

**AN ORDINANCE REGULATING EMERGENCY MEDICAL SERVICE AND
GRANTING OF FRANCHISES TO AMBULANCE OPERATORS IN FRANKLIN
COUNTY (REVISED)**

This is a Revised Ordinance governing the granting of franchises for ambulance services and other pre-hospital emergency medical services. The County of Franklin Board of Commissioners does hereby revise that Ordinance previously adopted on April 1, 1996, and now ordains as follows:

Section I. Definitions

Unless the context otherwise requires, the following definitions shall apply in the interpretation and enforcement of this ordinance:

1.1 Ambulance

The term Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specifically designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways or airways of this State of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

1.2 Medical Responder

The term Medical Responder means an individual who has completed a training program in emergency medical care and first aid approved by the North Carolina Department of Health and Human Services and has been credentialed as a medical responder by the Department of Health and Human Services, Office of Emergency Medical Services.

1.3 Emergency Medical Technician (EMT-I, EMT-P)

The term Emergency Medical Technician means an individual who has completed a training program in emergency medical care at least equal to the National Standard Training Program for Emergency Medical Technicians as defined by the United State Department of Transportation and has been credentialed as an Emergency Medical Technician by the State of North Carolina, Office of Emergency Medical Services.

1.4 Ambulance Provider

The term Ambulance Provider means an individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.

1.5 Approved

The term Approve shall mean approved by the North Carolina Medical Care Commission pursuant to the latter rules and regulations promulgated under NC General Statutes 143B-165.

1.6 Secondary Ambulance Provider

The term Secondary Ambulance Provider shall mean the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

1.7 Committee

The term Committee shall mean the Franklin County Emergency Medical Services Advisory Committee.

1.8 County

The term County shall mean the County of Franklin Board of Commissioners or their designated representative.

1.9 Telecommunicator

The term Telecommunicator shall mean a person who is available at all times to receive requests for emergency services, to dispatch emergency services and to advise local law enforcement agencies, fire departments and emergency medical facilities of any existing or threatened emergency.

1.10 Emergency

The term emergency and emergency transportation service shall mean the use of an ambulance, its equipment and personnel to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation, physiological or psychological illness or injury.

1.11 Franchise

The term Franchise shall mean a permit issued by the county to a person for the operation of an ambulance service, rescue or first responder unit.

1.12 Franchisee

The term Franchisee shall mean any person having been issued a franchise by the county for the operation of an ambulance service, rescue squad or privately owned ambulance service.

1.13 License

The term License shall mean any drivers license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.

1.14 Non-Emergency Transportation Services

The term Non-emergency transportation services shall mean the operation of an ambulance for any purpose other than transporting emergency patients.

1.15 Operator

Operator shall mean a person in actual physical control of an ambulance which is in motion or which has the engine running.

1.16 Owner

The term Owner shall mean any person or entity that owns an ambulance.

1.17 Patient

The term patient means an individual who is sick, injured, wounded or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility or transportation by any other means may be detrimental to their well being.

1.18 Person

The term Person shall mean any individual, firm, partnership, association, corporation, company, group or organization of any kind, including any governmental agency other than the United States.

1.19 Rescue

The term Rescue shall mean situations where the victim cannot escape an area through the normal exit or under his own power.

Section II. Franchise Required

2.1 No person either as owner, agent or otherwise shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or non-emergency transportation of patients within the County of Franklin unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Health and Human Services, Office of Emergency Medical Services and has been granted a franchise for the operation of such business or service by the county pursuant to this Ordinance.

2.2 No person shall drive an ambulance, attend a patient in one or permit one to be operated when transporting a patient within the County of Franklin unless he or she holds a currently valid credential as a medical responder, emergency medical technician, EMT-Intermediate or EMT-Paramedic issued by the North Carolina Department of Health and Human Services, Office of Emergency Medical Services.

