

CLARK COUNTY STAFF REPORT

DEPARTMENT: Clark Regional Emergency Services Agency – EMS Program

DATE: October 29, 2013

REQUEST: Approve Addendum to the Uniform EMS Ordinance

CHECK ONE: Consent CAO

BACKGROUND: There are three key legal instruments that furnish the regulatory and contractual foundation for Clark County EMS District #2's (District's) high-performance, multi-jurisdictional ambulance contract. These three instruments include the Interlocal Cooperation Agreement (Agreement), the Uniform EMS Ordinance (Ordinance) and the Ambulance Services Contract (Contract).

EMS Interlocal Cooperation Agreement makes possible the consolidated regulation and group purchasing of ambulance services within the Contract Service Area. The Agreement delegates the District, the County, Participating Jurisdictions, and the EMS Administrative Board certain regulatory powers and contract administrative responsibilities, thereby "pooling" the purchasing powers of the participating jurisdictions to secure clinically superior and more economically stable ambulance service.

Uniform EMS Ordinance, establishes the oversight and regulatory standards for the provision of ambulance and emergency medical services throughout the unincorporated area of Clark County and the participating cities.

On April 10, 2013, staff submitted the revisions to the Ordinance as part of the District's next ambulance procurement process for legal counsel's review. The key changes to the Ordinance include adding back ambulance service licensure; ambulance vehicle permits; and ambulance personnel certification provisions that were removed in 2003. These changes will ensure ambulance services operating in the county under federal exemption meet the minimum county regulations and system standard of care. Attached is an index of changes made to the Ordinance (Attachment 1)

On July 11, 2013, the EMS Administrative Board recommended the revisions to the Ordinance be approved by the Participating Jurisdictions. On July 22nd, CRESA staff requested the Participating Jurisdictions to approve, or request changes to these revisions by August 30, 2013. To date, no requested changes have been received.

The Ordinance requires approval by Clark County and the Cities of Battle Ground, LaCenter, Ridgefield, Woodland¹ (Participating Jurisdictions) prior to the release of the 2014 ambulance procurement documents.

Upon participating jurisdictions approval of the EMS District #2 Interlocal Cooperation Agreement and Uniform EMS Ordinance:

- 1) EMS District #2 will distribute multiple signature pages of the EMS Interlocal Agreement to participating jurisdictions for signature by the necessary officials;
- 2) An EMS District #2 workgroup along with representatives from the City of Vancouver will work on the joint ambulance RFP specifications (estimated date, Oct. 2013).
- 3) Release of the joint ambulance RFP (estimated date, Jan. 2014).

¹ On February 4, 2013, the City of Woodland requested the District explore the feasibility of joining the EMS Interlocal Agreement for uniform regulation of EMS and group purchasing of ambulance service. On March 6, 2013, it was mutually agreed to add Woodland as a participating jurisdiction starting with the 2014 ambulance contract.

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COMMUNITY OUTREACH: The Ordinance and Agreement are based on the 2014 EMS System Design Decisions recommended by the Participating Jurisdictions, the EMS Administrative Board and approved by the District on July 9, 2013. These Decisions involved specific workgroups composed of over seven committees and 30 individuals who provided over 770 hours of input over a two year period of time.

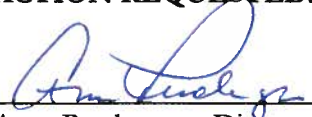
BUDGET AND POLICY IMPLICATIONS: Expenses related to the ambulance procurement process have been budgeted in the 2013/2014 CRESA EMS Program Budget. Part of the procurement process includes revision and approval of key EMS Interlocal Cooperation Agreement and Uniform EMS Ordinance to be approved by participating jurisdictions.

FISCAL IMPACTS

Yes (see attached form)

No

ACTION REQUESTED: Consider approval of the Uniform EMS Ordinance.



Anna Pendergrass, Director
Clark Regional Emergency Services Agency

Approved NOV. 26, 2013
CLARK COUNTY
BOARD OF COMMISSIONERS

- Attachments:**
- 1) Resolution # 2013-11-08
 - 2) Index of Changes to the Uniform EMS Ordinance
- Exhibits:**
- A) Addendum to the Uniform EMS Ordinance

BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF:

RESOLUTION # 2013-1108

AN ORDINANCE relating to ambulances; amending Sections .020, .030, .040, .050, .080, .090, .095, .100, .110, .120, .130, 140, .150, .160, .170, .180, .190, .195, .200, .210, .220, .230, .240, .250, .260, .270 of Ordinance 1995-04-04, codified in Chapter 5.48A CCC; providing that the revisions to the Chapter shall become effective on January 1, 2015; and providing for severability.

WHEREAS, as found by the Cities of Battle Ground, La Center, Ridgefield, and Woodland (herein referred to as "Cities"), and Clark County (herein referred to as "County"), in 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 EMS District #2 (herein referred to as "District"); and

WHEREAS, it is 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 is in the public interest and in the interest of consumers of such ambulance services; and

WHEREAS, it is the finding of Cities, County and District that the provision of efficient, timely, and professional emergency medical services is a matter of utmost public interest requiring that all public and private providers of pre-hospital emergency medical services be regulated; and

WHEREAS, based upon national and local research, and the recommendations of the Clark County Medical Program Director, it is the finding of the Cities, County and District that a tiered ("emergency" vs. "non-emergency") ambulance system is medically dangerous and, therefore, inadequate to provide uniformly high-quality patient care;

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners approve the revisions made to the EMS Ordinance (Exhibit A).

