ORDINANCE No._____

AN ORDINANCE relating to ambulances and transport with such vehicles as currently regulated by CCC 5.48A to be replaced by CCC 5.48B.

WHEREAS, the municipalities of Battle Ground, La Center, Ridgefield, and Woodland, (but excluding the City of Vancouver) (herein referred to as "Cities"), and Clark County (herein referred to as "County"), have adopted Resolutions supporting key EMS System Design Decisions including, but not limited to, Uniform EMS regulation and group purchasing of ambulance service for a single ambulance service provider which also serves Clark County EMS District No. 2 (herein referred to as "District"); and

WHEREAS, the City of Vancouver (hereinafter "Vancouver") separated from the District and, due to their economies of scale, will assume responsibility for administering the contract with the ambulance service provider; and

WHEREAS, it has been the recommendation and finding of the EMS Administrative Board and the Medical Program Director, based upon local and national research, that an exclusive ambulance services contract for both emergency and non-emergency ambulance transport was in the public interest and in the interest of consumers of such ambulance services; and

WHEREAS, Vancouver has chosen to administer an exclusive service contract for emergency ambulance transports only, and not restrict non-emergency ambulance services to a single provider within Vancouver and Clark County Fire District No. 5; and

WHEREAS, it continues to be the finding of the Cities, the County, the District, and by recommendation of the Clark County Medical Program Director, that a tiered ("emergency" vs.

"non-emergency") ambulance system is medically inferior and, therefore, inadequate to provide uniformly high-quality patient care; and

WHEREAS, the District (consisting of the Cities and the County) has negotiated and executed an interlocal agreement with Vancouver that authorizes and requires Vancouver to contract with a single ambulance provider for emergency and non-emergency ambulance service within the District.

WHEREAS, amendment of the emergency medical services ordinance is necessary to provide for this change in administration; and

WHEREAS, the Board has considered this ordinance at a duly-advertised public hearing and finds that adoption of this document will further the public health and safety; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COUNCILORS for the COUNTY OF CLARK, State of Washington, as follows:

Section 1. **New.** A new chapter, 5.48B, is hereby created as a part of the Clark County Code.

Section 2. **New.** A new section, 5.48B.010, is added to the Clark County Code to read as follows:

5.48B.010 Purpose.

It is the purpose of this chapter:

A. To adopt oversight and regulatory standards for the provision of ambulance and emergency medical services consistent with the terms of an ambulance contract negotiated by Vancouver.

B. To promote state-of-the-art clinical quality of EMS care with reasonable, reliable response-time standards, and with the goal of furnishing the best possible chance of survival, without disability or preventable complication, to each EMS patient consistent with the requirements of an ambulance contract negotiated by Vancouver.

C. To encourage methods for developing specific performance standards, adequate review and medical protocols for such services; and

D. To establish a uniform EMS ordinance which may be adopted by other general purpose governmental units which have chosen to take advantage of a uniform standard of care in recognition of the roles of the Vancouver/Clark County medical facilities and health care community as regional providers of primary, secondary and tertiary medical care.

Section 3. **New.** A new section, 5.48B.020, is added to the Clark County Code to read as follows:

5.48B.020 Definitions.

Unless a different meaning is plainly required by the context, words and phrases used in this chapter shall have the meanings attributed to them in RCW 18.73.030 or in this section; provided, that in case of any conflict, this chapter shall control.

"Ambulance patient" means any patient being transported in an ambulance, as defined in RCW 18.73.030.

"Ambulance service" means an agency licensed by the State of Washington to operate one or more ground ambulances, as defined by RCW 18.73.030.

"Ambulance service contract" means the contract entered into between Vancouver and the ambulance service contractor for exclusive market rights for emergency ambulance transports (9-1-1) throughout the regulated service area and non-9-1-1 or nonemergency services outside Vancouver. Contract responsibilities include, but are not limited to, providing all ground ambulance service originating within the contract service area, regardless of whether the patient's destination is within or outside Clark County, subject to the defenses defined in this chapter.

