

IN AND FOR THE COUNTY OF WASCO Dec 19 11 33 AM '90

KAREN R LEELETOR  
COUNTY CLERK

In the Matter of an Ordinance)  
Regulating Ambulance Service ) Ordinance  
in Wasco County )

WHEREAS, ORS 823.180 to 823.250 provides that a county shall regulate ambulance services within the county;

NOW THEREFORE, The Wasco County Court Ordains as Follows:

Section 1. AUTHORITY

This ordinance is enacted pursuant to the authority granted to General Law Counties by ORS 203.035 to 203.065.

Section 2. EXEMPTIONS

The provisions of Sections 5.1, 6, 7 and 8 of this ordinance apply to all ambulance services provided in Wasco County. The provisions of Sections 2 through 5 (except Section 5.1) of this Ordinance shall not apply to:

- 2.1 Ambulances owned or operated under the control of the United States Government or the State of Oregon;
- 2.2 Vehicles being used to render temporary assistance in the case of major catastrophe or emergency with which the ambulance service of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident;
- 2.3 Vehicles operated solely on private property or within the confines of institutional grounds, whether or not incidental crossing of any public street, road, or highway through the property is involved;
- 2.4 Ambulances or vehicles transporting patients from outside Wasco County to health care facilities within Wasco County or which are passing through without a destination in Wasco County;
- 2.5 Air or waterborne ambulance services.

Section 3. AMBULANCE SERVICE AREAS

For the efficient and effective provision of ambulance service in Wasco County as mandated in ORS 823.180, the Wasco County Ambulance Service Area Plan and appropriate maps, as designated in OAR 333-28-115(1)(2)(3)(4) shall become attachment exhibits to this ordinance, as they are adopted or changed by Court Order to maintain the efficient and effective emergency medical service for the citizens of Wasco County.

WASCO COUNTY AMBULANCE SERVICE AREA ORDINANCE  
CONTINUED - PAGE 2 OF 6

The Wasco County Court, by Order, may adjust the boundries of the Ambulance Service Areas, from time to time as necessary, to provide the most efficient and effective ambulance service to the citizens of Wasco County.

Section 4. ASSIGNMENT OF AMBULANCE SERVICE AREAS

- 4.1 Effective with the effective date of this Ordinance, no person shall provide ambulance services in Wasco County unless an Ambulance Service Area has been assigned to that person pursuant to this Ordinance.
- 4.2 Any person desiring to provide ambulance services within Wasco County shall submit an application therefore to the Wasco County Ambulance Service Area Review Committee whose Chair is the Wasco County Ambulance Service Area Coordinator. The Chairman will then bring this before the Wasco County Ambulance Service Area Review Committee. The recommendations of this committee will then be presented before the Wasco County Court by the Chairman for the Court's consideration.
- 4.3 Applications made pursuant to Section 4.2 shall be made on Form ASA-188 which consists of:
- 4.3.1 The name and address of the person applying for the assignment of an Ambulance Service Area;
- 4.3.2 The Ambulance Service Area that the person desires to serve and the location from which ambulance services will be provided;
- 4.3.3 A list of vehicles to be used in providing ambulance services, including the year, make, model, and verification that each vehicle is certified as a basic or advanced life support vehicle by the State of Oregon;
- 4.3.4 A list of personnel to be used in providing ambulance service and the current Emergency Technician certificate class and number for each person;
- 4.3.5 Sufficient additional information to allow the Wasco County Ambulance Service Area Review Committee and the Wasco County Court to review the application in light of the review criteria established by the Ambulance Service Area Plan, this County Ordinance, the Wasco County Ambulance Service Area Review Committee and the Wasco County Court;

WASCO COUNTY AMBULANCE SERVICE AREA ORDINANCE  
CONTINUED - PAGE 3 OF 6

- 4.3.6 Each application will be reviewed for the applicant's conformity with the requirements of Oregon law for providing ambulance services, the specific criteria of the Wasco County Ambulance Service Area Plan, and the need for efficient and effective ambulance service within the area sought to be served and the adjoining area of the county.
- 4.4 Assignments of initial Ambulance Service Areas shall be valid from the date of issue until January 2, 1991. Thereafter, assignments may be renewed for additional terms of three years beginning on January 2 and subject to the provisions for suspension or revocation as set forth in this Ordinance.
- 4.5 Not less than 45 days prior to the expiration of the assignment of an Ambulance Service Area, any person desiring the renewal of an assignment or a new assignment of an Ambulance Service Area shall submit an application therefore to the Wasco County Ambulance Service Area Review Committee. The application shall contain the information and be reviewed as provided in Section 4.3 above.
- 4.5.1 Notice of receipt of applications for assignment to an Ambulance Service Area will be sent, via first class mail, to Providers of ambulance services in the area sought to be served and all Ambulance Service Areas adjacent thereto.
- 4.6 Any person assigned to an Ambulance Service Area who wishes to discontinue service shall notify the Wasco County Court in writing not less than 45 days before the date that person wishes to discontinue service.
- 4.6.1 If the Wasco County Court receives notice that a provider wishes to discontinue service, the Court will set a time, not less than 20 days after the date of notice, by which applications must be submitted for reassignment of the Ambulance Service Area to other potential providers. Applications shall contain the information in Section 4.3 above.
- 4.6.2 Notice that applications may be submitted pursuant to this Section 4.3 shall be published at least once in a newspaper of general circulation in Wasco County.
- 4.6.3 Notice of receipt of intent to discontinue service will be sent, via first class mail, to providers of ambulance services in the area from which service is to be discontinued and all Ambulance Service Areas thereto.