For Clark Board of County Commissioners

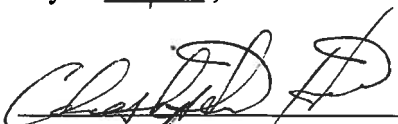


Steve Stuart, Chair (date) 11-26-13

ATTEST: 

COUNTY CLERK

APPROVED as to form and legality this day of 26, NOV, 2013.



Chris Horne, Chief Civil Deputy

2014 UNIFORM EMS ORDINANCE

INDEX OF CHANGES

The Index of Changes highlights those changes that are either housekeeping revisions to reflect the current system or proposed revisions.

Section	Changes	Page
<p><u>Section ##</u> Opening</p>	<ul style="list-style-type: none"> • Housekeeping – References to Uniform EMS Ordinances adopted by participating jurisdictions. Removed Vancouver and added the City of Woodland. • Housekeeping – Change the effective date based on 2014 ambulance contract commencement. 	1 & 2
<p><u>Section .020</u> Definitions:</p> <p>Ambulance Patient</p> <p>Ambulance Service</p> <p>Ambulance Service Contract</p> <p>Emergency Medical Services</p> <p>Regulated Service Area</p> <p>Response Time Zones</p> <p>System Standard of Care</p>	<ul style="list-style-type: none"> • Revision – Revised to match state RCW definition. • Revision – Revised to match state RCW definition. • Revision – Added definition to clarify exclusive ambulance service market rights (see .025) • Revision – Added definition to clarify scope of EMS and match state RCW • Revision – Added within EMS District #2 • Housekeeping – Reflects where response time zones are defined. • Housekeeping – “Out-of-hospital” better describes role of EMS as part of the healthcare system verses “prehospital” that limits patient destination to the hospital. Corrections made to match current scope of authority of MPD and county EMS regulation. 	3 3 3 4 6 6 6
<p><u>Section .030</u> <u>Regulatory</u> Administrator</p>	<ul style="list-style-type: none"> • Housekeeping – Added “Regulatory” administration to reflect same language in Interlocal were the County is the regulatory administrator and the District is the Contract Administrator. Added such activity carried out 	7

Section	Changes	Page
	by CRESA's EMS Program via Interlocal to reflect current Interlocal Agreement language.	
<p><u>Section .040</u> EMS Administrative Board Authority <u>Contact Administration</u></p>	<ul style="list-style-type: none"> • Revision – The revised title and added language better describes actual role of the EMS Administrative Board and EMS District #2 regarding ambulance contract administration. 	7
<p><u>Section .050</u> EMS Administrative Board Membership</p>	<ul style="list-style-type: none"> • Revision – Changes position #5 to a specific field of expertise (insurance) that's been historically represented on EMSAB and changes the appointing authority to the county as in the other four positions historically appointed by the county. 	8
<p><u>Section .080</u> Administrative Rules</p>	<ul style="list-style-type: none"> • Revision – Added language back into the ordinance (originally in 1992-06-26) to protect county from services operating in county under federal exemption. Also, such ambulance licensure and standards for staff, vehicles and permits is carried out by local jurisdictions¹. Previously this was delegated to the MPD whose responsibilities do not include licensing, vehicle permits and response time standards. • Revision – Additional requirements for B. Notification, C. Rule Adoption, and D. Effective Date added to reflect appropriate AR adoption process. 	9 - 11
<p><u>Section .0890</u> System Standard of Care –</p>	<ul style="list-style-type: none"> • Housekeeping – Ambulance licensure, EMS vehicle permits and response time monitoring 	

¹ RCW 36.01.095 states, "Any county may establish a system of emergency medical service as defined by RCW 18.73.030(10) . . ." RCW 18.73.030 (10) states "Emergency medical service" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities."

Counties that provide EMS administrative and regulatory services typically provide: 1) a process for ambulance service licensure; 2) inspection and permitting of ambulances; 3) certification requirements, continuing education and quality improvement (under the MPD's authority); and 4) investigation and assessment of fines for violation of EMS administrative rules such as licensure, vehicle permits, staffing and equipment requirements.

ATTACHMENT 2

Section	Changes	Page
Medical Program Director Duties	is not authorized for the MPD under state law. Such authority would be the county's as the regulatory administrator.	11 -12
<u>Section .0905</u> System Standard of Care - Upgrades	Revision – Language added to allow city fire departments and fire districts to be involved in decisions impacting cost in providing first response.	13
<u>Section .095</u> Administrative Rules	<ul style="list-style-type: none"> • Housekeeping – Moved to .080 	13
<u>Section .110</u> Exemptions to Chapter Provisions	<ul style="list-style-type: none"> • Housekeeping – Moved to .220 to show requirements before exemptions 	14 -15
<u>Sections .110 - .160</u> Ambulance Service License – Required; Issuance; Term; Denial, Suspension and Revocation: Conditions, Notice and Appeal	<ul style="list-style-type: none"> • Revision – These sections were removed in 2003 since this was delegated to the MPD which are not part of his state appointed duties or those within the county professional services contract. Surrounding counties have a county EMS (or equivalent) office that issue ambulance service licenses as a way of ensuring minimum standards of equipment, staffing and business licensure is met. It also provides added protection against an ambulance service trying to do business in the exclusive service area. Without such local licensure, a business can obtain a state license and operate anywhere within the state so long as it meets the minimum state requirements. (See Section .080) 	16 -19
<u>Section .170</u> Permits for Certain Vehicles	<ul style="list-style-type: none"> • Revision – This section was removed in 2003 since this was delegated to the MPD which are not part of his state appointed duties or those within the county professional services contract. Surrounding counties have a county EMS (or equivalent) office conduct vehicle inspections and issue permits as a way of 	19

