

## Chapter 2.5

### AMBULANCES\*

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\* **Editors Note:** An ord. of Oct. 10, 1988, did not specifically amend the Code, therefore, inclusion of §§ 1--14 as Ch. 2.5-1--2.5-15, was at the editor's discretion.

**Cross References:** Emergency management, Ch. 6; states of emergency, § 6-21 et seq.; traffic, Ch. 17.

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#### Sec. 2.5-1. Definitions.

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

*Advanced life support care:* That standard of care which includes the providing of an ambulance with advanced life support equipment, one (1) person certified as EMT-I (or above), and one (1) EMT. In the event that patient care requires the attention of both certified personnel then an uncertified person shall be permitted to drive the ambulance.

*Ambulance:* 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 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.

*Ambulance attendant:* An individual who has completed a training program in emergency medical care and first aid approved by the North Carolina Department of Human Resources and has been certified as an ambulance attendant by the department of human resources, office of emergency medical services.

*Ambulance Provider:* An individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.

*Approved:* The term "approved" shall mean approved by the North Carolina Medical Care Commission pursuant to its rules and regulations promulgated under North Carolina General Statutes 143B-165.

*Basic life support, care:* That standard of care which includes the providing of an ambulance (certified by permit by the state as a basic life support ambulance), at least one (1) person who is certified at the EMT level, one (1) person certified at the AA level, and medical equipment required by the state. In the event that patient care requires the attention of both certified personnel then an uncertified person shall be permitted to drive the ambulance.

*Council:* The Transylvania County Emergency Medical Advisory Council.

*County:* The term "county" shall refer to the Transylvania County Board of Commissioners or their designated representatives.

*Dispatcher:* A person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise fire departments, law enforcement agencies and emergency medical facilities of any existing or threatened emergency.

*Emergency; emergency transportation service:* The use of an ambulance, the 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 of physiological illness or injury.

*Emergency medical technical advanced intermediate (EMT-AI):* An individual who has completed a training program in advanced emergency medical care at least equal to the national standard training program for emergency medical technicians advanced intermediate as defined by the United States Department of Transportation and has been certified as an emergency medical technician advanced intermediate by the department of human resources, office of emergency medical services.

*Emergency medical technician (EMT):* 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 States Department of Transportation and has been certified as an emergency medical technician by the department of human resources, office of emergency medical services.

*Emergency medical technician defibrillator (EMT-D):* an individual who has completed a training program in emergency medical care and the use of automatic or semi-automatic defibrillators at least equal to the national standard training program for emergency medical technicians as defined by the United States Department of Transportation and has been certified as an emergency medical technician defibrillator by the department of human resources, office of emergency medical services.

*Emergency medical technician intermediate (EMT-I):* An individual who has completed a training program in advanced emergency medical care at least equal to the national standard training program for emergency medical technicians as defined by the United States Department of Transportation and has been certified as an emergency medical technician intermediate by the department of human resources, office of emergency medical services.

*First responder:* An organization with personnel trained in emergency medical care and first aid that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

*Franchise:* A permit issued by the county to a person for the operation of an ambulance service.

*Franchisee:* Any person having been issued a franchise by the county for the operation of an ambulance service.

*License:* Any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

*Nonemergency transportation services:* The operation of an ambulance for any purpose other than transporting emergency patients.

*Operator:* A person in actual physical control of an ambulance which is in motion or which has the engine running.

*Owner:* Any person or entity who owns an ambulance.

*Patient:* 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.

*Person:* Any individual, firm, partnership, association, corporation, company group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.

*Rescue:* Situations where the victim cannot escape an area through the normal exit or under his own power.

*Secondary ambulance provider:* The system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not dispatched on first call response.  
(Ord. of 10-10-88, § 1)

**Sec. 2.5-2. Franchise--required; permits; certificates; exceptions.**

(a) 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 nonemergency transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Human Resources, 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 chapter. Any additional ambulances purchased for providing the services set forth in this chapter shall be first approved by the county prior to purchase.

(b) No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the county unless he or she holds a currently valid certificate as an ambulance attendant, emergency medical technician, EMT-IV, EMT-Intermediate, or EMT-Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services as required in Article 7, GS Chapter 131E-158. In the event that patient care requires the attention of both certified personnel then an uncertified person shall be permitted to drive the ambulance.