"Ambulance service contractor" means the entity which is under contract with Vancouver to provide ambulance services.

"Board" means the Clark County Board of Councilors.

"Cities" means the cities of Battle Ground, La Center, Ridgefield and Woodland, Washington, which have adopted the uniform EMS ordinance and entered into the EMS Interlocal Cooperation Agreement.

"County" means Clark County, Washington.

"District" means Clark County Emergency Medical Services District No. 2 established by ordinance pursuant to RCW 36.32.480.

"Emergency medical services" or "EMS" means medical treatment and care which may be rendered of any medical emergency, or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"EMS Interlocal Cooperation Agreement" means the agreement entered into between the Cities, Clark County, and the District pursuant to Chapter 39.34 RCW, in part to effectuate the enforcement of this chapter.

"Medical call-taker" or "emergency medical dispatcher" means a person in the employ of or acting under the control of a private or public agency who receives and responds to calls requesting emergency medical services and administers emergency medical dispatch protocols approved by the medical program director.

"Medical program director" or "director" means the medical program director for Clark County certified by the Secretary of the Department of Health, pursuant to Chapter 18.71 RCW.

"Medical protocol" means any diagnosis-specific or problem-oriented written statement of standard procedures promulgated pursuant to state or local law or regulation for pre-hospital care for a given clinical condition.

"On-line medical control physician" means a physician who gives direction to ambulance or other EMS personnel through direct voice contact or other communication media, as required by applicable medical protocols.

"Patient" means any person who is injured, sick, incapacitated, or otherwise found by the medical program director to require emergency medical services.

"Person" means an individual, partnership, company, association, corporation (governmental or private) or any other legal entity including any receiver, trustee, assignee or similar representative.

"Regulated service area" means the combined area of the unincorporated area of Clark County within EMS District No. 2, plus the corporate limits of the Cities and all other general purpose jurisdictions which have adopted the uniform EMS ordinance and entered into the EMS Interlocal Cooperation Agreement.

"Response time zones" means those geographic areas established in the Vancouver ambulance service contract.

"System standard of care" or "standard of care" means the combined compilation of all standards for out-of-hospital medical care including, but not limited to, emergency medical dispatching protocols; EMS patient care guidelines (i.e., first responders and ambulance providers); protocols for selecting destination hospitals; standards for certification of pre-hospital care personnel (i.e., medical call-takers, emergency medical responders, emergency medical technicians, paramedics and on-line medical control physicians); standards for permits (i.e., ambulances, first responder units, helicopter rescue units, and special-use mobile intensive care services); response-time standards; standards governing on-board medical equipment and supplies; and standards for licensure of ambulance services. The standard of care shall serve as both a regulatory and contractual standard of care and performance.

"Uniform EMS ordinance" or "ordinance" means the ordinance codified in this chapter and all substantially identical ordinances adopted by general purpose governmental jurisdictions which are also parties to the EMS Interlocal Cooperation Agreement.

"Vancouver" means the incorporated boundary of The City of Vancouver and Clark County Fire District #5.

Section 4. **New.** A new section, 5.48B.025, is added to the Clark County Code to read:

5.48B.025 Exclusive Ambulance Service Provider.

Only the exclusive ambulance service provider under contract with Clark County Emergency Services District No. 2 or the City of Vancouver (pursuant to interlocal agreement) may provide emergency or non-emergency ambulance service within the "regulated service area." Except as provided in Section 5.48B.190, no other person or entity shall provide such ambulance service within the regulated service area unless authorized by declaration of emergency or by a request for mutual Aid.

Section **6.** **New.** A new section, 5.48B.115, is added to the Clark County Code to read:

5.48B.115 Ambulance service license—Required.