ATTACHMENT 2

Section	Changes	Page
	ensuring minimum equipment standards are being met. Without such local oversight, permits are issued by the state on a self-inspection/application basis.	
<u>Section .180</u> Certification for Personnel	<ul style="list-style-type: none"> • Revision – This section was removed in 2003 and is part of the state and county responsibilities for the MPD. Will need to review with the MPD to verify appropriate process outlined here. 	19 -20
<u>Sections .190</u> Certifications and Permits - Conditions	<ul style="list-style-type: none"> • Revision – (See Sections .170 and .180) 	20
<u>Section .200</u> Certifications and Permits – Denial, Suspension, Revocation and Appeals	<ul style="list-style-type: none"> • Revision – (See Sections .170 and .180) 	20
<u>Section .14220</u> Exemptions to Chapter Provisions	<ul style="list-style-type: none"> • Housekeeping – Moved to from 110 to .220 to show requirements before exemptions 	23
<u>Section .240</u> Violation – Misdemeanor - Penalties	<ul style="list-style-type: none"> • Revision – Added back in language that was removed in 2003 that outlines specific misdemeanor violations. This was removed when civil violations were removed and all violations became a misdemeanor. 	24
<u>Section .250</u> Violation – Civil - Continuing	<ul style="list-style-type: none"> • Revision – This section was removed in 1995. Recommend adding civil violation provision in to allow for more than just a misdemeanor option. 	25-26
<u>Section .260</u> Civil Violation – Notice, Penalties and Appeal	<ul style="list-style-type: none"> • Revision – (See Section .250) 	26
<u>Section .270</u> Violation – Other Penalties	<ul style="list-style-type: none"> • Revision – (See Section .250) 	26

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

27 NOW, THEREFORE,

28 BE IT ORDEERED AND RESOLVED BY THE BOARD OF COMMISSIONERS
29 for the COUNTY OF CLARK, State of Washington, as follows:

30 **Section 1. Amendatory.** Sec. 2 of Ord. 1992-06-26 as most recently amended
31 by Ex. A of Res. 2003-04-23 and codified as 5.48A.020 are each amended to read:

32 **5.48A.020 Definitions.**

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

36
37 "Ambulance patient" means any patient being transported (~~(to or from a health care~~
38 ~~facility in a reclining position)) in an ambulance as defined in RCW 18.73.030.~~

39
40 "Ambulance service" means (~~(the transport of ambulance patients by any person to~~
41 ~~or from a health care facility or between health care facilities)) an agency licensed by the
42 state and county to operate one or more ground ambulance as defined by RCW
43 18.73.030.~~

44
45 "Ambulance service contract" means the contract entered into between Clark
46 County EMS District No. 2 (District) and Ambulance service contractor for exclusive
47 market rights (9-1-1 and non-9-1-1 or non-emergency) and responsibilities, for the
48 provision of all ground ambulance service originating within the Contract Service Area,
49 regardless of whether the patient's destination is within or outside the County, subject to
50 the exemptions defined in this ordinance.

51
52 "Ambulance service contractor" means the entity which is under contract with
53 Clark County EMS District No. 2 (District) to provide ambulance services.

54
55 "Board" means the Clark County board of commissioners.

56
57 "Cities" means the cities of Battle Ground, La Center, Ridgefield, and
58 (~~Vancouver~~) Woodland, Washington which have adopted the uniform EMS ordinance
59 and entered into the EMS interlocal cooperation agreement.

60
61 "County" means Clark County, Washington.

62

63 "CRESA" means the Clark regional emergency services agency.

64
65 "District" means Clark County Emergency Medical Services District No. 2
66 established by ordinance pursuant to RCW 36.32.480.

67
68 "Emergency Medical Services" or "EMS" means medical treatment and care which
69 may be rendered of any medical emergency, or while transporting any patient in an
70 ambulance to an appropriate medical facility, including ambulance transportation
71 between medical facilities.

72
73 "Emergency medical services administrative board," "EMS board," or "EMSAB"
74 means the board established pursuant to this chapter and the EMS interlocal cooperation
75 agreement to provide EMS administrative and financial oversight functions.

76
77 "EMS interlocal cooperation agreement" means the agreement entered into
78 between the cities, the county, and the district pursuant to Chapter RCW 39.34 in part to
79 effectuate the enforcement of this chapter.

80
81 "Loaded miles" means the ambulance transport of a patient from site of pick up to
82 destination.