Section 5. DUTIES OF AMBULANCE SERVICE PROVIDERS

Upon assignment of an Ambulance Service Area, the Provider providing

WASCO COUNTY AMBULANCE SERVICE AREA ORDINANCE  
CONTINUED - PAGE 4 OF 6

ambulance services shall;

- 5.1 Conduct its operations in compliance with all applicable state and federal laws and regulations, the terms of this Ordinance and the Wasco County Ambulance Service Area Plan;
- 5.2 Must not refuse to respond or fail to respond to an emergency call for service if an ambulance and personnel are available for service;
- 5.3 Not respond to a medical emergency outside its assigned Ambulance Service Area except:
  - 5.3.1 When the ambulance service provider assigned to the Ambulance Service Area is unavailable to respond and the provider is requested by the other provider or emergency dispatch to respond; or
  - 5.3.2 When the response is for supplemental assistance or mutual aid.
- 5.4 Provide written notice to the Wasco County Ambulance Service Area Review Committee of any notice of deficiency, notice of intent to begin administrative proceeding, or claim for damages resulting from the operation of the ambulance. Said notice shall be given by personal service or service by certified mail within seven days of the date notice is received by the ambulance service provider.
- 5.5 Not transfer the assignment of an Ambulance Service Area to another Provider without written notice to Wasco County Ambulance Service Area Review Committee and the approval of the Wasco County Court. Written notice shall include an application by the new Provider for assignment to the Ambulance Service Area in question and will be evaluated as provided for in Section 4.3 of this Ordinance.
- 5.6 Not voluntarily discontinue service to the assigned Ambulance Service Area without notice to the Wasco County Ambulance Service Area Review Committee and the Wasco County Court as provided in Section 4.6 of this Ordinance.

Section 6. SUSPENSION OR REVOCATION OF ASSIGNMENT

- 6.1 Upon the recommendation of the Wasco County Ambulance Service Area Review Committee or on its own motion, the Wasco County Court may suspend or revoke the assignment of an Ambulance Service Area upon a finding that the holder thereof has:
  - 6.1.1 Willfully violated the provisions of this Ordinance, the Wasco County Ambulance Service Area Plan, or provisions of state or federal laws or regulations; or

WASCO COUNTY AMBULANCE SERVICE AREA ORDINANCE  
CONTINUED - PAGE 5 OF 6

6.1.2 Materially misrepresented facts or information given in an application for assignment of an Ambulance Service Area or as part of the review of the performance of the service provided.

6.2 In lieu of the suspension or revocation of the assignment of an Ambulance Service Area, the Wasco County Court may order that the violation be corrected and make the suspension or revocation contingency upon compliance with the order within a time stated therein. Notice of the Court's action shall be provided to the holder of the assignment which shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The holder of the assignment shall notify the Wasco County Ambulance Service Area Review Committee and the Wasco County Court of the actions taken. If the assigned Provider fails to take corrective action within the time required, the Wasco County Court shall notify the holder and the Ambulance Service Area Review Committee that the Provider's Ambulance Service Area assignment is either suspended or revoked upon receipt of the notice.

Section 7. APPEAL

An Ambulance Service Area Provider receiving a notice of assignment, denial, suspension, revocation, or contingent suspension or revocation of an Ambulance Service Area may request a hearing before the Wasco County Ambulance Service Area Review Committee and/or Wasco County Court. This shall be done by filing with the Ambulance Service Area Review Committee or County Court a written request for hearing within fourteen days of the decision, setting forth the reasons for the hearing and the issues proposed to be reviewed. The filing of a hearing with the Ambulance Service Area Review Committee shall be reviewed by the Committee, then recommended action given to the Court, with the final determination being made by the Wasco County Court. However, the Court may make a written finding that prompt implementation of their decision is required due to an immediate hazard to public safety. The Wasco County Ambulance Service Area Review Committee or the Wasco County Court shall set a time and place for a hearing which will be de nova on the record or a full de novo hearing, as determined necessary. Within fourteen days after the conclusion of the hearing, the Wasco County Court shall reaffirm, reverse, or modify the original decision.

Section 8. PENALTIES

Any person who violates any provision of this Ordinance is guilty of a violation. Failure from day to day to comply with the terms of this Ordinance shall be a separate offense for each such day. Failure to comply with any provision of this Ordinance shall be a separate offense for each such provision.

Violations of the provision of this Ordinance are punishable, upon conviction, by a fine of not more than Five Hundred Dollars (\$500) per

day per violation.  
WASCO COUNTY AMBULANCE SERVICE AREA ORDINANCE  
CONTINUED - PAGE 6 OF 6

9. NUISANCE

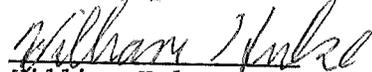
In addition to the penalties provided in Section 8, violation of any of the provisions of this Ordinance is declared to be a nuisance and may be regarded as such in all actions, suits, or proceedings. Pursuant to ORS 823.990(2), this Ordinance may be enforced in a proceeding for equitable relief in the Circuit Court.

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately upon passage.

Regularly passed and adopted by unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

Done and dated this 19th day of December, 1990.

WASCO COUNTY COURT

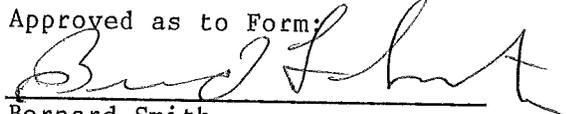
  
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William Hulse,

Wasco County Judge

  
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Scott McKay,  
Wasco County Commissioner

  
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John Mabrey,  
Wasco County Commissioner

Approved as to Form:

  
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Bernard Smith,

Wasco County District Attorney