



EMERGENCY MEDICAL CARE COMMITTEE

Special Meeting

Friday, September 12, 2014 – 9:00 a.m.

Location: Orange County Health Care Agency

405 W. Fifth Street

Conference Room 433

Santa Ana, CA 92701

Mission Statement: *"To act in an advisory capacity to the County Board of Supervisors and to Orange County Emergency Medical Services on all matters relating to emergency medical services in Orange County."*

THE COMMITTEE MEETING IS OPEN TO THE PUBLIC. YOU MAY ADDRESS THE COMMITTEE ON ANY AGENDA ITEM BEFORE OR DURING CONSIDERATION OF THAT ITEM, AND ON OTHER ITEMS OF INTEREST WHICH ARE NOT ON THE AGENDA, BUT WHICH ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMITTEE.

A G E N D A

1. **CALL TO ORDER**

2. **UNFINISHED BUSINESS**

- County of Orange Ambulance Ordinance (Ordinance 3517) (Attachments 1-3)

3. **MEMBER COMMENTS**

4. **PUBLIC FORUM** (non-agendized)

At this time, members of the public may address the Chairman regarding any items within the subject matter of this advisory committee's authority provided by law. Comments are limited to 3-5 minutes per person and 20 minutes for all comments unless different time limits are set by the Chairman; subject to the approval of the committee.

5. **NEXT MEETING** – Friday, October 24, 2014
Commission Hearing Room 333 W. Santa Ana Blvd,
Santa Ana, California 92701

6. **ADJOURNMENT**

Sec. 4-9-1. Intent and Purpose.

It is the intent of this Division to establish minimum requirements for ambulance transportation services operating within the geographical boundaries of the County in order to provide a fair and impartial means of licensing responsible private ambulance operators and to provide a mechanism for the creation of Exclusive Operating Areas based on a competitive process for selecting providers and determining the scope of their operations.

Sec. 4-9-2. Definitions.

For purposes of this Division, the following terms are defined:

(a) Advanced Life Support or ALS mean 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 emergency medical services 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.

(b) Air ambulance means 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.

(c) Ambulance means any vehicle specially constructed, modified, or equipped, and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons.

(d) Ambulance service means the activity, business or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance or air ambulance. ~~The following services are not included in the definition of ambulance service: 1) the transportation by ambulance by an employer of his or her own employees in an Ambulance owned and operated by the employer solely for this purpose; and, 2) wheelchair or gurney van services.~~

(e) Ambulance service operator means any person who operates or owns an ambulance service.

(f) Attendant means a trained and qualified individual, including but not limited to those defined in subdivision (k) of this Section, who is responsible for the care of a patient.

(g) Basic Life Support or BLS mean 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.

- (h) Board of Supervisors means the Orange County Board of Supervisors.
- (i) County means the County of Orange, State of California.
- (j) Dispatcher means an individual employed by an ambulance service operator responsible for sending an ambulance to provide ambulance services to a patient.
- (k) Driver means an attendant who drives an ambulance.
- (l) Emergency means a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.
- (m) Emergency medical services means the services utilized in responding to a medical emergency.
- (n) Emergency Medical Services ~~Agency Authority~~ or EMSA mean the California Emergency Medical Services Agency.
- (o) Emergency Medical Services Plan means the most recent OCEMS emergency medical services system plan submitted to EMSA under Health and Safety Code section 1797.250.
- (p) Exclusive Operating Area or EOA mean the geographical area within the jurisdiction of OCEMS or a subarea defined by the emergency medical services plan for which OCEMS, upon the recommendation of the County, restricts operations to one or more emergency ambulance services or providers of Limited Advanced Life Support or Advanced Life Support.
- (q) Health Care Agency or HCA mean the Orange County Health Care Agency.
- (r) Licensee means an ambulance service operator that has been granted a license under this Division to provide ambulance services.
- (s) Limited Advanced Life Support means special service designed to provide prehospital emergency medical care limited to techniques and procedures that exceed basic life support but are less advanced than life support.
- (t) Medical Control means the medical management of the emergency medical services system.
- (u) Medical Director means the Medical Director of OCEMS designated by the County to provide medical control and assure medical accountability throughout the planning, implementation, and evaluation of the local emergency medical services system.
- (v) Orange County Emergency Medical Services or OCEMS mean Orange County Health Care Agency Emergency Medical Services, which has been designated by the County as the agency having primary responsibility for administration of emergency medical services in the County.

(w) Paramedic means an individual whose scope of practice to provide Advanced Life Support is according to standards prescribed in and has a valid certificate issued pursuant to Division 2.5 of the California Health and Safety Code.

(x) Patient means a wounded, injured, sick, invalid, or otherwise incapacitated individual.

(y) Person means an individual, firm, corporation, partnership, limited liability entity, association, or other group or combination thereof acting as a unit.

(z) Physician means a medical doctor or osteopath holding the appropriate valid license or certificate to practice as such within the State of California pursuant to the Business and Professions Code.

(aa) Public safety agency means any public law enforcement agency, fire protection agency, lifeguard/marine safety agency, or forest ranger agency operating in the County.

(bb) Specialty Care Transport means services provided by registered nurses, physicians, and respiratory therapists who have training and experience in the care and transport of critically ill patients.

Sec. 4-9-3. License Required.

(a) A license issued by the County in the name of the applicant is required to operate an ambulance service in any geographic area within the County. Operating or providing ambulance service without a valid County-issued license within the geographic area of the County is a violation of this Division. Each ambulance transport of a patient without a valid license constitutes a separate violation of this Division. A license issued under this Division does not preclude a city's ability to require an ambulance service operator to have a business license to operate within the city.

(b) A license shall be valid for a period of not more than 365 days, unless earlier suspended, revoked, surrendered, or terminated.

~~(c) The provisions of this Section shall not apply to:~~

~~(1) Ambulance services operated by a public safety agency within Orange County.~~

~~(2) Ambulance services operated at the request of a public safety agency during any "state of war emergency," "state of emergency" or "local emergency," as defined in the California Government Code.~~

~~(3) Ambulance services transporting a patient from a location outside of Orange County, regardless of destination.~~

~~(4) Ambulance services transporting a patient by a fixed wing airplane.~~

Sec. 4-9-4. Transfer of License.

(a) A license issued under this Division is not transferrable. The occurrence of any of the following shall render a license void:

(1) Any change in the name or business structure of a licensee, including but not limited to changes from or to:

(A) A sole proprietorship;

(B) A partnership, including any change in the membership of the partners; ~~and~~

(C) A corporation, whether by operation of law or otherwise; ~~and,~~

(D) ~~A Limited Liability Company, including any change in the managing member(s) thereof.~~

(2) Bankruptcy, an assignment for the benefit of creditors, or the appointment of a receiver.

(3) A sale or transfer of over ten (10) percent of the assets of a licensee.

(4) A sale or transfer of over ten (10) percent of the ownership of a licensee.

(5) An assignment of a license.

(b) A licensee may apply to the Medical Director for an amendment to the terms of the license. An application for an amended license shall be processed in the same manner as described in subdivisions (a) through (c) of Section 4-9-5.

Sec. 4-9-5. Applications.

(a) Each application for a license under this Division shall be accompanied by an application fee, if any, set by the Board of Supervisors, and be made upon forms prescribed by the Medical Director.