(c) No franchise shall be required for:

(1) Any entity 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 are insufficient or unable to cope.

(2) Any entity operated from location or headquarters outside of the county in order to transport patients who are picked up beyond the limits of the county, or to pick up patients within the county.

(3) Ambulances owned and operated by an agency of the United States government.  
(Ord. of 10-10-88, § 2)

**Sec. 2.5-3. Same--Application.**

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

- (1) The name and address of the ambulance provider and of the owner of the ambulance(s).
- (2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name.
- (3) A resume of the training and experience of the applicant in the transportation and care of patients.
- (4) 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, said financial statement to be in such form and in such detail as the county may require.
- (5) A description of the applicant's capability to provide twenty-four hour coverage, seven (7) 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.
- (6) Any such information the county shall deem reasonably necessary for a fair determination of the applicant to provide ambulance services in the county in accordance with the requirements of state laws and the provisions of this regulation.

(Ord. of 10-10-88, § 3)

**Sec. 2.5-4. Same--Granting.**

(a) *Franchise districts designated.* Prior to accepting applications for the operation of an ambulance service, rescue squad, or first responder unit, the board of commissioners may designate specific service areas as franchise districts. Said districts will be established using criteria that includes geographic size, road access, 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.

(b) *Separate applications to be filed.* An applicant may apply for a franchise to operate either emergency transportation service, at the basic life support or the advanced life support care level, or nonemergency service. If both multiple types service are to be provided, separate applications must be filed for each type.

(c) *Hearing.* Upon receipt of an application for a franchise, the county shall schedule a time and

place for hearing the applicant. Within thirty (30) days after the hearing, the county shall cause such investigations as it may deem necessary to be made of the applicant and his proposed operations.

- (d) *Requirements.* A franchise may be granted if the county finds that:
- (1) The applicant meets state standards outlined in the franchise ordinance.
  - (2) The proposed service will fit within the existing service so as not to duplicate the level of service or operations of other franchisees to render service.
  - (3) 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.

(Ord. of 10-10-88, § 4)

### **Sec. 2.5-5. Same--Terms.**

(a) *Termination and reapplication.* The county may issue a franchise hereunder to an ambulance provider. Either party, at its option, may terminate the franchise with up to sixty (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.

(b) *Suspension, revocation or termination of a franchise, driver's license or EMT certificate.* Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations and return any vehicles or equipment belonging to the county. Upon suspension, revocation, or termination of a driver's license or attendant's certificate or emergency medical technician's certificate such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance. The franchise shall not [allow] or permit such an individual to drive an ambulance or provide medical care in conjunction with the ambulance service.

(c) *Compliance.* Each franchised ambulance chapter shall comply at all times with the requirements of this chapter, the franchise granted hereunder, all rules, regulations and standard operating procedures as established by the county (and as amended from time to time) and all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.

(d) *Acquisition of right of control of franchisee; prior approval of county required.* Prior approval of the county shall be required where ownership or control of more than ten (10) per cent of the right of control of franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten (10) per cent or more of such right of control, singularly or collectively, at the date of the franchise. 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 the cause for termination at the option of the county.

(e) *Change of ownership without county's approval.* 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 chapter as upon original

franchising.

(f) *Selling, assigning, mortgaging, transferring ownership without county's approval prohibited; inspection of records.* 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 chapter 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.

(g) *Defacement, removal of franchise.* A franchise may not be defaced, removed, or obliterated. (Ord. of 10-10-88, § 5)

#### **Sec. 2.5-6. Standards--Drivers and attendants.**

Standards for drivers and attendants shall be as developed by the North Carolina Medical Care Commission as requirements for certification of ambulance attendants and emergency medical technicians pursuant to Article 7, Chapter 131E-158, and Article 56, Chapter 143, of the General Statutes of North Carolina, and shall be applied and the same are incorporated herein by reference. (Ord. of 10-10-88, § 6)

#### **Sec. 2.5-7. Same--Vehicles and equipment.**

Vehicle and equipment standards shall be 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, and shall be applied and the same are incorporated herein by reference. (Ord. of 10-10-88, § 7)

#### **Sec. 2.5-8. Same--Communications.**

(a) *Two-way radio.* 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 each hospital emergency department in the county in which the ambulance is based and to the communications center. Each ambulance vehicle shall be equipped with two-way radio communications capabilities compatible with all hospital emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the state.