83
84 "Medical call-taker" or "emergency medical dispatcher" means a person in the
85 employ of or acting under the control of a private or public agency who receives and
86 responds to calls requesting emergency medical services and administers emergency
87 medical dispatch protocols approved by the medical program director.

88
89 "Medical Program Director" or (~~"MPD"~~) director means the medical program
90 director for Clark County certified by the Secretary of the Department of Health pursuant
91 to Chapter 18.71 RCW.

92
93 "Medical protocol" means any diagnosis-specific or problem-oriented written
94 statement of standard procedures promulgated pursuant to state or local law or regulation
95 for pre-hospital care for a given clinical condition.

96
97 "On-line medical control physician" means a physician who gives direction to
98 ambulance or other EMS personnel through direct voice contact or other communication
99 media as required by applicable medical protocols.

100
101 "Patient" means any person who is injured, sick, incapacitated, or otherwise found
102 by the medical program director, to require emergency medical services.

103
104 "Person" means an individual, partnership, company, association, corporation
105 (governmental or private) or any other legal entity including any receiver, trustee,
106 assignee or similar representative.

108 "Regulated service area" means the combined area of the unincorporated area of
109 Clark County within EMS District #2, plus the corporate limits of the cities and all other
110 general purpose jurisdictions which have adopted the uniform EMS ordinance and
111 entered into the EMS Interlocal Cooperation Agreement.

112
113 "Response time zones" means those geographic areas designated as urban,
114 suburban, rural and wilderness by the EMS administrative board and in the ambulance
115 service contract and EMS administrative rules adopted pursuant to this chapter.

116
117 "System standard of care" or "standard of care" means the combined compilation
118 of all standards for ~~((pre-hospital))~~ out-of-hospital medical care including but not limited
119 to ~~((priority))~~ emergency medical dispatching protocols; ~~((pre-arrival instruction~~
120 ~~protocols; medical protocols))~~ EMS patient care guidelines (i.e., first responders and
121 ~~((ambulances))~~ ambulance providers); protocols for selecting destination hospitals;
122 standards for certification of out-of-hospital care personnel (i.e., medical call-takers,
123 emergency medical responders, Emergency Medical Technicians, paramedics and on-line
124 medical control physicians); standards for permits (i.e., ambulances, first responder units,
125 helicopter rescue units, and special-use mobile intensive care services); response-time
126 standards; standards governing-on-board medical equipment and supplies; and standards
127 for licensure of ambulance services. The standard of care shall serve as both a regulatory
128 and contractual standard of care and performance.

129
130 "Uniform EMS ordinance" or "ordinance" means the ordinance codified in this
131 chapter and all substantially identical ordinances adopted by general purpose
132 governmental jurisdictions which are also parties to the EMS Interlocal Cooperation
133 Agreement.

134
135 **Section 2. Amendatory.** Section 3 of Ord. 1992-06-26, as most recently amended
136 by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.030, are each amended to
137 read:

138 **5.48A.030 Regulatory Administration.**

139 Clark County shall be the agent ~~((of the cities))~~ to enforce and administer this
140 chapter and shall establish a budget for the support of such activities through an
141 agreement with CRESA's EMS Program, provided that any criminal prosecution as
142 defined in Section 5.48A.240 shall be instituted by the affected jurisdiction. The specific
143 responsibilities of Clark County as the regulatory administrator ~~((of this chapter))~~ shall be
144 as described by the EMS interlocal cooperation agreement.

146 **Section 3. Amendatory.** Section 13 of Ord. 1992-06-26, as most recently amended
147 by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.040, are each amended to
148 read:

149 **5.48A.040** (~~EMS Administrative Board Authority~~) **Contract Administration.**

150 The County shall appoint the five (5) members of an EMS administrative board.
151 The EMS Administrative Board shall advise on matters pertaining to EMS contracting
152 and system wide financial stability and carry out administrative duties through an
153 agreement with CRESA's EMS Program. The specific responsibilities of the District as
154 the contract administrator shall be described in the ambulance services contract and the
155 EMS interlocal cooperation agreement.

156 **Section 4. Amendatory.** Section 13a of Ord. 1992-06-26, as most recently
157 amended by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.050, are each
158 amended to read:

160 **5.48A.050 EMS Administrative Board-- Membership.**

161 The EMS administrative board shall consist of five (5) persons, none of whom
162 shall be elected officials, who shall consist of the following:

- 163 1. One (1) with expertise in the field of health care administration;
- 164 2. One (1) with expertise in business and finance;
- 165 3. One (1) with expertise in law;
- 166 4. One (1) with expertise in the fields of health care administration or business;
- 167 5. One (1) person (~~chosen by the four (4) county appointees to the EMS~~
168 ~~administrative board~~) .with expertise in insurance.

170 **Section 5. New.** A new section, 5.48A.065 is added to the code to read:

171 **5.48A.065 Administrative Rules.**

172 A. Authority. Clark County may adopt, amend and repeal administrative rules
173 deemed necessary to achieve the purposes of this chapter. Such rules shall include, but
174 are not limited to:

- 176 (1) Procedures for licensing ambulance services;
- 177 (2) Procedures for obtaining ambulance vehicle permits;
- 178 (3) Minimum ambulance vehicle and equipment standards;
- 179 (4) Minimum ambulance staffing levels; and
- 180 (5) Minimum ambulance response time standards.