(b) Each applicant shall submit the following:

(1) The applicant's name and the address of its principal place of business ~~within the County;~~

(2) Where the applicant is a firm, corporation, partnership, association, or other group or combination thereof acting as a unit, the identities of the members and/or owners of the applicant;

(3) The applicant's training and experience in the transportation and care of patients;

(4) The names under which the applicant has engaged, does, or proposes to engage in ambulance services;

(5) A description of each ambulance to be used under the license, including the make, model, year of manufacture, vehicle identification number, current state license number, the length of time the vehicle has been in use, and the color scheme, insignia, name, monogram and other distinguishing characteristics of the vehicle, a description of the applicant's program for maintenance of the vehicle, and a description of the vehicle's radio(s);

(6) Evidence that the applicant has obtained all licenses and permits required by State or local law or regulation for the type of ambulance service proposed, excluding only a license to provide the service for which application is made;

(7) ~~Evidence that the applicant possesses and maintains valid California Highway Patrol inspection report for each ambulance listed in the application~~ Evidence that the applicant possesses and maintains a currently valid "Emergency Ambulance Non-Transferable License" (CHP Form #360.A and a "Special Vehicle Identification Certificate" (CHP Form #301) or an "Ambulance Inspection Report (CHP Form #299) for each ambulance listed in the application;

(8) A description of the applicant's training and orientation programs for attendants, drivers and dispatchers;

(9) Evidence of such financial responsibility and insurance coverage as may be required by the Medical Director pursuant to OCEMS regulations adopted in accordance with this Division;

(10) Identification of the geographical area to be served by the applicant, if required by OCEMS;

(11) A list of all substations or offices where equipment and personnel are, or will be based, including hours of operation;

(12) A description of whether the service proposed by the applicant will include Basic Life Support, Advanced Life Support, or Specialty Care Transport services, and, if so:

(A) The number of Basic Life Support, Advanced Life Support, and/or Specialty Care Transport service units to be ~~deployed on each shift~~ licensed;

(B) The geographical area to receive Basic Life Support, Advanced Life Support, Limited Advanced Life Support, or Specialty Care Transport services; and

(C) The provisions, if any, for continuing education of attendants;

(13) Such other information as the Medical Director may require in regulations adopted pursuant to this Division.

(c) Applications for an amendment to a license as specified in subdivision (b) of Section 4-9-4 and new applications shall require each principal of the applicant to have Live Scan fingerprint clearance through any applicable law enforcement agency indicating the applicant has undergone a criminal background check and has no denial, suspension, or revocation of a California Highway Patrol license pursuant to California Vehicle Code Section 2540 et seq **or is not listed on any federal or state program exclusions list.**

(d) Renewal applications shall be submitted on or before October 31 of each calendar year in the same form as new applications under this Section. Unless otherwise ordered by the Medical Director, the requirements of subdivision (c) of this Section shall not apply to renewal applications.

Sec. 4-9-6. Investigations.

Upon receipt of a completed application and any required fee, the Medical Director shall make, or cause to be made, such investigation as he or she deems necessary to determine whether:

(a) The applicant is a responsible and proper person to conduct, operate, or engage in the provision of ambulance service;

(b) The applicant meets the requirements of this Division and of other applicable laws, ordinances, or regulations.

Sec. 4-9-7. Issuance or Denial of Ambulance Service License.

(a) The Medical Director shall issue a license to an applicant if the Medical Director, after completing any investigation required pursuant to this Division, determines all requirements of this Division have been met and any required license fee has been paid.

(b) The Medical Director shall deny the application for an ambulance service license if he or she finds any of the following:

(1) the applicant failed to meet the requirements of any provision of this Division;

(2) the applicant made any omission of fact, or made any false or misleading statement, in the application;

(3) the applicant or any of the individuals identified in the application as required under subdivision (b)(2) of Section 4-9-5 have committed any of the acts delineated in Section 480 of the California Business and Professions Code, but subject to the limitations of such denial as specified in said statute. In determining the effect of any criminal acts on the issuance or denial of a license, the Medical Director shall consider whether the criminal acts are related to ambulance service and shall evaluate the rehabilitation of the persons involved. The Medical Director shall not consider crimes of which the applicant is, or was, accused but not convicted.

(4) the carrying on of the business as described in the application will be detrimental to the public health, safety, or welfare.

(5) the issuance of an ambulance service license to the applicant would be inconsistent with the emergency medical services plan.

(c) In the event of denial, the applicant shall be informed in writing of the reasons therefore.

(d) The applicant may appeal the denial of its application as provided in Section 5-2-19.

Sec. 4-9-8 Indemnification and Insurance Provisions.

(a) Each licensee shall purchase and maintain, at the licensee's expense, insurance, under the requirements of OCEMS regulations adopted pursuant to this Division.

(b) Each licensee shall submit to OCEMS the Certificates of Insurance, including all endorsements required therein, necessary to satisfy the insurance requirements of this section.

Sec. 4-9-9. Suspension or Revocation of an Ambulance Service License.

(a) The Medical Director may suspend or revoke an ambulance service license for failure by the licensee to comply with any applicable provision, standard, or requirement of the following: State law or regulation; this Division; or, any regulations promulgated under this Division. Suspension of a license is not a condition precedent to revocation of a license.

(b) The Medical Director shall give a licensee written notice of the proposed suspension or revocation of an ambulance service license. Said notice shall:

(1) Specify the reasons for which the action is to be taken;

(2) Set a hearing for not more than fifteen (15) days and not less than seven (7) days after the date of the notice;

(3) Specify the date, time, and place of a hearing on the proposed suspension or revocation; and

(4) Be served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5(b)(1) or, if any, to its designated agent for service of such notices.

(c) At the hearing on the proposed suspension or revocation of an ambulance service license, the Medical Director has the burden of proof that the licensee has failed to comply with any applicable provision, standard, or requirement as detailed in subdivision (a) of this Section. Proposed suspension and revocation hearings conducted pursuant to this Section shall be conducted before a hearing officer designated by HCA. At the conclusion of said hearing, the hearing officer shall expeditiously prepare a written summary of the evidence and proposed

findings and conclusions for consideration by the HCA Director. The HCA Director shall issue a written decision within thirty (30) calendar days after conclusion of the hearing. The decision of the HCA Director is final.

(d) The Medical Director may temporarily suspend an ambulance service license where such action is necessary to protect the public health, safety, or welfare. The temporary suspension under this subdivision shall be effective upon order of the Medical Director and shall remain in effect until proceedings under subdivisions (a) through (c) of this Section have concluded. The temporary suspension order shall be supported by written preliminary findings served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5 or, if any, to its designated agent for service of such notices. The licensee may request a hearing on the temporary suspension to be held within two (2) business days of the licensee's request for a hearing. The licensee's request for a hearing shall not stay the temporary suspension. At the hearing, the Medical Director has the burden of proof that the temporary suspension is necessary to protect public health, safety, or welfare. The hearing officer, who shall be designated by HCA, may sustain, modify, or vacate the temporary suspension order. The hearing officer's decision on the temporary suspension order shall not preclude the Medical Director from proceeding under subdivisions (a) through (c) of this Section.

(e) A hearing is not required if a licensee surrenders its license or fails to renew its license before its expiration. In such cases, the licensee shall no longer be considered a licensed ambulance operator in Orange County.

Sec. 4-9-10. Notification.

The licensee shall notify the Medical Director 60 days in advance of any change in ownership or management of the licensee. The Medical Director shall also be notified in advance of any planned or known interruption of service of more than twenty-four (24) hours duration, or any substantial change in staffing or equipment. For unexpected interruptions in service, staffing or equipment, the Medical Director shall be contacted as soon as possible following the interruption in service.

Sec. 4-9-11. Personnel Standards.

(a) A licensee shall only employ personnel performing tasks described in this Division who comply with the requirements of this Section and as specified in OCEMS regulations adopted under this Division.

(b) Ambulance drivers shall maintain and appropriate driver's license issued by the California Department of Motor Vehicles. Pilots of air ambulance services licensed by the County shall meet the applicable Federal Aviation Administration requirements to operate an air ambulance.

(c) Each ambulance attendant shall possess the following:

(1) a valid Emergency Medical Technician certificate or a valid paramedic license, and

(2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(d) An air ambulance attendant shall possess the following:

(1) a valid license or certification as appropriate for the level of care provided to patients.

(2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(e) An individual employed as an ambulance attendant or as an air ambulance attendant who possesses a valid license by the State of California to serve as a physician or as a registered nurse shall not be required to maintain an Emergency Medical Technician certificate or paramedic license. The Medical Director may make regulations governing physicians and registered nurses when serving as ambulance attendants.

(f) Applications for OCEMS accreditation shall be considered by the Medical Director under OCEMS regulations adopted pursuant to this Division. Applications for OCEMS accreditation shall be in a form required by the Medical Director and shall be accompanied by the established fee.

(g) Each licensee shall have at least one (1) dispatcher on duty on a twenty-four (24) hour-per-day basis. Licensees shall adequately train dispatchers on radio operation and protocols related to the emergency response area(s) served before said dispatcher begins dispatching emergency calls. For purposes of this subdivision, “adequate” training of a dispatcher shall be that which meets OCEMS standards and State requirements.

Sec. 4-9-12. Rates.

(a) No licensee operating emergency ambulance services in a County-administered EOA under the emergency medical services plan shall charge more than the maximum ~~BLS and ALS~~ rates approved by the Board of Supervisors.