Except as provided in Section 5.48A.190, no person shall provide ambulance services within the unincorporated area of the county of EMS District No. 2, plus the corporate limits of the Cities and all other general purpose jurisdictions which have adopted the uniform EMS ordinance and entered into the EMS Interlocal Cooperation Agreement, unless they possess a current license to provide ambulance service that has been issued by the State of Washington.

Section 12. **New.** A new section,

Section 13. **New.** A new section, 5.48B.180, is added to the Clark County Code to read:

5.48B.180 Prohibited Activities.

Except as provided in Section 5.48B.190 or by contract with Vancouver or Clark County EMS District No. 2, it shall be unlawful for any person, including any ambulance service, its agents or employees, to intentionally, knowingly, or recklessly:

(1) Make a false statement of a material fact, or omit disclosure of a material fact, in connection with any requirement of this chapter;

(2) Perform the services of or allow the performance of first responder, EMT or trainee activities by any first responder, EMT or trainee who suffers a suspension, revocation or termination of certification by the Department of Health;

(3) Solicit the performance of ambulance services or the transport of an ambulance patient by any person not licensed in the manner required by this chapter or by use of any vehicle or equipment for which an attestation has not been filed with the Clark County clerk;

(4) Perform the services of a first responder or EMT, unless in full conformity with state law, this chapter and the standard of care established hereunder;

(5) Provide private ambulance service within Clark County or Clark County EMS District No. 2, unless under contract to do so with Vancouver or Clark County EMS District No. 2 or is otherwise authorized by declaration of emergency or by a request for mutual aid;

(6) Fail or refuse to immediately advise CRESA of receipt of a request for emergency medical assistance;

(7) Falsify, deface or obliterate any license, certificate or permit required under this chapter;

(8) Transport an ambulance patient in any vehicle other than an ambulance, except as provided in RCW 18.73.170;

(9) Advertise on a vehicle a level of services not being provided by that particular vehicle. The level of service must be available any time that vehicle is available for service; provided, that this chapter shall not be construed to require level of service advertising on vehicles;

(10) Wear any badge or device similar to the badge traditionally worn by police or fire personnel while serving on or with an ambulance providing emergency medical transportation

within Clark County, unless such ambulance is owned or controlled by a public safety agency and the personnel are employees of the agency;

(11) Deny or delay emergency ambulance or other EMS service to any person on account of possible inability to pay, race, creed, religion, age, sex, national origin, physical or mental disability, place of residence, financial condition, presence or absence of medical insurance coverage; provided, that it shall not be a violation of this chapter for ambulance personnel to obtain at the time of service information required for effective billing, to comply with state or federal regulations pertaining to patient care and transport, or to comply with special benefit eligibility procedures established by medical insurers or medical service providers; or

(12) Charge for any service, equipment or supplies not provided to the patient.

Section 14. New. A new section, 5.48B.190, is added to the Clark County Code to read:

5.48B.190 Affirmative Defenses under this Chapter.

(1) Vehicles or aircraft, when being used to render temporary assistance in the case of a public catastrophe or emergency when licensed ambulances under contract with Vancouver or Clark County EMS District No. 2 are not available or cannot meet overwhelming demand;

(2) Vehicles or aircraft owned or controlled by the United States government, unless required to comply with state and local regulations by the United States government;

(3) Vehicles operated only on private property or within the confines of institutional grounds;

(4) Persons providing wholly volunteer emergency transportation or emergency medical services without compensation or the expectation of compensation on an unplanned and non-regular basis;

(5) Vehicles or aircraft responding at the request of an ambulance service provider licensed under this chapter, pursuant to a mutual aid agreement approved by the MPD;

(6) Persons or vehicles providing ambulance service for patient transports originating outside the regulated service area or nonstop patient transports through the regulated service area;

(7) Persons or vehicles providing non-911 ambulance service for inter-county patient transports originating inside the regulated service area and are in excess of forty (40) loaded miles.

Section 15. **New.** A new section, 5.48B.200, is added to the Clark County Code to read:

5.48B.200 Enforcement—Liability limitations.