181 B. Notification Requirements. In promulgating or amending these rules, Clark
182 County shall provide for reasonable notice to and opportunity for comment by affected
183 agencies and persons by:

- 184
- 185 (1) Publication in a newspaper of general circulation in the county at least ten
186 (10) days prior to the day of intended action; and
- 187
- 188 (2) At least thirty (30) days' written notice to all EMS agencies within the
189 county and to those persons on file as having requested such notice from the County.
190 The notice should state the subject matter and purpose of the intended action and the
191 time, place and manner in which interested persons may present their views on the
192 intended action. It should inform the reader that a copy of the proposal and the County
193 recommendation are available for inspection.

194

195 C. Rule Adoption Procedure. Clark County shall adopt rules according to the
196 following procedures:

- 197
- 198 (1) Public notification as outlined above in Section .080 B;
- 199
- 200 (2) Written recommendation by the County setting forth the legal authority
201 for the action, the need for the rule and how the rule fulfills the need;
- 202
- 203 (3) A public hearing that provides reasonable opportunity for testimony from
204 the public;
- 205
- 206 (4) No rule related to training, certification, medical equipment, or medical
207 protocols shall be made without recommendation from the MPD.

208

209 D. Rule Adoption Effective Date – Appeal. The action taken by the Clark County
210 shall become effective on the thirtieth (30th) day following public notification unless a
211 written notice of appeal pursuant to Section .160 of this chapter is timely filed within
212 fourteen (14) days of public notification. Such appeals shall state the alleged errors, the
213 evidence and legal authority to be relied upon on appeal and the requested action.

214 **Section 6. Amendatory.** Section 4a of Ord. 1992-06-26 as most recently amended
215 by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.080 are each amended to
216 read:

217 **5.48A.080 System Standard Of Care-- Medical Program Director's Duties.**

218 The County, as the regulatory administrator, shall contract with the Medical
219 Program Director (MPD) to perform the following duties and responsibilities:

220
221 A. To prescribe and periodically revise the standard of care for EMS services so as
222 to supplement or exceed the standards set by state law and regulations;

223
224 B. To appoint and receive recommendations from such standing and ad hoc
225 advisory committees as may be appropriate to secure broad-based input for improving the
226 standard of care, with membership on such committees which may include emergency
227 medical service providers such as physicians, nurses and paramedics; public and private
228 emergency response and planning agency personnel; and consumers of emergency
229 medical services; PROVIDED, there shall be appointed at minimum one (1) standing
230 advisory committee composed of representatives from public and private EMS providers;

231
232 C. To recommend to the state the issue, renew, suspend, revoke and restriction of
233 certifications provided for by this chapter, subject to appeal or review as prescribed by
234 this chapter and not inconsistent with state law;

235
236 D. To establish and maintain a system of clinical monitoring, medical control and
237 medical audit designed to detect and correct deviations from the standard of care which
238 reduce the level of patient care, to identify and correct deficiencies in the system standard
239 of care itself, and advance the practice of pre-hospital medicine through clinical research.

240
241 **Section 7. Amendatory.** Section 4(b)(1) of Ord. 1992-06-26 as most recently
242 amended by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.090 are each
243 amended to read:

244 **5.48A.090 System Standard Of Care-- Upgrades--Conditions.**

245 Upgrades to the system standard of care may be periodically proposed by the
246 MPD, after input from any appropriate ad hoc or standing advisory committees
247 established pursuant to this chapter. The MPD shall notify the cities and all affected
248 holders of licenses, permits and certifications of the proposed upgrade not less than thirty
249 (30) days prior to the date scheduled for its implementation. The affected persons or
250 entities may submit a statement of financial impact to the MPD documenting their
251 projected actual and reasonable costs of implementing and maintaining such upgrade and

252 the impact of such costs on the fees, if any, they charge for their services or the amount of
253 local government funding for such services. The financial impact statement shall be
254 submitted in a format approved by the MPD. If no financial impact statements are
255 submitted, or if the statements submitted show that the proposed upgrade can be
256 implemented without an increase in fees to consumers or an increase in local government
257 subsidy, the upgrade shall be implemented as scheduled. If financial impact statements
258 are submitted by the ambulance service contractor show that the upgrade will result in
259 increased fees to consumers or increased local government subsidies, the proposed
260 upgrade shall be referred to the EMS administrative board for review. If financial impact
261 statements are submitted by other affected holders of licenses, permits and certifications
262 to show the upgrade will result in increased fees to consumers, increased local
263 government subsidies, or government funding of EMS, the impact statements shall be
264 referred to the appropriate policy body for that affected holder of licenses, permits and
265 certifications for consideration in adopting the upgrade.

266
267 **Section 8. Repealer.** Section 9 of Ord. 1995-04-04 as most recently amended by
268 Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.095 are each hereby repealed.