~~(b) — An ALS service provider may require reimbursement from a licensee awarded an EOA contract pursuant to Section 4-9-13 of the actual costs of ALS services rendered by the ALS service provider and billed by the licensee. Nothing in this subdivision shall effect requirements of the Centers for Medicare and Medicaid regarding payment for ALS services.~~

Sec. 4-9-13. Emergency Ambulance Transportation.

(a) Except as provided in subdivision (b) of this Section, emergency ambulance services in a County-administered EOA may only be provided by the licensed ambulance service operator that has an existing contract with the County to provide such service.

(b) A licensee may provide ambulance services in response to an emergency where expressly requested for response to that specific emergency by OCEMS, a physician, a public safety agency, or the ambulance service operator identified in subdivision (a) of this Section.

County licensure is not required for mutual aid responses by out-of-county ambulance service operators where the services are requested by OCEMS or a public safety agency. Any ambulance service operator receiving a request for emergency ambulance services from other than a public safety agency, physician, OCEMS, or the primary emergency ambulance services contractor of the respective EOA shall immediately notify OCEMS and the public safety agency designated by regulation of the request.

(c) No ambulance service operator dispatched to an emergency shall transport a patient unless:

(1) A public safety agency is present at the location of the patient or authorizes transport via dispatch; or

(2) A physician is present at the location of the patient and directs transportation in the absence of a public safety agency; or

(3) Permitted by OCEMS rules and regulations.

Sec. 4-9-14. Rules and Regulations.

(a) The Medical Director shall make such OCEMS rules and regulations as may be necessary to implement this Division. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.

(b) The Medical Director or his or her designee(s) may inspect the records, facilities, transportation units, equipment, and method of operating of each licensee whenever necessary.

Sec. 4-9-15. Complaints.

Any person who believes, or has reason to believe, that it or another party has been required to pay an excessive charge for services, received inadequate services, or services provided were not in compliance with the provision of this Division, may file a written complaint with OCEMS setting forth such allegations. OCEMS shall investigate the complaint and take appropriate action consistent with this Division.

Sec. 4-9-16. Variance.

The Medical Director may grant variances from the terms of this Division if he or she finds such action is necessary to protect the public health, safety, or welfare. Such variances may include the issuance of a temporary license. No variance shall exceed one hundred and eighty (180) days in duration.

Sec. 4-9-17 Severance.

If any section, paragraph, sentence, clause, phrase or portion of this Division is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this Division irrespective of the

invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the article be enforced.

Sec. 4-9-1. Intent and Purpose.

It is the intent of this Division to establish minimum requirements for ambulance transportation services operating within the geographical boundaries of the County in order to provide a fair and impartial means of licensing responsible private ambulance operators and to provide a mechanism for the creation of Exclusive Operating Areas based on a competitive process for selecting providers and determining the scope of their operations.

Sec. 4-9-2. Definitions.

For purposes of this Division, the following terms are defined:

- (a) Advanced Life Support or ALS mean 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 emergency medical services 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.
- (b) Air ambulance means 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.
- (c) Ambulance means any vehicle specially constructed, modified, or equipped, and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons.
- (d) Ambulance service means the activity, business or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance or air ambulance.
- (e) Ambulance service operator means any person who operates or owns an ambulance service.
- (f) Attendant means a trained and qualified individual, including but not limited to those defined in subdivision (k) of this Section, who is responsible for the care of a patient.
- (g) Basic Life Support or BLS mean 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.
- (h) Board of Supervisors means the Orange County Board of Supervisors.
- (i) County means the County of Orange, State of California.

(j) Dispatcher means an individual employed by an ambulance service operator responsible for sending an ambulance to provide ambulance services to a patient.

(k) Driver means an attendant who drives an ambulance.

(l) Emergency means a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.

(m) Emergency medical services means the services utilized in responding to a medical emergency.

(n) Emergency Medical Services Authority or EMSA mean the California Emergency Medical Services Agency.

(o) Emergency Medical Services Plan means the most recent OCEMS emergency medical services system plan submitted to EMSA under Health and Safety Code section 1797.250.

(p) Exclusive Operating Area or EOA mean the geographical area within the jurisdiction of OCEMS or a subarea defined by the emergency medical services plan for which OCEMS, upon the recommendation of the County, restricts operations to one or more emergency ambulance services or providers of Limited Advanced Life Support or Advanced Life Support.

(q) Health Care Agency or HCA mean the Orange County Health Care Agency.

(r) Licensee means an ambulance service operator that has been granted a license under this Division to provide ambulance services.

(s) Limited Advanced Life Support means special service designed to provide prehospital emergency medical care limited to techniques and procedures that exceed basic life support but are less advanced than life support.

(t) Medical Control means the medical management of the emergency medical services system.

(u) Medical Director means the Medical Director of OCEMS designated by the County to provide medical control and assure medical accountability throughout the planning, implementation, and evaluation of the local emergency medical services system.

(v) Orange County Emergency Medical Services or OCEMS mean Orange County Health Care Agency Emergency Medical Services, which has been designated by the County as the agency having primary responsibility for administration of emergency medical services in the County.

(w) Paramedic means an individual whose scope of practice to provide Advanced Life Support is according to standards prescribed in and has a valid certificate issued pursuant to Division 2.5 of the California Health and Safety Code.

(x) Patient means a wounded, injured, sick, invalid, or otherwise incapacitated individual.

(y) Person means an individual, firm, corporation, partnership, limited liability entity, association, or other group or combination thereof acting as a unit.

(z) Physician means a medical doctor or osteopath holding the appropriate valid license or certificate to practice as such within the State of California pursuant to the Business and Professions Code.

(aa) Public safety agency means any public law enforcement agency, fire protection agency, lifeguard/marine safety agency, or forest ranger agency operating in the County.

(bb) Specialty Care Transport means services provided by registered nurses, physicians, and respiratory therapists who have training and experience in the care and transport of critically ill patients.

Sec. 4-9-3. License Required.

(a) A license issued by the County in the name of the applicant is required to operate an ambulance service in any geographic area within the County. Operating or providing ambulance service without a valid County-issued license within the geographic area of the County is a violation of this Division. Each ambulance transport of a patient without a valid license constitutes a separate violation of this Division. A license issued under this Division does not preclude a city's ability to require an ambulance service operator to have a business license to operate within the city.

(b) A license shall be valid for a period of not more than 365 days, unless earlier suspended, revoked, surrendered, or terminated.

(c) The provisions of this Section shall not apply to:

(1) Ambulance services operated by a public safety agency within Orange County.

(2) Ambulance services operated at the request of a public safety agency during any "state of war emergency," "state of emergency" or "local emergency," as defined in the California Government Code.

(3) Ambulance services transporting a patient from a location outside of Orange County, regardless of destination.

(4) Ambulance services transporting a patient by a fixed-wing airplane.

Sec. 4-9-4. Transfer of License.

(a) A license issued under this Division is not transferrable. The occurrence of any of the following shall render a license void:

(1) Any change in the name or business structure of a licensee, including but not limited to changes from or to:

- (A) A sole proprietorship;
- (B) A partnership, including any change in the membership of the partners;
- (C) A corporation, whether by operation of law or otherwise; and,
- (D) A Limited Liability Company, including any change in the managing member(s) thereof.

(2) Bankruptcy, an assignment for the benefit of creditors, or the appointment of a receiver.

(3) A sale or transfer of over ten (10) percent of the assets of a licensee.

(4) A sale or transfer of over ten (10) percent of the ownership of a licensee.

(5) An assignment of a license.

(b) A licensee may apply to the Medical Director for an amendment to the terms of the license. An application for an amended license shall be processed in the same manner as described in subdivisions (a) through (c) of Section 4-9-5.

Sec. 4-9-5. Applications.

(a) Each application for a license under this Division shall be accompanied by an application fee, if any, set by the Board of Supervisors, and be made upon forms prescribed by the Medical Director.

