area covered by this ordinance, including but not limited to dispatching, response, personnel, vehicles, medical treatment or billing, or failure to make such records available for inspection by the AGENCY; or
(3) Accepting an emergency or non-emergency call when it is either unable or unwilling to provide the requested service, or fails to inform the person requesting such service of any delay, and fails to obtain consent of such person before causing an ambulance to respond from a location more distant than the one to which the request was directed; or
(4) Failure to pay any fine issued pursuant to this section within thirty (30) business days.

(B) Suspension does not have to precede revocation.

(C) Fines:
(1) Fines may be issued by the AGENCY for:
a) Failure to provide required clinical or operational reports, including dispatch records;
b) Failure to comply with requirements for personnel, equipment, and vehicles;
c) Failure to comply with any other section of this ordinance or any regulation adopted pursuant to this ordinance
(2) Exceptions shall be granted for records destroyed by fire, explosion, or theft beyond the reasonable control of the PERMITTEE; a declaration of local, state, or federal emergency impacting the PERMITTEE'S resources; and/or acts of God.
(3) Failure to remit amount of fine levied within thirty (30) days of resolution of appeal to the Board of Supervisors may result in revocation of the Certification of Operation.

(D) Violations:
(1) Except as otherwise provided, any PERMITTEE who violates any provision of this ordinance shall be guilty of a misdemeanor as provided under Government Code, Section 25132.
(2) A PERMITTEE who violates provisions of this ordinance shall be subject to a fine:
a) Not exceeding two hundred fifty dollars ($250.00) for a first violation.
b) Not exceeding five hundred dollars ($500.00) for a second violation of the same section.
c) Not exceeding one thousand dollars ($1,000.00) for each additional violation within one (1) year of the same section.
(3) A violation period is defined as each day or portion thereof that a PERMITTEE is in violation of this ordinance.
(4) The COUNTY or designee is hereby authorized to institute and pursue, in the name of the county, pursuant to the provisions of Government Code, Section 25132, civil actions for the recovery of fines for violations of this ordinance.
(5) Payment of any fine herein shall not relieve the PERMITTEE from the responsibility of correcting the violation.

11.09.036 NOTICE ISSUANCES

Before any suspension or revocation, the AGENCY shall give written notice to the PERMITTEE specifying why such action is contemplated and giving the PERMITTEE up to fifteen (15) business days to comply with the provisions in question or to request a hearing to show cause against suspension, revocation, or levying of a fine and setting a date for hearing.

11.09.037 HEARINGS

(A) If an applicant for a Certificate of Operation or an Ambulance Permit or a PERMITEE is dissatisfied with any of the actions taken by the AGENCY, he/she may request an administrative hearing.

(B) The request for an administrative hearing must be filed within fifteen (15) business days of the date of the notice. The hearing must be held within thirty (30) business days of receipt of the request.

(C) The hearing shall be held at an AGENCY designated location. The AGENCY shall mail to the claimant a written notice of the time and place of the hearing no less than five (5) days prior to the hearing.

(D) Hearings conducted pursuant to this chapter shall be conducted before a Hearing Officer designated by the AGENCY. All hearings shall be electronically recorded. Hearings need not be conducted according to the California Code of Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Irrelevant and unduly repetitious evidence shall be excluded. The parties shall equally bear the expense of the Hearing Officer and the cost of the hearing. Each party shall bear its own expense.

(E) At the hearing, the AGENCY has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the PERMITTEE.

(F) A written decision by the hearing officer shall be issued within ten (10) business days and notice given by mail. Service of the decision shall be deemed complete at the time deposited in the mail.

11.09.038 APPEALS

The PERMITTEE may file a written appeal with the Board of Supervisors within ten (10) days of receipt of the issuance of the AGENCY's written decision by certified mail. A copy of the written appeal must also be served to the AGENCY either in person or by certified return receipt mail within ten (10) days of receipt of the issuance of the AGENCY's written decision by certified mail. Appeals will be heard at a meeting scheduled by the Board of Supervisors. The Board of Supervisor's decision shall be final.