269 **Section 9. Amendatory.** Section 4(b)(2) of Ord. 1992-06-26 as most recently
270 amended by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.100 are each
271 amended to read:

272 **5.48A.100 System Standard Of Care-- Upgrades--Review Required.**

273 Upon receipt of a proposal for an upgrade in the system standard of care which is
274 alleged to result in a cost or subsidy increase to the contractor, the EMS administrative
275 board shall schedule a hearing within thirty (30) days of receipt to determine the probable
276 financial impact of the proposed upgrade and review its importance to the provision of
277 quality pre-hospital medicine. The MPD, the cities, the county and the ambulance service
278 contractor shall be given not less than five (5) days' prior notice of the hearing and shall
279 have the opportunity to present evidence and argument at the hearing. The EMS
280 administrative board shall approve, modify, or deny the proposed upgrade subject to
281 confirmation by the District, and give notice of its decision to the city, county, and
282 ambulance service contractor; PROVIDED, that no proposed upgrade shall be modified
283 by the EMS administrative board without the approval of the MPD. The upgrade so
284 approved or modified shall become effective thirty (30) days after notice of the decision
285 of the EMS administrative board, unless prior to the expiration of such time the District
286 gives notice to the EMS administrative board of its election to review the upgrade. The
287 District shall schedule a hearing before the board on the upgrade within thirty (30) days
288 of its notice of election and shall give the MPD, the cities, and ambulance contractor not
289 less than five (5) days' prior notice of the hearing and the opportunity to present evidence
290 and argument at such hearing. The District may approve, modify or deny the upgrade;
291 PROVIDED, that the upgrade shall not be modified without approval of the MPD. The

292 written decision of the board on the upgrade shall be final and conclusive unless review is
293 sought in a court of competent jurisdiction within ten (10) days of the board's written
294 decision.

295
296 **Section 10. Repealer.** Section 12 of Ord. 1992-06-26 as most recently amended
297 by Exhibit A of Res. 2003-04-23 and codified as CCC 5.48A.110 are each hereby
298 repealed.

299 **Section 11. New.** A new section, 5.48A.115 is added to the Clark County Code to
300 read:

301 **5.48A.115 Ambulance Service License-- Required.**

302 Except as provided in Section .220, no person shall provide ambulance services
303 within the unincorporated area of the county of EMS District #2 plus the corporate limits
304 of the cities and all other general purpose jurisdictions which have adopted the uniform
305 EMS ordinance and entered into the EMS Interlocal Cooperation Agreement, unless
306 licensed to do so pursuant to this chapter.

307
308 **Section 12. New.** A new section, 5.48A.120 is added to the Clark County Code to
309 read:

310 **5.48A.120 Ambulance Service License-- Issuance.**

311 No such license shall be issued unless:

312

313 A. The applicant has fully and accurately completed an application on a form
314 approved by CRESA's EMS Program;

315

316 B. The applicant has fulfilled all the requirements of the laws of the state of
317 Washington, including but not limited to RCW Chapter 18.73 and its implementing
318 regulations as they now exist or as they may be hereafter amended;

319

320 C. The applicant has also met all the requirements of this chapter which
321 supplement or exceed those established by state law, including all elements of the
322 standard of care established hereunder;

323

324 D. The applicant has obtained an ambulance permit as provided in Section .170 of
325 this chapter and has paid an ambulance and equipment inspection fee of one hundred
326 dollars (\$100.00) plus twenty-five dollars (\$25.00) per ambulance utilized by the
327 applicant. Such inspection fee shall likewise be paid upon acquisition of additional
328 ambulances. If application for an ambulance permit or permit for an item of equipment is

329 rejected, the applicant or licensee may submit the ambulance or item of equipment one
330 (1) additional time without additional fee, or may seek the board's review of the rejection
331 as provided in Section .160
332

333 **Section 13. New.** A new section, 5.48A.130 is added to the Clark County Code to
334 read:

335 **5.48A.130 Ambulance Service License-- Term.**

336 Except as provided in Section .220, ambulance service licenses shall be valid for a
337 period of two (2) years from the date of issuance unless suspended, revoked or restricted
338 for cause. Licenses shall be nontransferable except with the approval of CRESA's EMS
339 Program.
340

341 **Section 14. New.** A new section, 5.48A.140 is added to the Clark County Code to
342 read:

343 **5.48A.140 Ambulance Service License-- Denial, Suspension And Revocation—**
344 **Conditions.**

345
346 CRESA's EMS Program may deny a license application or license renewal, or
347 revoke, suspend or restrict a license if there is reasonable cause to believe that the
348 applicant for or holder of the license has violated any provision or failed to meet any
349 standard established through this chapter which supplements or exceeds that established
350 by state law.
351

352 **Section 15. New.** A new section, 5.48A.150 is added to the Clark County Code to
353 read:

354 **5.48A150 Ambulance Service License-- Denial, Suspension And Revocation--Notice.**

355 If CRESA's EMS Program denies a license application or license renewal, or
356 revokes, suspends or restricts a license, the applicant for or holder thereof shall be given a
357 written notice stating:

358
359 A. The facts and conclusions upon which the decision is based; and
360

361 B. That the decision shall be final and conclusive and that the applicant or holder
362 shall be deemed to have waived all rights to an administrative hearing unless the
363 applicant or holder files with the county a written notice of appeal pursuant to Section
364 .160 of this chapter. Notice of a license revocation, suspension, or restriction shall be
365 given prior to the effective date of such action; PROVIDED, CRESA's EMS Program
366 may revoke, suspend or restrict a license, without prior notice, but subject to a timely

367 appeal, if CRESA's EMS Program finds that immediate action is necessary in order to
368 protect the health, welfare or safety of the public.