(b) Each applicant shall submit the following:

- (1) The applicant's name and the address of its principal place of business;
- (2) Where the applicant is a firm, corporation, partnership, association, or other group or combination thereof acting as a unit, the identities of the members and/or owners of the applicant;
- (3) The applicant's training and experience in the transportation and care of patients;
- (4) The names under which the applicant has engaged, does, or proposes to engage in ambulance services;
- (5) A description of each ambulance to be used under the license, including the make, model, year of manufacture, vehicle identification number, current state license number, the length of time the vehicle has been in use, and the color scheme, insignia, name,

monogram and other distinguishing characteristics of the vehicle, a description of the applicant's program for maintenance of the vehicle, and a description of the vehicle's radio(s);

(6) Evidence that the applicant has obtained all licenses and permits required by State or local law or regulation for the type of ambulance service proposed, excluding only a license to provide the service for which application is made;

(7) Evidence that the applicant possesses and maintains a currently valid "Emergency Ambulance Non-Transferable License" (CHP Form #360.A and a "Special Vehicle Identification Certificate" (CHP Form #301) or an "Ambulance Inspection Report" (CHP Form #299) for each ambulance listed in the application;

(8) A description of the applicant's training and orientation programs for attendants, drivers and dispatchers;

(9) Evidence of such financial responsibility and insurance coverage as may be required by the Medical Director pursuant to OCEMS regulations adopted in accordance with this Division;

(10) Identification of the geographical area to be served by the applicant, if required by OCEMS;

(11) A list of all substations or offices where equipment and personnel are, or will be based, including hours of operation;

(12) A description of whether the service proposed by the applicant will include Basic Life Support, Advanced Life Support, or Specialty Care Transport services, and, if so:

(A) The number of Basic Life Support, Advanced Life Support, and/or Specialty Care Transport service units to be licensed;

(B) The geographical area to receive Basic Life Support, Advanced Life Support, Limited Advanced Life Support, or Specialty Care Transport services; and

(C) The provisions, if any, for continuing education of attendants;

(13) Such other information as the Medical Director may require in regulations adopted pursuant to this Division.

(c) Applications for an amendment to a license as specified in subdivision (b) of Section 4-9-4 and new applications shall require each principal of the applicant to have Live Scan fingerprint clearance through any applicable law enforcement agency indicating the applicant has undergone a criminal background check and has no denial, suspension, or revocation of a California Highway Patrol license pursuant to California Vehicle Code Section 2540 et seq. or is not listed on any federal or state program exclusions list.

(d) Renewal applications shall be submitted on or before October 31 of each calendar year in the same form as new applications under this Section. Unless otherwise ordered by the

Medical Director, the requirements of subdivision (c) of this Section shall not apply to renewal applications.

Sec. 4-9-6. Investigations.

Upon receipt of a completed application and any required fee, the Medical Director shall make, or cause to be made, such investigation as he or she deems necessary to determine whether:

(a) The applicant is a responsible and proper person to conduct, operate, or engage in the provision of ambulance service;

(b) The applicant meets the requirements of this Division and of other applicable laws, ordinances, or regulations.

Sec. 4-9-7. Issuance or Denial of Ambulance Service License.

(a) The Medical Director shall issue a license to an applicant if the Medical Director, after completing any investigation required pursuant to this Division, determines all requirements of this Division have been met and any required license fee has been paid.

(b) The Medical Director shall deny the application for an ambulance service license if he or she finds any of the following:

(1) the applicant failed to meet the requirements of any provision of this Division;

(2) the applicant made any omission of fact, or made any false or misleading statement, in the application;

(3) the applicant or any of the individuals identified in the application as required under subdivision (b)(2) of Section 4-9-5 have committed any of the acts delineated in Section 480 of the California Business and Professions Code, but subject to the limitations of such denial as specified in said statute. In determining the effect of any criminal acts on the issuance or denial of a license, the Medical Director shall consider whether the criminal acts are related to ambulance service and shall evaluate the rehabilitation of the persons involved. The Medical Director shall not consider crimes of which the applicant is, or was, accused but not convicted.

(4) the carrying on of the business as described in the application will be detrimental to the public health, safety, or welfare.

(5) the issuance of an ambulance service license to the applicant would be inconsistent with the emergency medical services plan.

(c) In the event of denial, the applicant shall be informed in writing of the reasons therefore.

(d) The applicant may appeal the denial of its application as provided in Section 5-2-19.

Sec. 4-9-8. Indemnification and Insurance Provisions.

(a) Each licensee shall purchase and maintain, at the licensee's expense, insurance, under the requirements of OCEMS regulations adopted pursuant to this Division.

(b) Each licensee shall submit to OCEMS the Certificates of Insurance, including all endorsements required therein, necessary to satisfy the insurance requirements of this section.

Sec. 4-9-9. Suspension or Revocation of an Ambulance Service License.

(a) The Medical Director may suspend or revoke an ambulance service license for failure by the licensee to comply with any applicable provision, standard, or requirement of the following: State law or regulation; this Division; or, any regulations promulgated under this Division. Suspension of a license is not a condition precedent to revocation of a license.

(b) The Medical Director shall give a licensee written notice of the proposed suspension or revocation of an ambulance service license. Said notice shall:

- (1) Specify the reasons for which the action is to be taken;
- (2) Set a hearing for not more than fifteen (15) days and not less than seven (7) days after the date of the notice;
- (3) Specify the date, time, and place of a hearing on the proposed suspension or revocation; and
- (4) Be served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5(b)(1) or, if any, to its designated agent for service of such notices.

(c) At the hearing on the proposed suspension or revocation of an ambulance service license, the Medical Director has the burden of proof that the licensee has failed to comply with any applicable provision, standard, or requirement as detailed in subdivision (a) of this Section. Proposed suspension and revocation hearings conducted pursuant to this Section shall be conducted before a hearing officer designated by HCA. At the conclusion of said hearing, the hearing officer shall expeditiously prepare a written summary of the evidence and proposed findings and conclusions for consideration by the HCA Director. The HCA Director shall issue a written decision within thirty (30) calendar days after conclusion of the hearing. The decision of the HCA Director is final.

(d) The Medical Director may temporarily suspend an ambulance service license where such action is necessary to protect the public health, safety, or welfare. The temporary suspension under this subdivision shall be effective upon order of the Medical Director and shall remain in effect until proceedings under subdivisions (a) through (c) of this Section have concluded. The temporary suspension order shall be supported by written preliminary findings

served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5 or, if any, to its designated agent for service of such notices. The licensee may request a hearing on the temporary suspension to be held within two (2) business days of the licensee's request for a hearing. The licensee's request for a hearing shall not stay the temporary suspension. At the hearing, the Medical Director has the burden of proof that the temporary suspension is necessary to protect public health, safety, or welfare. The hearing officer, who shall be designated by HCA, may sustain, modify, or vacate the temporary suspension order. The hearing officer's decision on the temporary suspension order shall not preclude the Medical Director from proceeding under subdivisions (a) through (c) of this Section.

(e) A hearing is not required if a licensee surrenders its license or fails to renew its license before its expiration. In such cases, the licensee shall no longer be considered a licensed ambulance operator in Orange County.

Sec. 4-9-10. Notification.

The licensee shall notify the Medical Director 60 days in advance of any change in ownership or management of the licensee. The Medical Director shall also be notified in advance of any planned or known interruption of service of more than twenty-four (24) hours duration, or any substantial change in staffing or equipment. For unexpected interruptions in service, staffing or equipment, the Medical Director shall be contacted as soon as possible following the interruption in service.

Sec. 4-9-11. Personnel Standards.

(a) A licensee shall only employ personnel performing tasks described in this Division who comply with the requirements of this Section and as specified in OCEMS regulations adopted under this Division.

(b) Ambulance drivers shall maintain and appropriate driver's license issued by the California Department of Motor Vehicles. Pilots of air ambulance services licensed by the County shall meet the applicable Federal Aviation Administration requirements to operate an air ambulance.

(c) Each ambulance attendant shall possess the following:

- (1) a valid Emergency Medical Technician certificate or a valid paramedic license, and
- (2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(d) An air ambulance attendant shall possess the following:

- (1) a valid license or certification as appropriate for the level of care provided to patients.
- (2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(e) An individual employed as an ambulance attendant or as an air ambulance attendant who possesses a valid license by the State of California to serve as a physician or as a registered nurse shall not be required to maintain an Emergency Medical Technician certificate or paramedic license. The Medical Director may make regulations governing physicians and registered nurses when serving as ambulance attendants.

(f) Applications for OCEMS accreditation shall be considered by the Medical Director under OCEMS regulations adopted pursuant to this Division. Applications for OCEMS accreditation shall be in a form required by the Medical Director and shall be accompanied by the established fee.