1.3 No person either as owner, agent or otherwise shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service or providing rescue services unless they have been granted a franchise for the operation of such business or service by the county pursuant to this ordinance.

1.4 No franchise shall be required for:

(a) Any entity operated from a location or headquarters outside of the County of Franklin in order to transport patients who are picked up beyond the limits of the County of Franklin and brought to facilities located within the County of Franklin or picked up within the County and taken to locations outside of the County; but no such entity shall be used to pick up patients within the County of Franklin for transporting to locations within the County of Franklin unless it is only rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the services franchised by the County of Franklin are insufficient, and

(b) Ambulances owned and operated by an agency of the United States Government.

Section III. Application for Ambulance Franchise

3.1 Application for a franchise to operate ambulances in the County of Franklin shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain:

(a) The name and address of the ambulance provider and of the owner of the ambulance (s).

- (b) The trade or other assumed name, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of corporation stating such name.
- (c) A resume of the training and experience of the applicant in the transportation and care of patients.
- (d) A full description of the type and level of service to be provided including the location of the place or places from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched. An audited financial statement of the applicant as the same pertains to the operations in the County of Franklin, said financial statement to be such form and in such detail as may be required by the County.
- (e) A list of radio frequencies the applicant is authorized to operate on and a copy the FCC license (s) in the name of the person providing the service.
- (f) A description of the applicants capability to provide twenty-four hour coverage seven days per week for the district covered by the franchise applied for and an accurate estimate of the minimum and maximum times for a response to calls within such district.
- (g) Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the County of Franklin in accordance with the requirements of state laws and the provisions of this regulation. (Require privately owned services to maintain and provide a monthly log of transports to include: date/time transport was scheduled, enroute time, arrival time, departure time, arrival facility and in service).

Section IV. Granting of Franchise

4.1 Prior to accepting applications for the operation of an ambulance service, the Board of Commissioners may designate specific service areas as franchise districts. Said districts will be established using criteria that may include geographic size, road access, and the location of existing medical transportation services, population, and response time. The County shall have the authority to redistrict or rearrange existing districts at any time at their discretion and any existing franchise awarded will become subject to any newly created or revised districts as set by the Board of Commissioners.

4.2 A franchise may be granted if the County finds that:

- a. The applicant meets state standards and standards outlined in the franchise ordinance, and
- b. The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees to render service, and
- c. A need exists for the proposed service in order to improve the level of ambulance services available to residents of the county and that this is a reasonable and cost effective manner of meeting the need.

Section V. Term of Franchise

- 5.1 The County may issue a franchise hereunder to an ambulance provider, to be valid for a term of five years with recertification; each five year term thereafter upon a finding of compliance, provided however that either party, as its option, may terminate the franchise without cause upon 60 days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.
- 5.2 Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service, rescue squad unit shall immediately cease operations and no care shall be rendered by the personnel associated with the ambulance service, or rescue squad
- 5.3 Upon suspension of a medical responders credentials or in the absence of such credentials, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance.
- 5.4 Each franchised ambulance service shall comply at all times with the requirements of this Ordinance and all applicable state and local laws relating to health, sanitation, safety equipment, ambulance design and all other laws and ordinances.
- 5.5 Prior approval of the County shall be required for change in ownership or control of any franchised service after the date of the franchise issuance. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the County shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the County.

- 5.6 Any change of ownership of a franchised ambulance service without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchising.
- 5.7 Any change in the level of service offered of a franchised ambulance service, or rescue squad without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchising.
- 5.8 No franchise may be sold, assigned, mortgaged, or otherwise transferred without the approval of the County, and a finding of conformance with all requirements of this Ordinance as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the State, the County, or their designated representatives.
- 5.9 The franchise certificate shall be posted in a readily visible location at the Franklin County offices or headquarters for the franchise service.
- 5.10 A franchise certificate may not be defaced, removed or obliterated.
- 5.11 Any franchise must maintain a headquarters or base of operations within Franklin County.