369
370 **Section 16. New.** A new section, 5.48A.160 is added to the Clark County Code to

371 read:

372 **5.48A.160 Ambulance Service License-- Denial, Suspension And Revocation--**
373 **Appeal.**

374
375 The notice of appeal shall be filed with the county within ten (10) working days
376 following notice of the CRESA EMS Program's decision and shall state the facts and
377 legal authority supporting the appeal.

378
379 Upon the filing of an appeal, the county board shall cause to have scheduled a
380 hearing thereon before the hearing examiner appointed by the board within thirty (30)
381 days, and provide at least five (5) days' notice of the hearing to the applicant or holder.
382 The decision of the CRESA EMS Program shall be upheld unless the hearing examiner
383 finds that the decision was arbitrary, capricious or contrary to law. The decision of the
384 board or hearing examiner shall be final and conclusive unless review is sought in a court
385 of competent jurisdiction within ten (10) days of the written decision.

386
387 **Section 17. New.** A new section, 5.48A.170 is added to the Clark County Code to

388 read:

389 **5.48A.170 Permits For Certain Vehicles.**

390 No person or entity shall operate or utilize any vehicle used as an ambulance, used
391 for transport from emergency scenes, healthcare facilities, or private residences without
392 first having in effect a permit issued by CRESA's EMS Program pursuant to this chapter.
393 Such permits shall be valid for a period of one (1) year unless revoked, suspended or
394 restricted for cause. Permit applications shall be made upon forms approved by CRESA's
395 EMS Program. Such permits shall be nontransferable.

396
397 **Section 18. New.** A new section, 5.48A.190 is added to the Clark County Code to

398 read:

399 **5.48A.190 Certifications And Permits-- Denial, Suspension And Revocation--**
400 **Conditions.**

401
402 The MPD (for certifications) and CRESA's EMS Program (for permits) may not
403 recommend application to the State for an initial, or renewed certification or permit; or
404 may recommend revocation, suspension, or restriction an existing certification, or permit
405 for failure to comply with, or for the violation of any provision of this chapter or any

406 standard or rule established through this chapter which supplements or exceeds that set
407 by state law.

408
409 **Section 19. New.** A new section, 5.48A.200 is added to the Clark County Code to
410 read:

411 **5.48A.200 Certifications And Permits-- Denial, Suspension And Revocation--**
412 **Appeals Procedure.**

413
414 The MPD for certifications and CRESA's EMS Program for permits shall notify
415 the applicant for or holder of the certification or permit, in writing, of the facts and
416 conclusions upon which the recommendation is based and the recommendation shall be
417 final and conclusive; and the applicant, or holder shall be deemed to have waived all
418 rights to review of the recommendation unless the applicant, or holder files with the
419 county a written notice of appeal stating the grounds therefore within ten (10) working
420 days following notice of such recommendation. Such appeal shall be processed pursuant
421 to the terms of Section .160.

422
423 **Section 20. New.** A new section, 5.48A.210 is added to the Clark County Code to
424 read:

425 **5.48A.210 Prohibited Activities.**

426 Except as provided in Section 5.48A.220, it shall be unlawful for any person
427 including any ambulance service, its agents or employees, to intentionally, knowingly, or
428 recklessly:

429
430 A. Make a false statement of a material fact, or omit disclosure of a material fact,
431 in any application for a license, certification, or permit required by this chapter;

432
433 B. Perform the services of or allow the performance of first responder, EMT or
434 trainee activities by any first responder, EMT or trainee who suffers a suspension,
435 revocation or termination of certification by the Department of Health;

436
437 C. Solicit the performance of ambulance services or the transport of an ambulance
438 patient by any person not licensed or certified under this chapter or by use of any vehicle
439 or equipment for which a permit is not in effect under this chapter;

440
441 D. Perform the services of a first responder or EMT unless in full conformity with
442 state law, this chapter and the standard of care established hereunder;

443
444 E. Provide private ambulance service unless under contract to do so with the
445 District or authorized by CRESA in time of emergency;

446

447 F. If licensed hereunder, fail or refuse to immediately advise CRESA of receipt of
448 a request for emergency medical assistance;

449
450 G. Falsify, deface or obliterate any license, certificate or permit required under
451 this chapter;

452
453 H. Transport an ambulance patient in any vehicle other than an ambulance, except
454 as provided in RCW 18.73.170;

455
456 I. Advertise on a vehicle a level of services not being provided by that particular
457 vehicle. The level of service must be available anytime that vehicle is available for
458 service; PROVIDED, that this chapter shall not be construed to require level of service
459 advertising on vehicles;

460
461 J. Wear any badge or device similar to the badge traditionally worn by police or
462 fire personnel while serving on or with an ambulance providing emergency medical
463 transportation within the county unless such ambulance is owned or controlled by a
464 public safety agency and the personnel are employees of the agency;

465
466 K. Deny or delay emergency ambulance or other EMS service to any person on
467 account of possible inability to pay, race, creed, religion, age, sex, national origin,
468 physical or mental disability, place of residence, financial condition, presence or absence
469 of medical insurance coverage; PROVIDED, that it shall not be a violation of this chapter
470 for ambulance personnel to obtain at the time of service information required for
471 effective billing, to comply with state or federal regulations pertaining to patient care and
472 transport, or to comply with special benefit eligibility procedures established by medical
473 insurers or medical service providers;

474
475 L. Charge for any service, equipment or supplies not provided to the patient.