(g) Each licensee shall have at least one (1) dispatcher on duty on a twenty-four (24) hour-per-day basis. Licensees shall adequately train dispatchers on radio operation and protocols related to the emergency response area(s) served before said dispatcher begins dispatching emergency calls. For purposes of this subdivision, “adequate” training of a dispatcher shall be that which meets OCEMS standards and State requirements.

Sec. 4-9-12. Rates.

No licensee operating emergency ambulance services in a County-administered EOA under the emergency medical services plan shall charge more than the maximum rates approved by the Board of Supervisors.

Sec. 4-9-13. Emergency Ambulance Transportation.

(a) Except as provided in subdivision (b) of this Section, emergency ambulance services in a County-administered EOA may only be provided by the licensed ambulance service operator that has an existing contract with the County to provide such service. The County shall use a competitive process consistent with the emergency medical services plan in awarding contracts to licensees for emergency ambulance services in County-administered EOAs.

(b) A licensee may provide ambulance services in response to an emergency where expressly requested for response to that specific emergency by OCEMS, a physician, a public safety agency, or the ambulance service operator identified in subdivision (a) of this Section. County licensure is not required for mutual aid responses by out-of-county ambulance service operators where the services are requested by OCEMS or a public safety agency. Any ambulance service operator receiving a request for emergency ambulance services from other than a public safety agency, physician, OCEMS, or the primary emergency ambulance services contractor of the respective EOA shall immediately notify OCEMS and the public safety agency designated by regulation of the request.

(c) No ambulance service operator dispatched to an emergency shall transport a patient unless:

(1) A public safety agency is present at the location of the patient or authorizes transport via dispatch; or

(2) A physician is present at the location of the patient and directs transportation in the absence of a public safety agency; or

(3) Permitted by OCEMS rules and regulations.

Sec. 4-9-14. Rules and Regulations.

(a) The Medical Director shall make such OCEMS rules and regulations as may be necessary to implement this Division. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.

(b) The Medical Director or his or her designee(s) may inspect the records, facilities, transportation units, equipment, and method of operating of each licensee whenever necessary.

Sec. 4-9-15. Complaints.

Any person who believes, or has reason to believe, that it or another party has been required to pay an excessive charge for services, received inadequate services, or services provided were not in compliance with the provision of this Division, may file a written complaint with OCEMS setting forth such allegations. OCEMS shall investigate the complaint and take appropriate action consistent with this Division.

Sec. 4-9-16. Variance.

The Medical Director may grant variances from the terms of this Division if he or she finds such action is necessary to protect the public health, safety, or welfare. Such variances may include the issuance of a temporary license. No variance shall exceed one hundred and eighty (180) days in duration.

Sec. 4-9-17. Severance.

If any section, paragraph, sentence, clause, phrase or portion of this Division is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this Division irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the article be enforced.

Sec. 4-9-1. - Intent and ~~purpose~~-Purpose.

It is the intent of this ~~division~~Division to establish ~~general operating procedures and standards~~minimum requirements for ~~medical~~ambulance transportation services operating within the ~~unincorporated areas~~geographical boundaries of the County in ~~both emergency and other situations,~~order to provide a fair and impartial means of ~~allowing~~licensing responsible private ambulance operators ~~to provide such services in the public interest~~ and to provide a ~~means~~mechanism for the ~~designation~~creation of ~~emergency response areas~~. ~~This division is intended to be used as Exclusive Operating Areas based on a model~~competitive process for ~~adoption by cities within the County~~selecting providers and determining the scope of their operations.

Sec. 4-9-2. - Definitions.

For purposes of this ~~division~~Division, the following terms are defined:

~~(a) Advanced life support service and basic life support service mean the same as defined in the California Health and Safety Code.~~

~~(a) (b) Ambulance means a motor vehicle, helicopter, or similar vehicle, specifically~~Advanced Life Support or ALS mean 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 emergency medical services 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.

~~(b) Air ambulance means any aircraft specially constructed, modified, or equipped, or arranged and operated~~used for the purpose of~~primary purposes of responding to emergency calls and transporting critically ill or injured patients requiring immediate or ongoing~~whose medical services excluding flight crew has at a minimum two (2) attendants certified or licensed in Advanced Life Support.

~~(c) Ambulance means any vehicle specially constructed, modified, or equipped, and used for the transportation~~purpose of such~~transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons to or from locations not providing services as defined in this division.~~

~~(d) (e) Ambulance service means the activity, business or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance; provided, however, ambulance service shall not include the transportation by ambulance by an employer of his or her own employees in an ambulance owned and operated by the employer solely for this purpose or air ambulance.~~

~~(e)~~ ~~(d)~~ — Ambulance service operator means any person who operates or owns an ambulance service.

~~(f)~~ ~~(e)~~ — Attendant means a trained, and qualified individual, including but not limited to those defined in subdivision (k) of this Section, who, regardless of whether he or she also serves as driver, is responsible for the care of patients~~a patient~~.

~~(g)~~ ~~(f)~~ — Basic Life Support or BLS mean 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.

~~(h)~~ — Board of Supervisors means the Orange County Board of Supervisors.

~~(i)~~ — County means the County of Orange, State of California.

~~(g)~~ — Department means the Emergency Medical Services Agency of the County of Orange or the Health Care Agency of the County of Orange, or as otherwise designated by the Board of Supervisors.

~~(j)~~ ~~(h)~~ — Dispatcher means an individual employed by an ambulance service operator responsible for sending an ambulance to provide ambulance ~~services~~services to a patient.

~~(k)~~ ~~(i)~~ — Driver means an attendant who drives ~~or pilots~~ an ambulance.

~~(l)~~ ~~(j)~~ — Emergency means a ~~sudden, unforeseen event giving rise to a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.~~

~~(m)~~ — Emergency medical services means the services utilized in responding to a medical emergency.

~~(n)~~ — Emergency Medical Services Authority or EMSA mean the California Emergency Medical Services Agency.

~~(o)~~ — Emergency Medical Services Plan means the most recent OCEMS emergency medical services system plan submitted to EMSA under Health and Safety Code section 1797.250.

~~(p)~~ — Exclusive Operating Area or EOA mean the geographical area within the jurisdiction of OCEMS or a subarea defined by the emergency medical services plan for which OCEMS, upon the recommendation of the County, restricts operations to one or more emergency ~~ambulance service with~~services or providers of Limited Advanced Life Support or Advanced Life Support.

~~(q)~~ — Health Care Agency or HCA mean the Orange County Health Care Agency.

~~(r)~~ — Licensee means an ambulance service operator that has been granted a license under this Division to provide ambulance services.

(s) Limited Advanced Life Support means special service designed to provide prehospital emergency medical care limited to techniques and procedures that exceed basic or advanced life support services but are less advanced than life support.

~~(k) Emergency response area means a geographical location specified by the Fire Chief within which emergency service may be provided under a license.~~

~~(l) Emergency service means ambulance service performed in response to an emergency.~~

(t) (m) Fire Chief means the Director of Fire Medical Control means the medical management of the emergency medical services system.

(u) Medical Director means the Medical Director of OCEMS designated by the County to provide medical control and assure medical accountability throughout the planning, implementation, and evaluation of the local emergency medical services system.

Orange County Emergency Medical Services for the County of Orange.

~~(n) Health Officer means the OCEMS mean Orange County Health Officer or other official designated by the Board of Supervisors of Orange County to perform the Health Officer's functions under this division.~~

(v) (o) Licensee means an ambulance service operator Care Agency Emergency Medical Services, which has been granted a license under this division to provide ambulance service designated by the County as the agency having primary responsibility for administration of emergency medical services in the County.

~~(p) Medical services means services provided by health care professionals licensed pursuant to the California Business and Professions Code or as specified by regulations adopted pursuant to this division.~~

(w) (q) Paramedic means the same as defined in an individual whose scope of practice to provide Advanced Life Support is according to standards prescribed in and has a valid certificate issued pursuant to Division 2.5 of the California Health and Safety Code.

(x) (r) Patient means a wounded, injured, sick, invalid, or otherwise incapacitated person. individual.

(y) (s) Person means anyan individual, firm, corporation, partnership, limited liability entity, association, or other group or combination thereof acting as a unit.

(z) (t) Physician means a medical doctor or osteopath holding the appropriate valid license or certificate to practice as such within the State of California pursuant to the Business and Professions Code.