The PERMITTEE may appeal to the Board of Supervisors within ten (10) days of receipt of the AGENCY's written decision. The appeal must be in writing and served on the Clerk of the Board and the AGENCY either in person or by certified return receipt mail. Appeals will be heard at a meeting scheduled by the Board of Supervisors. The Board of Supervisor's decision shall be final

11.09.039 EMERGENCY ACTION

The AGENCY may reduce the period of time for compliance under a suspension or revocation notice to no less than twenty-four (24) hours and set the matter for hearing immediately upon expiration of the period when the AGENCY makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a permit is suspended or revoked, the PERMITTEE may request an additional hearing at which the PERMITTEE will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearings will be commenced within five (5) days of the PERMITTEE's request. The request for, or the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.

11.09.040 DECISION

At the conclusion of the hearings, the Hearing Officer or the Board shall promptly prepare a written determination of the issues presented and the proposed findings. A copy of the decision shall be served on the parties by certified return receipt mail. Service of the decision shall be deemed complete at the time deposited in the mail.

At the conclusion of the hearings, the Hearing Officer or the Board shall promptly prepare a written determination of the issues presented and the proposed findings. A copy of the decision shall be served on the parties by mail. Service of the decision shall be deemed complete at the time deposited in the mail.

11.09.041 QUALITY IMPROVEMENT PROGRAM

To ensure that ambulances are operating in the best interest of the public health and safety, and that PERMITTEE is utilizing properly trained staff, each PERMITTEE will be required to have a quality improvement program that:

(A) Utilizes a physician, RN, or paramedic with experience in quality management to direct and coordinate quality improvement activities (exceptions to this may be made on an individual basis by the AGENCY);

(B) Reviews patient care provided by their employees;

(C) Meets the requirements of the State Emergency Medical Services Authority's Quality Improvement Program contained in the California Code of Regulations, Title 22;

(D) Identifies problems or issues regarding patient care and proposes solutions for corrective action;

(E) Participates in the AGENCY's collection of data regarding quality of patient care;

(F) Includes disciplinary procedures to be used when appropriate.

(G) Maintains a radio recording of all calls for BLS/ALS services requested, all dispatch instructions given, and all communications between the dispatch center and the unit until the run is completed. Recordings must be stored for a period of at least ninety (90) days.

(H) Ensures that all drivers have completed an Emergency Vehicle Operation Course (EVOC) driver training course, or its equivalent, related to responding to calls for emergency medical service that includes, but is not limited to, the following didactic and practical components: legal aspects of the emergency ambulance operation, the practice of defensive driving, accident avoidance, principles of vehicle control, routine vehicle safety checks, breaking and stopping, acceleration, and steering.

(I) Requires the use of the AGENCY's designated Prehospital Care Report, the Unusual Occurrence Form, and/or other approved reports that include all required data elements for all emergency medical responses including refusal of service and against medical advice (AMA).

(J) Requires staff to attend, at no expense to the COUNTY, EMS Orientation, and other education and training programs as may be reasonably requested by the AGENCY.

(K) Is consistent with the AGENCY's Quality Improvement Plan.

(L) PERMITTEES, or a designated employee(s), shall actively participate on any committees, at the request of the AGENCY, to provide for continued system performance.

(M) Documentation outlining the quality improvement program is to be submitted to the AGENCY as part of the application process.

11.09.042 CCT QUALITY IMPROVEMENT PLAN

Critical Care Transport ambulance companies are additionally responsible for submitting a Quality Improvement Plan according to the specifications in the COUNTY's CCT policy.

11.09.043 EXEMPTIONS

(A) When the AGENCY has determined that adequate emergency ambulance service will not be available from existing ambulance providers, this ordinance may be waived at the request of the COUNTY'S designated communications center, any law enforcement agency, or fire protection agency during any "state of war emergency," "state of emergency," or "local emergency" as defined in Government Code Section 8558. Exemptions may be made for a period not over thirty (30) days, but renewable every thirty (30) days.