476
477 **Section 21. New.** A new section, 5.48A.220 is added to the Clark County Code to

478 read:

479 **5.48A.220 Exemptions To Chapter Provisions.**

480 This chapter shall not apply to:

481
482 A. Vehicles or aircraft when being used to render temporary assistance in the case
483 of a public catastrophe or emergency when licensed ambulances are not available or
484 cannot meet overwhelming demand;

485
486 B. Vehicles or aircraft owned or controlled by the United States government,
487 unless required to comply with state and local regulations by the United States
488 government;

489 C. Vehicles operated only on private property or within the confines of
490 institutional grounds;

491
492 D. Persons providing wholly volunteer emergency transportation or emergency
493 medical services without compensation or the expectation of compensation on an
494 unplanned and non-regular basis;

495
496 E. Vehicles or aircraft responding at the request of an ambulance service provider
497 licensed under this chapter pursuant to a mutual aid agreement approved by the MPD;

498
499 F. Persons or vehicles providing ambulance service for patient transports
500 originating outside the regulated service area or nonstop patient transports through the
501 regulated service area.

502
503 G. Persons or vehicles providing non-911 ambulance service for inter-county
504 patient transports originating inside the regulated service area and are in excess of 30
505 loaded miles.

506
507 **Section 22. New.** A new section, 5.48A.240 is added to the Clark County Code to

508 read:

509 **5.48A.240 Violation--Misdemeanor When-- Penalties.**

510 Any of the following violations of this chapter constitutes a misdemeanor
511 punishable upon conviction by not more than ~~((one (1) year))~~ 90 days in jail and/or a fine
512 not to exceed five thousand dollars (\$5,000):

513
514 A. Section .160, unlicensed service;

515 B. Section .130, uncertified personnel;

516 C. Section .120, operation without permit;

517 D. Section .220.A, false statements;

518 E. Section .220.B, performing or allowing performance while under suspension,
519 revocation, or termination of Department of Health certification.

520
521 F. Section .220.C, solicitation to perform unlicensed, uncertified service or to use
522 vehicles/equipment without permits.

523
524 **Section 23. New.** A new section, 5.48A.250 is added to the Clark County Code to

525 read:

526 **5.48A.250 Violation--Civil When-- Continuing.**

527 A. Civil Violations. Any other violation of this ordinance shall be a civil violation.
528 Each day a violation exists shall be deemed a separate violation.

529 B.
530 B. Notice of Civil Violation/Notice to Correct. Whenever the CRESA EMS
531 Program has reasonable grounds to believe that a violation of this ordinance not listed in
532 Section .240 has been committed or exists, the CRESA EMS Program is authorized to issue
533 to the violator a Notice of Civil Violation and/or Order to Correct notifying the violator of
534 the facts and conclusions upon which the determination of violation is based; order the
535 violation to be corrected within a reasonable period of time; notify the violator of the right to
536 appeal of the Notice and/or Order pursuant to Section .160 of this ordinance; and/or assess
537 civil penalties against any violator within any twelve month period as follows:

538

539	First violation	\$100
540	Second violation	\$200
541	Third violation	\$400
542	Fourth violation	\$800
543	Subsequent violations	\$1,000 each

544

545 All penalties shall be paid to the County within thirty (30) days after service of the Notice of
546 Civil Violation. If penalties are unpaid between 31 and 60 days of service, an additional late
547 penalty of 100% of the original penalty shall be assessed; and if unpaid between 61 and 90
548 days after service, an additional late penalty of 200% of the original penalty shall be
549 assessed.

550
551 C. Service of Notices. The Notice of Civil Violation/Order to Correct shall be
552 served upon the violator by personnel service or by certified mail, postage prepaid, return
553 receipt requested, to the violator at his or her last known address.

554
555 **Section 24. New.** A new section, 5.48A.260 is added to the Clark County Code to
556 read:

557 **5.48A.260 Civil Violation--Notice, Penalties And Appeal.**

558 Persons to whom a Notice of Civil Violation and/or Order to Correct have been
559 issued may appeal the Notice and/or Order pursuant to 5.48A.160 of this ordinance.

560
561 **Section 25. New.** A new section, 5.48A.270 is added to the Clark County Code to

562 read:

563 **5.48A.270 Violation--Other Penalties.**

564 In addition to or as an alternative to the other penalties provided for in this chapter,
565 violation of or failure to comply with any of the provisions of this chapter shall be
566 grounds for the denial, non-renewal, revocation, suspension, and restriction of any
567 license, certification, and permit required by this chapter.

568
569 ADOPTED this 26 day of November, 2013.

570 BOARD OF COMMISSIONERS FOR
571 CLARK COUNTY

572
573 Attest: Rebecca Litter
574
575 Clerk to the Board

By: [Signature]
Steve Stuart, Chair

576
577 Approved as to form only: By: _____
578 ANTHONY F. GOLIK Tom Mielke, Commissioner
579 Prosecuting Attorney

580
581
582 _____ By: _____
583 Christopher Horne, WSBA #12557 David Madore, Commissioner
584