(aa) (u) Public safety agency means any public law enforcement agency, fire protection agency, lifeguard/marine safety agency, or forest ranger agency operating in the County.

(bb) Specialty Care Transport means services provided by registered nurses, physicians, and respiratory therapists who have training and experience in the care and transport of critically ill patients.

Sec. 4-9-3. - License Required.

(a) A license issued by the County in the name of the applicant is required, to operate an ambulance service in any geographic area within the County. Operating or providing ambulance service without a valid County-issued license within the geographic area of the County is a violation of this Division. Each ambulance transport of a patient without a valid license constitutes a separate violation of this Division. A license issued under this Division does not preclude a city's ability to require an ambulance service operator to have a business license to operate within the city.

~~(a) Itb) A license shall be unlawfulvalid for any person to be an ambulance service operator, or to act in such a capacity either directly or indirectly, without possessiona period of a license issued pursuant to this division.~~

~~A license may specify the specific geographical area within the County in which it is valid; provided, however, with respect to emergency response areas, reference to the emergency response area by a specific number or similar identification shall be sufficient description of geographic limitation. A license shall be valid for not more than one calendar year or the expiration of the calendar year in which it was issued, whichever is shorter365 days, unless earlier suspended, revoked, surrendered, or terminated.~~

(bc) The provisions of this ~~division~~Section shall not apply to:

(1) AmbulancesAmbulance services operated by a public safety agency within Orange County.

(2) Ambulance services operated at the request of a public safety agency during any ~~"state of war emergency," "state of emergency," or "local emergency,"~~ as defined in the California Government Code.

(23) Ambulance ~~services~~services transporting a patient from a location outside of Orange County, regardless of destination.

(34) Ambulance ~~services~~services transporting a patient by a fixed-wing airplane.

Sec. 4-9-4. - Transfer ~~and term~~ of ~~license.~~ License.

~~No(a) A license issued pursuant tounder this division can be transferred by operation of law or otherwise.Division is not transferrable. The occurrence of any of the following shall be considered transfers for purposes of this section: render a license void:~~

(a1) Any change in the name or business structure of a licensee, including, but not limited to, changes from or to:

(4A) A sole proprietorship;

(2B) A partnership, including any change in the membership of the partners;~~and~~

(3C) A corporation, ~~including any change in the shareholders,~~ whether by operation of law or otherwise; ~~and,~~

~~(B) A Limited Liability Company, including any change in the~~
managing member(s) thereof.

(2) Bankruptcy, an assignment for the benefit of creditors, or the appointment of a receiver.

~~(e3)~~ A sale or transfer of over ten (10) percent of the assets of a licensee.

(4) A sale or transfer of over ten (10) percent of the ownership of a licensee.

(5) An assignment of a license.

(b) A licensee may apply to the ~~Health Officer~~Medical Director for an amendment to the terms of the license, ~~which request. An application for an amended license~~ shall be processed in the same manner as ~~an original application. Notwithstanding anything in this section to the contrary, licenses may be suspended, revoked, or terminated prior to the expiration date, pursuant to the provisions of this division.~~described in subdivisions (a) through (c) of Section

~~See~~ 4-9-5.

Sec. 4-9-5. Applications.

(a) Each application for a license under this Division shall be accompanied by an application fee, if any, set by the Board of Supervisors, and be made upon forms prescribed by the ~~Health Officer.~~Medical Director.

(b) Each applicant shall submit the following:

(1) The ~~names~~applicant's name and ~~addresses~~the address of its principal place of business;

(2) Where the applicant(s) and the owner(s) of is a firm, corporation, partnership, association, or other group or combination thereof acting as a unit, the ambulance(s) and identities of the business and any interest therein members and/or owners of the applicant;

~~(2)~~(3) The ~~applicant's~~applicant's training and experience in the transportation and care of patients;

~~(34)~~ The names under which the applicant has engaged, does, or proposes to engage in ambulance ~~services~~services;

~~(45)~~ A description of each ambulance to be used under the license, including the make, model, year of manufacture, vehicle identification number, current state license

number, the length of time the vehicle has been in use, and the color scheme, insignia, name, monogram and other distinguishing characteristics of the vehicle, a description of the company's/applicant's program for maintenance of the vehicle, and a description of the vehicle's/vehicle's radio(s);

(5) ~~Proof~~(6) Evidence that the applicant has obtained all licenses and permits required by State or local law or regulation for the type of ambulance service proposed, excluding only a license to provide the service for which application is made;

~~(6) The names and qualifications of each attendant, driver, or dispatcher employed, or to be employed, in providing ambulance service;~~

(7) ~~Proof~~Evidence that the applicant possesses and maintains a currently valid ~~California Highway Patrol inspection reports~~"Emergency Ambulance Non-Transferable License" (CHP Form #360.A and a "Special Vehicle Identification Certificate" (CHP Form #301) or an "Ambulance Inspection Report" (CHP Form #299) for each ~~vehicle~~ambulance listed in the application;

(8) A description of the company's/applicant's training and orientation programs for attendants, drivers and dispatchers;

(9) Evidence of such financial responsibility and insurance coverage as may be required by the ~~Health Officer~~Medical Director pursuant to OCEMS regulations adopted in accordance with this ~~division;~~Division;

(10) Identification of the geographical area to be served by the applicant, if required by ~~the department~~OCEMS;

~~(11) As to new applications or transfers as specified in section 4-9-4, a fingerprint receipt for each principal of the applicant, issued by the Orange County Sheriff-Coroner indicating each principal of the applicant has undergone a complete criminal history check, followed by a report from the Orange County Sheriff-Coroner showing no conviction of crimes which would be violations of the provisions of division 4-9-7 (d)(2), (3), (4), (5), (6) or (7);~~

~~(12)~~ (11) A list of all substations or offices where equipment and personnel are, or will be based, including hours of operation; ~~and~~

~~(13)~~ (12) A description of whether the service proposed by the applicant will include ~~basic life support~~Basic Life Support, Advanced Life Support, or Specialty Care Transport services ~~or advanced life support service~~, and, if so:

(i) (A) The number of ~~basic life support service or advanced life support~~Basic Life Support, Advanced Life Support, and/or Specialty Care Transport service units to be ~~deployed on each shift~~licensed;

(ii) (B) The ~~emergency response~~geographical area(s) to receive ~~basic life support service~~Basic Life Support, Advanced Life Support, Limited Advanced Life Support, or advanced life support serviceSpecialty Care Transport services; and

~~(iiiC)~~ The provisions, if any, for continuing education of attendants;

(1413) Such other information as the ~~Health Officer~~Medical Director may require in regulations adopted pursuant to this ~~division~~Division.

~~(c)~~ Applications for an amendment to a license as specified in subdivision (b) of Section 4-9-4 and new applications shall require each principal of the applicant to have Live Scan fingerprint clearance through any applicable law enforcement agency indicating the applicant has undergone a criminal background check and has no denial, suspension, or revocation of a California Highway Patrol license pursuant to California Vehicle Code Section 2540 et seq. or is not listed on any federal or state program exclusions list.

(d) Renewal applications shall be submitted on or before October 31 of each calendar year in the same form ~~and require the same materials, as original applications except the requirement of 4-9-5(a)(11).~~as new applications under this Section. Unless otherwise ordered by the Medical Director, the requirements of subdivision (c) of this Section shall not apply to renewal applications.

Sec. 4-9-6. - Investigations.

Upon receipt of a completed application and ~~the any~~ required fee, ~~if any,~~ the ~~Health Officer~~Medical Director shall make, or cause to be made, such investigation as ~~the Health Officer~~he or she deems necessary to determine ~~if: whether:~~

(a) The applicant is a responsible and proper person to conduct, operate, or engage in the provision of ambulance ~~service~~service;

(b) The applicant meets the requirements of this ~~division~~Division and of other applicable laws, ordinances, or regulations.

Sec. 4-9-7. - Issuance or ~~denial of license.~~ Denial of Ambulance Service License.

~~(a)~~ (a) The ~~Health Officer~~Medical Director shall issue a license to an applicant if the ~~Health Officer~~Medical Director, after completing any investigation required pursuant to this ~~division~~Division, determines all requirements of this ~~division~~Division have been met and ~~the any~~ required license fee, ~~if any, set by the Board of Supervisors,~~ has been paid.