(b) *FCC licenses and/or current authorizations required.* Each ambulance provider shall maintain current authorizations or Federal Communications 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 Communications Commission's rules and regulations.

(c) *Open telephone lines.* Each base of operations must have at least one (1) open telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the county.

(d) *Dispatch.* Each ambulance shall be dispatched from the county communications center or other

communications centers within the county in which dispatch capabilities are provided and such capabilities are satisfactory to rescue squads using such facilities. The ambulance operator shall notify the communications center of his dispatch and availability on call.

(Ord. of 10-10-88, § 8)

#### **Sec. 2.5-9. Insurance.**

No ambulance franchise shall be issued under this chapter, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the county unless the franchisee has, at all times in force and effect, insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages:

- (1) In the sum of one million dollars (\$1,000,000.00) 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 ambulance was being driven by the owner or his agency.
- (2) In the sum of five hundred thousand dollars (\$500,000.00) 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.

(Ord. of 10-10-88, § 9)

#### **Sec. 2.5-10. Records.**

Each franchise shall maintain the following records:

- (1) *Trip record.* [This record] shall utilize the state OEMS ambulance call report and send completed copies to the state OEMS office and to the county emergency service office.
- (2) *Daily report log.* [This log] shall be maintained for the purpose of identifying more than one (1) person transported in any one (1) day.
- (3) *Daily driver and attendant checklist and inspection report.* [This report] shall list contents and description of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.

(Ord. of 10-10-88, § 10)

#### **Sec. 2.5-11. Rates and charges.**

(a) *Rate schedule.* Each franchisee shall submit a schedule of rates to the county for approval and shall not charge more nor less than the approved rates without specific approval by the county.

(b) *Collection on emergency calls.* 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 the family or guardian of the patient once the patient is in the process of receiving medical attention.

(c) *Collection on nonemergency calls.* On nonemergency calls, or calls where a person requires transportation to a nonemergency facility, attempts to collect payment can be made before the ambulance begins its trip.

(d) *No charge circumstances; convalescent transports.* In the event a fire or rescue agency worker or one (1) of their immediate family members (spouse or children) requires emergency ambulance care, there shall be no charge for such care. Charges will be required for convalescent transports for such individuals. (Ord. of 10-10-88, § 11)

### **Sec. 2.5-12. Enforcement.**

The county manager or his designee shall be the enforcing agency for the regulations contained in this chapter. Such office will:

- (1) Receive all franchise proposals from potential providers.
- (2) Study each proposal for conformance to this chapter.
- (3) Recommend to the board of commissioners the award of the franchise(s) to the applicants submitting the best proposal(s).
- (4) Inspect the vehicles, equipment, the personnel of franchisees to assure compliance to this chapter and perform any other inspections that may be required.
- (5) Recommend to the board of commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this chapter; recommend the imposition of misdemeanor or civil penalties as provided therein.
- (6) Insure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (7) Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by the council and the county.
- (8) Review and substantiate complaints from the public; review substantiated complaints with the EMS provider involved; obtain corrective action. If satisfactory action is not obtained, the complaint shall then be presented to the council.
- (9) Recommend improvements to the county which will insure better medical transportation.
- (10) Maintain all records required by this chapter and other applicable county regulations.
- (11) Perform such of the above functions as may be requested by any municipality within the county.
- (12) Serve as staff to the Transylvania County Emergency Medical Services Council on all matters

that pertain to the advisory council.  
(Ord. of 10-10-88, § 12)

**Sec. 2.5-13. Reserved.**

**Editors Note:** An amendment adopted April 27, 1998, deleted § 2.5-13 in its entirety. Formerly, said section pertained to the county emergency medical services advisory council and derived from § 13 of an ordinance adopted October 10, 1988.

**Sec. 2.5-14. Amendments.**

The board of commissioners may, through appropriate actions, amend or expand this chapter upon recommendations of the emergency medical advisory council.  
(Ord. of 10-10-88, § 14)

**Sec. 2.5-15. Effective date of appointments.**

The appointments of the council members shall take effect on July 1 of any given year, after the initial approval of the advisory board.  
(Ord. of 10-10-88, § 14)