(B) This ordinance shall not prevent any peace officer from arranging for the transportation of an individual in need of emergency medical care when no ambulance with an appropriate ambulance service permit is available and such transportation is required immediately for the preservation of life or to avoid substantial impairment of the person to be transported. (13 CCR §1107[a][2])

11.09.044 MEDICAL DIRECTION

All EMT and paramedic personnel working in San Benito County for the 9-1-1 contract ambulance are required to provide patient care in accordance with medical care policies, procedures and protocols promulgated by the EMS medical director. All other EMT and paramedic personnel shall adhere to their standard scope of practice as defined by Title 22 and/or under policies, procedures and protocols approved by their agency's medical director.

11.09.045 EMS SPECIAL EVENT NOTIFICATION

PERMITTEEs providing special event standby coverage shall complete an EMS Special Event Notification Form. This form shall be submitted to the AGENCY for approval at least seven (7) days prior to the beginning of the coverage. The AGENCY may impose conditions on the approval of the request, which are necessary to ensure the safety of the public according to AGENCY's "Guidelines for EMS Coverage for Mass Gatherings." This provision shall help to ensure that adequate and integrated emergency medical services are available to the public and event participants. Any unauthorized standby service by a private EMS service, whether or not transportation is provided, may result in a fine, permit suspension or revocation.

11.09.046 EMERGENCY AND DISASTER OPERATIONS

(A) In the event of a disaster or mass casualty incident, the ability of the 9-1-1 ambulance service to provide necessary prehospital emergency ambulance care and transportation may be disrupted or be inadequate for the number of casualties. It is necessary; therefore, that all ambulances permitted in San Benito County be available to assist when there is a disaster or mass casualty incident. In the event of a disaster or mass casualty incident, the AGENCY will determine the amount of assistance needed, acceptable ambulance staffing and configuration, and may authorize the dispatch of any ambulance as permitted by law. Each service shall make available, and place into service whenever possible, all permitted units at the request of the AGENCY. The AGENCY shall coordinate all medical mutual aid requests through the COUNTY's designated communications center, the medical mutual aid system, and the Medical Health Operational Area Coordinator (MHOAC).

(B) The PERMITTEE shall have on file with the AGENCY, its Disaster Response Plan which includes a personnel call-back plan.

(C) All management and field personnel of the PERMITTEE shall follow the AGENCY's Multi Casualty Incident (MCI) Plan.

(D) The COUNTY may assist the PERMITTEE in seeking reimbursement for its costs from any disaster relief monies. The COUNTY shall have no financial responsibility for these costs or charges.

(E) When requested by the AGENCY, the PERMITTEE shall participate in a COUNTY organized disaster exercise. All costs associated with their participation in the disaster exercise shall be the sole responsibility of the PERMITTEE.

11.09.047 CLINICAL EXPERIENCE PROGRAM

All BLS ambulance companies, in business more than one year, shall work with the AGENCY to develop and maintain a program that provides clinical experience to students enrolled in EMT training programs approved by the AGENCY.

11.09.048 COUNTY LIABILITY

Unless expressly agreed in writing, the AGENCY and the County of San Benito and its officers and employees shall not be liable for any PERMITTEE costs or charges associated with compliance under this ordinance or the rules or regulations promulgated hereunder.

11.09.049 SEVERABILITY

If any chapter, section, or subsection, sentence, clause, phrase, or portion of this ordinance are for any reason held invalid or unconstitutional by any court of competent judgment, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof.

11.09.050 EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect thirty (30) days after its final passage and approval. Prior to the expiration of (15) days from the final passage hereof, the clerk of the San Benito County Board of Supervisors shall cause this ordinance to be published in a newspaper of general circulation in the County of San Benito.