Nothing in this chapter is intended to create a cause of action or claim against the Cities and/or Clark County or its officials, employees or agents running to specific individuals. Any duty created by this chapter is a general duty running in favor of the public. Nothing in this chapter shall be construed to make the Cities and/or Clark County liable for the costs of ambulance or EMS services.

Section 16. **New.** A new section, 5.48B.210, is added to the Clark County Code to read:

5.48B.210 —Misdemeanor when—Penalties.

Any of the following violations of this chapter, committed in the Regulated Service Area outside Vancouver, constitutes a misdemeanor punishable upon conviction by not more than ninety (90) days in jail and/or a fine not to exceed one thousand dollars ($1,000):

(1) Section 5.48B.180 (1), false statements;

(2) Section 5.48B.180 (2), performing or allowing performance while under suspension, revocation, or termination of Department of Health certification; or

(3) Section 5.48B.180 (3) and (4) providing services without complying with Washington state laws applicable to ambulances or personnel.

Section 17. **New.** A new section, 5.48B.220,is added to the Clark County Code to read:

5.48B.220 Violations—Civil.

(1) Civil Violations. Any other violation of this chapter shall be a civil violation. Each day a violation exists shall be deemed a separate violation.

(2) Notice of Civil Violation/Notice to Correct. Whenever Clark County has reasonable grounds to believe that a violation of this chapter not listed in Section 5.48B.210 has been committed or exists, Clark County is authorized to issue to the violator a notice of civil violation and/or order to correct notifying the violator of the facts and conclusions upon which the determination of violation is based; order the violation to be corrected within a reasonable period of time; notify the violator of the right to appeal of the notice and/or order pursuant to Section 5.48B.160; and/or assess civil penalties against any violator within any twelve (12) month period as follows:

First violation	$500
Second violation	$750
Third violation	$1000
Subsequent violations	$1,000 each

All penalties shall be paid to Clark County within thirty (30) days after service of the notice of civil violation. If penalties are unpaid between thirty-one (31) and sixty (60) days of service, an additional late penalty of one hundred (100) percent of the original penalty shall be assessed; and if unpaid between sixty-one (61) and ninety (90) days after service, an additional late penalty of two hundred (200) percent of the original penalty shall be assessed.

(3) Service of Notices. The notice of civil violation/order to correct shall be served upon the violator by personal service or by certified mail, postage prepaid, return receipt requested, to the violator at his or her last known address.

Section 18. New. A new section, 5.48B.230, is added to the Clark County Code to read:

5.48B.230 Civil violation—Notice, penalties and appeal process.

Persons to whom a notice of civil violation and/or order to correct has been issued may appeal the notice and/or order.

The notice of appeal shall be filed with Clark County within ten (10) working days following notice of Clark County's decision and shall state the facts and legal authority supporting the appeal.

Upon the filing of an appeal, the county board shall cause to have scheduled a hearing thereon before the hearing examiner appointed by the board within thirty (30) days, and provide at least five (5) days' notice of the hearing to the applicant or holder. The decision of Clark County shall be upheld unless the hearing examiner finds that the decision was arbitrary, capricious or contrary to law. The decision of the board or hearing examiner shall be final and conclusive unless review is sought in a court of competent jurisdiction within ten (10) days of the written decision.

Section 19. Repealer. Ordinance 1992-06-26, as most recently amended by Ordinance 2013-11-09 and codified as Chapter 5.48A, are each hereby repealed.

ADOPTED this _____ day of _____, 2015.

BOARD OF COUNCILORS
FOR CLARK COUNTY, WASHINGTON

Attest:

_____
Clerk to the Board

By:_____
David Madore, Chair

APPROVED AS TO FORM ONLY:
Anthony F. Golik
Prosecuting Attorney

By: _____
Jeanne E. Stewart, Councilor

_____
Christopher Horne, WSBA #12557

By: _____
Tom Mielke, Councilor

DRAFT