Section VI. Standards for Personnel

- 6.1 Standards for EMS Personnel are to be complied with as dictated under North Carolina laws, rules and regulations governing EMS Personnel, including, but not limited to, Article 7, Chapter 131E-158 and Article 56, Chapter 143. All such laws, rules and regulations are herein incorporated by reference and mandated.
- 6.2 All personnel of Emergency Medical Service providers shall be approved by the Emergency Medical Services Director prior to providing medical care and each submission for approval shall be accompanied by the submission of a drivers license , criminal records history and letter of review/approval by the Franklin County Medical Director.

Section VII. Standards for vehicles and equipment

- 7.1 Vehicle and equipment standards as developed by the North Carolina Medical Care Commission pursuant to Article 7, Chapter 131E-157 and Article 56, Chapter 143 of the General Statutes of North Carolina, shall be applied and adhered to and the same are incorporated herein by reference.

Section VIII. Standards for communications

- 8.1 Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the County to the hospital emergency department in the County.
- 8.2 Each ambulance vehicle shall be equipped with two-way radio communications capabilities for communications with all hospital emergency departments to which transportation of patients is made on a regular or routine basis anywhere in the state.
- 8.3 Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the County in which the ambulance dispatching agency within the County.
- 8.4 Each ambulance provider shall maintain current authorizations or Federal Communication Commission licenses for all frequencies and radio Transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per Federal Communication Commission Rules and Regulations.
- 8.5 Each base of operations must have at least one open telephone line. The telephone numbers must be registered with each law enforcement agency and communications center in the County of Franklin.
- 8.6 Each emergency ambulance shall be dispatched from the County Dispatch Center.

Section IX. Insurance

- 9.1 No ambulance franchise shall be issued under this Ordinance, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the County of Franklin unless the franchisee has at all times in force and effect either insurance coverage, issued by an insurance company licensed to do

business in the State of North Carolina, or a bond with personal corporate surety for each and every ambulance owned and or operated by or for the ambulance service providing for the payment of damages:

- (a) In the minimum sum of \$500,000 for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the owner or his agency was driving the ambulance.

- (b) In the minimum sum of \$100,000 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State or as approved by the County of Franklin.

Section X. Records

10.1 Each franchisee shall maintain the following records:

- (a) Record of Dispatch. Shall show time call was dispatched, time ambulance arrived at place of pick up, time ambulance left place of pick up, time ambulance arrived at destination, time ambulance left place of destination and time ambulance returned to base.

- (b) Trip Record. Shall state all information required in Section (a) in addition to information specified to be completed on a form approved by the County. The trip record shall be so designed as to provide the patient with a copy thereof containing all information entered.

- (c) Personnel Checklist and Inspection Report. Shall list contents and description of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.

- (d) All of the above reports shall be maintained for a minimum three (3) year period unless a longer retention period is otherwise required by other retention rules.

Section XI. Rates and Charges

- 11.1 Each franchisee shall submit a schedule of rates to the County for approval and shall not charge more or less than the approved rates without specific approval by the County.
- 11.2 No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.
- 1.1 On non-emergency calls, or calls where a person requires transportation to a non-emergency facility, attempts to collect payment may be made before the ambulance begins its trip.

Section XII. Inspections

- 1.1 The County may inspect a franchisees records, premises, and equipment at any time in order to insure compliance with this Ordinance and any franchise granted hereunder.

Section XIII. Enforcement

- 1.1 The Franklin County Office of Emergency Medical Services shall be the enforcing agency for the regulations contained in the Ordinance. Such office will:
 - (a) Receive all franchise proposals from potential providers.
 - (b) Review each proposal with the County Manager for conformance to this Ordinance and conduct an investigation as it may deem necessary to be made of the applicant and their proposed operation.
 - (c) With the approval/disapproval of the County Emergency Medical Services Advisory Committee, recommend to the Board of Commissioners the approval/disapproval of the franchise application.
 - (d) Provide the applicant with an opportunity to be heard by the Emergency Medical Services Advisory Committee.