Introduced at a regular meeting of the Board of Supervisors held on the 1st day of April, 2014. Final passage and adoption by the Board of Supervisors of the County of San Benito was at a regular meeting of said Board held on the 15th day of April, 2014, by the following vote:

AYES:	SUPERVISORS:	Muenzer, De La Cruz, Rivas, Botelho, Barrios
NOES	SUPERVISORS:	NONE
ABSENT:	SUPERVISORS:	NONE

BY
Jerry Muenzer, Chair,
San Benito County Board of Supervisors

ATTEST:
DENISE THOME
Denise Thome
Clerk of the Board
By: Janet Slibsager
Deputy Clerk

APPROVED AS TO LEGAL FORM:
Irma F. Valencia
Deputy County Counsel

SUMMARY OF PROPOSED COUNTY ORDINANCE REPEALING ORDINANCE #637 AND AMENDING CHAPTER 11.09 OF TITLE 11 OF THE SAN BENITO COUNTY CODE

Pursuant to the Authority of the July 27, 2004 order of the Board of Supervisors and Government Code § 25124 the County Counsel has concluded that the ordinance is of such a length and content that a complete copy of the ordinance would not be practical to publish in the official newspaper. Accordingly, a summary has been prepared as follows:

The ordinance proposed for adoption on March 4, 2014, titled "San Benito County Emergency Medical Services Ordinance" will repeal Ordinance #637 (Ambulance Service) and amend Chapter 11.90 of Title 11 of the San Benito County Code. The proposed ordinance will substantially replace the current ambulance ordinance.

The proposed ordinance establishes formal policies and regulations for issuing certificates and permits, and regulating the operation of air and ground ambulance services in the County of San Benito. The ordinance establishes the San Benito County Emergency Medical Services Agency as the responsible agency for the administration of the ordinance and for making all necessary and reasonable policies, procedures, and/or protocols for the effective and reasonable administration of the ordinance. **§11.90.002** sets forth the purpose and intent of the ordinance. **§11.09.003** sets forth the legal authority for the ordinance. **§11.09.005** sets forth the definitions for 9-1-1 Ambulance Service, 9-1-1 Emergency Call, Advanced Life Support, ALS Ambulance Service, Agency, Ambulance, Ambulance Permit, Ambulance Provider, Ambulance Service, Air Ambulance, Basic Life Support, Board, Cities, Certificate of Operation, County, County Policies, Critical Care Transport, Critical Care Transport Policies, Emergency Medical Technician, Exclusive Operating Area, Gurney Van Transport, Non-Emergency Call, Paramedic, Permittee, Personal Protective Equipment, Quick Response Vehicle, Special Event, Wheelchair Van Transport. **§11.09.007** and **§11.09.008** set forth the permits required and the permitting process. **§11.09.011** sets forth the process for renewing a certification of operation. **§11.09.012** provides for the charging of fees for applications for initial or renewal Certificates of Operation. **§11.09.015** and **§11.09.016** provides for general performance standards and ambulance compliance standards. **§11.09.020** through **§11.09.023** sets forth standards for ambulance staffing, ambulance personnel qualifications, personnel standards and medical control. **§11.09.031** requires permittees to submit their services charges and rates to EMS. **§11.09.033** and **§11.09.034** sets forth the process for investigations and inspections and consumer complaints. **§11.09.035** provides for penalties for violation of certain provisions of the government code or ordinance. **§11.09.036** through **§11.09.040** provides for an appeals process before the imposition of any penalty. **§11.09.043** allows for an exemption to the ordinance during declared emergencies. **§11.09.048** through **§11.09.050** pertain to county liability, severability codification and publication.

Copies of the proposed ordinance are on file in the Office of the Clerk to the Board of Supervisors, Administrative Building, 481 4th Street, Hollister, California.

Matthew W. Granger, County Counsel

By: _____
Irma Valencia, Deputy County Counsel

Dated: January 29, 2014
Publish: February 21, 2014

8