~~(b)~~ (b) ~~In~~The Medical Director shall deny the ~~event~~ application for an ambulance service license if he or she finds ~~any~~ of ~~denial,~~ the following:

~~(1)~~ the applicant ~~shall be informed in writing of the reasons therefor.~~

~~(c)~~ The licensee shall obtain and keep in force during the term of a license, comprehensive automobile liability insurance and professional liability insurance issued by a company authorized to do business in the State of California, acceptable to the Health Officer, insuring the owner against loss by reason of injury or damage that may result to persons or property from negligent operation or defective construction of such ambulance, or from violation of this ~~division or any other law of the State of California, or the United States.~~ Said comprehensive

~~automobile liability policy shall be in the sum of not less than \$500,000 for combined single limit, bodily injury and property damage. Said professional liability insurance shall be in the sum of not less than \$1,000,000 per person and \$1,000,000 annual aggregate. Workers' compensation insurance shall be carried covering all employees of the license holder. Before the Health Officer shall issue a license, copies of the policies, or certificates evidencing such policies, shall be filed with the Health Officer. All policies shall contain a provision requiring a thirty (30) day notice to be given to the Department prior to cancellation, modification, or reduction in limits. The amount of comprehensive automobile insurance shall be subject to review and adjustment by the Health Officer pursuant to regulations adopted under this division. In the use of helicopters the equivalent insurance requirements shall apply.~~

~~(d) Grounds for denial of a license application shall be:~~

~~(1) Failure~~failed to meet the requirements of any ~~provisions~~provision of this ~~division~~Division;

~~(2) Violation by any principal of an~~the applicant made any omission of fact, or made any false or misleading statement, in the application;

~~(3) the applicant or any of Penal Code~~the individuals identified in the application as required under subdivision (b)(2) of Section 290;

~~(3) Habitual or excessive use~~4-9-5 have committed any of ~~narcotics or dangerous drugs;~~

~~(4) Conviction during the preceding seven (7) years~~acts delineated in Section 480 of any crime relating to the use, sale, possession or transportation of narcotics, additives or dangerous drugs;

~~(5) Habitual or excessive use of intoxicating beverages;~~

~~(6) Conviction during the preceding seven (7) years of any crime punishable as a felony in the State of California;~~

~~(7) Conviction of any crime involving moral turpitude, including fraud or intentional dishonesty for personal gain.~~

~~(e) Business and Professions Code, but subject to the limitations of such denial as specified in said statute. In determining the effect of any criminal acts on the issuance or denial of a license, the Health Officer~~Medical Director shall consider whether the criminal acts are related to ~~the activities of an~~ ambulance service and shall evaluate the rehabilitation of the persons involved. The ~~Health Officer~~Medical Director shall not consider crimes of which the applicant is, or was, accused but not convicted.

~~(4) the carrying on of the business as described in the application will be detrimental to the public health, safety, or welfare.~~

~~(5) the issuance of an ambulance service license to the applicant would be inconsistent with the emergency medical services plan.~~

~~(c) In the event of denial, the applicant shall be informed in writing of the reasons therefore.~~

(d) The applicant may appeal the denial of its application as provided in Section 5-2-19.

Sec. 4-9-8. ~~-License suspension or revocation.~~ Indemnification and Insurance Provisions.

(a) Each licensee shall purchase and maintain, at the licensee's expense, insurance, under the requirements of OCEMS regulations adopted pursuant to this Division.

(b) Each licensee shall submit to OCEMS the Certificates of Insurance, including all endorsements required therein, necessary to satisfy the insurance requirements of this section.

Sec. 4-9-9. Suspension or Revocation of an Ambulance Service License.

(a) The ~~Health Officer~~Medical Director may suspend or revoke an ambulance service license for failure by the licensee to comply, ~~and maintain compliance with, or for violation of,~~ any applicable ~~provisions, standards~~provision, standard, or ~~requirements~~requirement of the following: State law or regulation, ~~of this division~~Division; or ~~of~~ any regulations promulgated ~~hereunder~~under this Division. Suspension of a license is not a condition precedent to revocation of a license.

(b) ~~(b) Before suspension or revocation, the Health Officer~~The Medical Director shall give a licensee written notice ~~to the licensee of the proposed suspension or revocation of an ambulance service license.~~ Said notice shall:

(1) Specify the reasons for which the action is to be taken;

(2) Set a hearing for not more than fifteen (15) days ~~not~~and not less than seven (7) days after the date of the notice;

(3) Specify the date, time, and place of ~~the~~a hearing on the proposed suspension or revocation; and

(4) Be served on the licensee either by delivery to ~~its principal place~~the address identified in subdivision (b)(1) of ~~business or~~Section 4-9-5(b)(1) or, if any, to its designated agent for service of such notices, ~~if any~~.

~~(c) If the licensee, subsequent to service of a suspension or revocation notice under this Section, remedies some or all of the conditions to which the notice refers, the Health Officer may rescind a~~At the hearing on the proposed suspension or revocation ~~at any time.~~

~~(d) At the hearing, the Health Officer of an ambulance service license, the Medical Director 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 licensee.~~

~~(e) The Health Officer may reduce the period of time for hearing under that the licensee has failed to comply with any applicable provision, standard, or requirement as detailed in subdivision (a) of this Section. Proposed suspension or and revocation notice to no less than twenty-four (24) hours when the Health Officer 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 license is suspended or revoked, the licensee may request an additional hearing at which the licensee will have the burden of establishing renewed compliance justifying reinstatement of the license. Such additional hearing will be commenced within five (5) days of the licensee's request. The request for, and the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.~~

~~(c) (f) — Hearings~~hearings conducted pursuant to this ~~section~~Section shall be conducted before a hearing officer designated by ~~the Department~~HCA. At the conclusion of said hearing, the hearing officer shall expeditiously prepare a written summary of the evidence and proposed findings and conclusions for consideration by the ~~Health Care Agency Director. HCA Director.~~ The HCA Director shall issue a written decision within thirty (30) calendar days after conclusion of the hearing. The decision of the HCA Director is final.

~~(d) The Medical Director may temporarily suspend an ambulance service license where such action is necessary to protect the public health, safety, or welfare. The temporary suspension under this subdivision shall be effective upon order of the Medical Director and shall remain in effect until proceedings under subdivisions (a) through (c) of this Section have concluded. The temporary suspension order shall be supported by written preliminary findings served on the licensee either by delivery to the address identified in subdivision (b)(1) of Section 4-9-5 or, if any, to its designated agent for service of such notices. The licensee may request a hearing on the temporary suspension to be held within two (2) business days of the licensee's request for a hearing. The licensee's request for a hearing shall not stay the temporary suspension. At the hearing, the Medical Director has the burden of proof that the temporary suspension is necessary to protect public health, safety, or welfare. The hearing officer, who shall be designated by HCA, may sustain, modify, or vacate the temporary suspension order. The hearing officer's decision on the temporary suspension order shall not preclude the Medical Director from proceeding under subdivisions (a) through (c) of this Section.~~

~~(e) A hearing is not required if a licensee surrenders its license or fails to renew its license before its expiration. In such cases, the licensee shall no longer be considered a licensed ambulance operator in Orange County.~~

~~Sec. 4-9-(g) — The Health Care Agency Director shall issue a written decision within thirty (30) days after conclusion of the hearing.~~

~~Sec. 4-9-9. — Appeal to Board of Supervisors.~~

~~In the event of denial, suspension, or revocation of a license, the applicant or licensee shall have the right to request a hearing before the Board of Supervisors, which hearing shall be requested and conducted in the manner specified in section 5-2-19 of the Codified Ordinances of Orange County.~~

~~Sec. 4-9-10. - Notification.~~

~~The licensee shall notify the Health Officer within twenty-four (24) hours after~~Medical Director 60 days in advance of any change in ownership or management of the licensee, ~~or any.~~ The Medical Director shall also be notified in advance of any planned or known interruption of service of more than twenty-four (24) hours duration, or any substantial change in staffing or

equipment. ~~For purposes of this section, the term "substantial change" shall be as defined by regulation adopted pursuant to this division.~~ For unexpected interruptions in service, staffing or equipment, the Medical Director shall be contacted as soon as possible following the interruption in service.

~~Sec. 4-9~~ Sec. 4-9-11. - Personnel Standards.

~~(a)~~ (a)—A licensee shall only employ personnel performing tasks described in this ~~division~~ Division who comply with the requirements of this ~~section~~ Section and as specified in OCEMS regulations adopted under this Division.