- (e) Inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this ordinance and perform any other inspections that may be required.
- (f) With the approval of the Advisory Committee, recommend to the Board of Commissioners the temporary or permanent suspension of a franchise with or without sanctions in the event of non-compliance with the franchise terms of this Ordinance.
- (g) Ensure by cooperative agreement with other ambulance service providers the continued service in the circumstance of an ambulance service franchise being suspended.
- (h) Data Sheet. To be submitted by the franchisee as requested by the advisory committee or the Director of Franklin County Emergency Medical Services including required data points to Premis.
- (i) Receive complaints from the public, other enforcing agencies, and or other ambulance service providers regarding franchise infractions and review the complaints with the Advisory Committee. With the approval of the advisory committee, require corrective action.
- (j) Monitor the success of the programs within the purview of the franchised operations and with the approval of the Advisory Committee, recommend improvements to the programs which will ensure better medical care and transportation.
- (k) Maintain all records required by the Ordinance and other applicable County regulations.
- (l) Perform such of the above functions as may be requested by any municipality within the County of Franklin.
- (m) Serve as staff to the Franklin County Emergency Medical Services Advisory Committee on all matters that pertain to the Committee.

Section XIV. Inspections

- 1.1 The County may inspect a franchisees records, premises, and equipment at any time in order to insure compliance with this Ordinance and any franchise granted hereunder.

Section XV. County Emergency Medical Services Advisory Committee

The County Emergency Medical Services Advisory Committee having previously been formed and organized operates pursuant to this Ordinance as herein outlined:

The membership of the Franklin County Emergency Medical Services Advisory Committee shall be appointed by the Board of County Commissioners.

The Committee shall have the responsibility and duty of advising the Emergency Services Director on matters relating to the enforcement of this Ordinance and shall develop and recommend for approval by the Board of County Commissioners such standards of care, policies, procedures, and actions which will maintain and improve the quality of emergency medical services for the residents of Franklin County.

Membership on the Committee shall consist of:

- (a) An appointee of the Administrator of Franklin Regional Medical Center.
- (b) A Physician nominated by the Franklin County Medical Director.
- (c) The Franklin County Medical Director.
- (d) The County Communications Center Supervisor.
- (e) Representative from County Government as appointed by the Board of County Commissioners.
- (f) A named appointee from each franchise provider of ambulance service within Franklin County.
- (g) An Emergency Room Nurse nominated by the Administrator of Franklin Regional Medical Centers Administrator.
- (h) An Educator nominated by the Board of County Commissioners.
- (i) The Franklin County Director of Emergency Medical Services.

- (j) The seven public citizen members as appointed by the Board upon a recommendation of a member by each Commissioner with the terms of said appointees being coterminous with the recommending Commissioner.

All members of the Committee shall have full and equal voting rights on matters to be considered by the Committee with the exception of:

- (a) Representatives from the franchised providers shall have no voting privileges when the Committee considers matters relating to the granting of franchises and/or reviewing complaints from the public and investigations regarding franchised services. Representatives from franchised services shall have full and equal voting rights on all other matters not excluded by this provision.
- (b) Eight (8) members of the Advisory Committee shall constitute a quorum, with the exception that five (5) members constitute a quorum when voting on issues as referenced in 14.4-b above.
- (c) A minimum of a simple majority of the quorum voting in the affirmative shall be necessary to pass a motion.

Duties of the Advisory Committee

The Advisory Committee shall be a technical committee to provide guidance and make recommendations to the Board of Commissioners of Franklin County. The Advisory Committee shall develop and recommend for approval by the Board of Commissioners such standards of care, policies, procedures and actions which will maintain and improve the quality of Emergency Medical Services including pre-hospital care provided by volunteer rescue/EMS squads, county EMS service and privately owned ambulance services for the residents of Franklin County. The Advisory Committee is to plan, develop and implement said medical care in coordination with the regional and statewide system.