~~(b)~~ (b)—Attendants shall be at least eighteen (18) years of age and trained and competent in the proper use of all equipment, and shall hold current "EMT 1A" certification in compliance with all State laws, rules and regulations. Additionally, each attendant shall hold a license from the Health Officer indicating compliance with this section. Applications for such licenses shall be in a form required by the Health Officer and shall be accompanied by the fee, if any, established therefor. All applicants for licenses as an attendant shall be subject to the same criminal history review as required for principals of ambulance companies pursuant to this division no less than once every four years. Certificates may be denied, suspended, or revoked in the same form and fashion as that specified for ambulance service licensees in this division. Licenses shall be valid for two years from the date of issuance or certification as an Emergency Medical Technician 1A, whichever is less. Renewal of a license shall be in the same fashion as issuance of a new license.

~~(b)~~ (e)—Ambulance drivers shall maintain and appropriate driver's license issued by the California Department of Motor Vehicles. Pilots of air ambulance services licensed by the County shall meet the applicable Federal Aviation Administration requirements to operate an air ambulance.

(c) Each ambulance attendant shall possess the following:

(1) a valid Emergency Medical Technician certificate or a valid paramedic license, and

(2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(d) An air ambulance attendant shall possess the following:

(1) a valid license or certification as appropriate for the level of care provided to patients.

(2) an accreditation with OCEMS as identified in subdivision (f) of this Section.

(e) An individual employed as an ambulance attendant or as an air ambulance attendant who possesses a valid license by the State of California to serve as a physician or as a registered nurse shall not be required to maintain an Emergency Medical Technician certificate or paramedic license. The Medical Director may make regulations governing physicians and registered nurses when serving as ambulance attendants.

(f) Applications for OCEMS accreditation shall be considered by the Medical Director under OCEMS regulations adopted pursuant to this Division. Applications for OCEMS accreditation shall be in a form required by the Medical Director and shall be accompanied by the established fee.

(g) Each licensee shall have at least one (1) dispatcher. ~~Emergency ambulance service licensees shall have a dispatcher on duty~~ on a twenty-four (24) hour-per-day basis ~~and~~. Licensees shall adequately train ~~the dispatcher to dispatchers on~~ radio operation and protocols ~~and~~ related to the emergency response area(s) served before said dispatcher begins dispatching emergency calls. For purposes of this ~~section, "subdivision, "adequate"~~ training of a dispatcher shall be that which meets ~~State~~ OCEMS standards, ~~if any, or County and State~~ requirements.

~~(d) Ambulance drivers shall, in addition to the requirements of this division for attendants, maintain an appropriate license issued by the California Department of Motor Vehicles and, if applicable, the Federal Aviation Administration.~~

Sec. 4-9-12. - Rates.

No licensee operating emergency ambulance services in a County-administered EOA under the emergency medical services plan shall charge more than ~~those~~ the maximum rates approved by the Board of Supervisors ~~for emergency ambulance services.~~

Sec. 4-9-13. ~~-Usage~~ Emergency Ambulance Transportation.

(a) Except as provided in subdivision (b) of this Section, emergency ambulance services in a County-administered EOA may only be provided by the licensed ambulance service licensee operator that has an existing contract with the County to provide such service. The County shall use a competitive process consistent with the emergency medical services plan in awarding contracts to licensees for emergency ambulance services in County-administered EOAs.

~~(a) The County shall contract with licensees on a competitive basis for provision of ambulance service in response to emergencies in each emergency response area. Said contracts shall provide for one primary contractor per emergency response area, with such other back up service by other emergency ambulance service providers as deemed necessary by the County. In awarding these contracts, the County shall consider the comparative value of competing proposals in the same fashion as would be the case were the County evaluating proposals from prospective service providers for other County activities, including consideration of:~~

- ~~(1) The quality of service to be provided;~~
- ~~(2) The level of service to be provided;~~
- ~~(3) The rates charged for services to be provided; and~~
- ~~(4) The cost, if any, to the County.~~

~~(b) The Fire Chief shall administer the contracts for ambulance service awarded by the Board of Supervisors under this section. The Fire Chief shall also prepare and keep current emergency~~

~~response area lists specifying contract providers for each area. The Fire Chief shall include on the list for each emergency response area the provider which has entered into an (b) ____ A licensee may provide ambulance services in response to an emergency where expressly requested for response to that specific emergency by OCEMS, a physician, a public safety agency, or the ambulance service agreement with the operator identified in subdivision (a) of this Section. County as the primary contractor as well as the emergency licensure is not required for mutual aid responses by out-of-county ambulance service provider(s) who will provide back-up emergency ambulance service for that area.~~

~~(c) In the event no proposals acceptable to the County under the provisions of this section operators where the services are received for one or more emergency response areas, the County shall designate one requested by OCEMS or more licensees in that emergency response area to provide emergency ambulance services. From the date of such designation until a regular emergency ambulance service agreement is signed for the affected area(s), provision of emergency ambulance service shall be an express condition of the license and unreasonable or unjustified refusal of such calls shall be a violation of this division.~~

~~(d) No person shall provide ambulance service in response to, or as a result of, an emergency, unless that person is a licensee specified in each instance by a physician or public safety agency. A licensee thus specified by a physician need not be a contractor selected pursuant to this section a public safety agency. Any ambulance service operator receiving a request for emergency ambulance services services from other than a public safety agency, physician, OCEMS, or the primary emergency ambulance services contractor of the respective EOA shall immediately, by telephone, notify a OCEMS and the public safety agency designated by regulation of the request.~~

~~No licensee responding(c) No ambulance service operator dispatched to an emergency shall transport a patient unless:~~

~~(1) (1) A paramedic public safety agency is present at the location of the patient or authorizes transport via dispatch; or~~

~~(2) (2) A physician is present at the location of the patient and directs transportation in the absence of a paramedic public safety agency; or~~

~~(3) A safety qualified employee of the Orange County Fire Department, or an appropriate employee of a public safety agency designated by regulation directs transportation in the absence of a paramedic.~~

~~Unless otherwise directed by a physician present at the location of the patient, a licensee shall transport a patient pursuant to regulations adopted under section 4-9-14.~~

~~Sec. 4-9-14. Rules and regulations.~~

~~(3) (a) As to all sections of this division except section 4-9-13, the Health Officer Permitted by OCEMS rules and regulations.~~

Sec. 4-9-14. Rules and Regulations.

(a) The Medical Director shall make such OCEMS rules and regulations ~~and~~ as may be necessary to implement this ~~division~~Division. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.

~~(b) As to section 4-9-13, the Fire Chief shall make such rules and regulations and as may be necessary to implement this division. Prior to adoption, the Fire Chief's rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.~~

~~(b) (e) The Health Officer~~Director or ~~the Fire Chief~~his or ~~their~~her designee(s) may inspect the records, facilities, transportation units, equipment, and method of ~~operation~~operating of each licensee whenever necessary ~~and, by the Health Officer, at least annually.~~

Sec. 4-9-15. - Complaints.

~~The department, any user, subscriber, public safety agency or consumer~~Any person who believes, or has reason to believe, that ~~he~~it or another party has been required to pay an excessive charge for services, received inadequate services, or services provided were not in compliance with the provision of this ~~division~~Division, may file a written complaint with ~~the Department~~OCEMS setting forth such allegations. ~~The Department~~OCEMS shall ~~notify the ambulance service operator of such~~investigate the complaint. ~~The ambulance service operator shall file a written response within fifteen (15) calendar days after receipt of notification and take appropriate action consistent with this Division.~~

Sec. 4-9-16. - Variance.

~~As to all but section 4-9-13, the Health Officer~~The Medical Director may grant variances from the terms of this ~~division~~Division if he or she finds such action is necessary to protect the public health, safety, or welfare. ~~As to section 4-9-13, the Fire Chief may grant variances from the terms of this division if he finds such action is necessary to protect the public health, safety or welfare. As to the Health Officer, such~~Such variances may include the issuance of a temporary license. No variance shall exceed one hundred and eighty (180) days in duration.

Sec. 4-9-17. ~~- Violation.~~ Severance.

~~Violation of any provision of this division by an ambulance service operator shall be a misdemeanor.~~

If any section, paragraph, sentence, clause, phrase or portion of this Division is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this Division irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the article be enforced.