- (b) The goal of the Advisory Committee shall be to assure the provisions of a high level of quality care and service to persons in need of emergency medical services, non-emergency medical services and pre-hospital care in Franklin County.

The objectives of the Advisory Committee are:

- a. To undertake studies and analysis directed toward improving pre-hospital care, emergency medical services and non-emergency medical services within the County.
- b. To establish policies and priorities for emergency medical services, non-emergency medical services and pre hospital care.
- c. To review and comment on local applications and proposals for implementing or expanding emergency, non-emergency or pre-hospital care programs throughout the County.
- d. To develop emergency, non-emergency and pre-hospital care plans for Franklin County which will be coordinated with the regional and statewide plan.
- e. To carry on any other activity coming within the purpose of this ordinance.

1.1 A member of the Advisory Committee may be removed for the following reasons:
Absence from three (3) consecutive meetings.

Upon receipt, by the Board of County Commissioners, of a letter of resignation from the Committee member.

- c. Upon a vote of the Board of Commissioners for removal of a member.
- d. Upon removal, the appointing authority may appoint the new replacement to the Emergency Medical Services Advisory Council.

1.2 Officers.

- a. The Offices of Chairperson and Vice-Chairperson shall be elected for a one (1) year term. This election shall take place during the regular monthly meeting in April of each year.
- b. Candidates for all offices should be nominated by a nominating committee, a group of three members by the Chairman prior to the March meeting. Nominations will be made at the March meeting. Additional nominations will be received from the floor at the March Meeting.
- c. Any officer may be removed either with or without cause by a two-thirds majority vote of all members, by voting at a regular or special meeting of the Committee. Should a vacancy occur in any office as a result of death, resignation, removal, disqualification, or any other cause, the full Committee membership may delegate the powers and duties of such office to any officer or to any member until such a time as a successor for said office has been elected.

- d. The Advisory Committee shall appoint the Recording Secretary who may or may not be a member. The Recording Secretary shall keep the minutes of all the proceedings; keep records of attendance, resolutions and votes; and notify the membership, news media and the public of the meetings.
- e. Standing and special committees may be created by the Chairperson as needed. Members on all committees shall be appointed by the Chairperson. Such committee shall function as follows:
 - Persons not members of the Advisory Committee may serve on committees.
 - One-half of the members of a committee shall constitute a quorum for the transaction of business.
- f. The members of the Advisory Committee shall serve as such without compensation unless otherwise provided for by the Board of County Commissioners. However, from time to time, members may be reimbursed for such expenses they may incur in connection with their duties.
- g. The Franklin County Emergency Medical Services Training Officer shall serve as staff support to the Advisory Committee.

1.3 Duties

- a.1. The Chairperson shall preside over all meetings and shall decide all matters of order and procedures subject to these bylaws, unless otherwise directed by a majority of the Advisory Committee present at a meeting.
- a.2. The Vice Chairperson shall serve as acting chairperson in the absence of the Chairperson and shall have the same powers and duties as the Chairperson when presiding.

1.4 Meetings.

- a. The Advisory Committee shall hold quarterly meetings at a place and time it designates.
 - b. Special meetings may be called by the Chairperson or by three members of the Advisory Committee acting in concert. The business of a special meeting shall be limited to the purpose for which it is called. Adequate notice shall be given for all special meetings.
- Notice of all meetings shall be mailed/faxed/e-mailed to each Advisory Committee member so that he/she receives said notice not less than five (5) days before the meeting. Notice of all meetings shall state in brief the purpose thereof. Meetings may be cancelled by like notice.

Section XVI. Effective Date

This Ordinance shall become effective upon its adoption. Adopted this the ____ day of _____, 2007.

Attest:

Kristen King, Clerk

Chairman, Franklin County

Board of
Commissioners