



*Mary C. Horton*

Record: No Charge

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## GATES COUNTY MEDICAL TRANSPORTATION SERVICE PERMITTING ORDINANCE

### Sec. 1-100. Definitions.

It is the intention of this ordinance to provide a means of permitting Medical Transport providers to operate an ambulance in Gates County. No provider may pick up patients from Gates County and provide service without a valid Gates County Medical Transport Permit. Any certified provider may bring patients back into Gates County without a permit.

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

*Permit:* A permit issued by Gates County Office of Emergency Management to a person for the operation as an ambulance provider.

*Permittee:* Any person having been issued a Permit by the Gates County Office of Emergency Management for the operation as a medical transportation provider. Only permittees shall be allowed to provide medical transport pickups from Gates County. Any State certified transport company can make return trips or bring patients back into Gates County.

*Advanced Life Support Permit:* A Permit granted to an organization with personnel trained to the Advanced Level of Service and certified by the State Office of Emergency Medical Services. This level is permitted to transport patients that are being picked up in Gates County, who are in need of a higher level of medical treatment, in order to not cause further aggravation, psychological illness or injury. If patient becomes unstable during transport, Permittee may give patient emergency care and use warning lights and audible warning devices during transport. Permittee must utilize Gates County's Medical Director and have advanced life support protocols approved by the Gates County Medical Director and Gates County Office of Emergency Management. Only permittees shall be allowed to provide medical transport pickups from Gates County. Any State certified transport company can make return trips or bring patients back into Gates County.

*Ambulance:* Any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped; and is intended to be used for and is maintained or operated, for the transportation, on the streets or highways, waterways, or airways of this state; of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

*Ambulance Provider:* A person who engages in the business or service of transporting patients in an ambulance.

*Approved:* Approved by the State Medical Care Commission pursuant to the latest rules and regulations promulgated under G.S. 143B-165.

*Basic Life Support Permit:* A Permit granted to an organization with personnel trained at the Emergency Medical Technician (EMT) level and certified by the State Office of Emergency Medical Services. This level is permitted to transport patients that are being picked up in Gates County. If patient becomes unstable during transport, Permittee may give patient emergency care and use warning lights and audible warning devices during transport. Only permittees shall be allowed to provide medical transport pickups from Gates County. Any State certified transport company can make return trips or bring patients back into Gates County.

*Convalescent:* A permit is not required for the operation of a convalescent transport van unless it meets the requirements of a State certified ambulance, at which point it would be permitted as a *Basic Life Support service*.

*Council:* The Gates County Medical Transportation Advisory Council.

*County:* The Gates County Board of County Commissioners or their designee.

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

*Medical Transportation Service:* The use of an ambulance, its equipment, and personnel to provide medical care and transportation of a patient who is in need of medical care in order to prevent loss of life, further aggravation, or psychological illness or injury.

*Emergency Medical Service:* An entity with personnel and equipment who engages or professes to engage in the business or service of transporting patients who are sick, injured, wounded, or otherwise incapacitated or helpless, who are in need of immediate medical treatment in order to prevent loss of life, further aggravation, or psychological illness or injury and is normally dispatched on first call response.

*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 State Department of Health and Human Services, Office of Emergency Medical Services. To include advanced level providers such as paramedics.

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

*Frivolous Complaint:* A complaint filed without valid proof of wrongdoing. Not a serious complaint.

*Non-Emergency Transportation Service:* 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 or residence.

**Sec. 1-101. Medical Transport Advisory Council-Created.**

There is hereby created the Gates County Medical Transport Advisory Council, hereafter known as the Council, the membership of which shall be appointed by the Gates County Board of Commissioners. Terms are all ex officio except Board Appointee who shall serve a three-year term according to official policy.

**Sec. 1-102. Membership.**

Membership on the Council shall consist of:

- (1) Gates County Manager.
- (2) Gates County Medical Director.
- (3) Gates County Emergency Management Director .
- (4) Chief or Designee from Gates County EMS.
- (5) Appointee selected by the Gates County Board of Commissioners.
- (6) Sitting Member of the Gates County Board of Commissioners

**Sec. 1-103. Voting Rights and Responsibilities of Members.**

- (1) All members of the Council shall have full and equal voting rights and responsibilities on matters to be considered by the Council.
- (2) All members have the legal responsibility to vote on all matters brought before the Council; unless excused for a specific stated conflict of interest, by a majority vote of those members present.
- (3) The Gates County Emergency Management Director shall serve as staff and act as Chairman.

**Sec. 1-104. Official Review**

The Council shall have the responsibility and duty of reviewing all information requested from applicants. The Council shall ensure all information is complete and current and make a recommendation, based on demonstrated need, to the Gates County Board of Commissioners for approval or denial of a medical transport permit. Following approval of the Council, Gates County Medical Director shall issue a letter to the Board of Commissioners accepting or denying medical responsibility for the requesting medical transport system. This letter of acceptance shall be issued prior to any action by the Board of Commissioners.

**Sec. 1-105. Enforcement Agency.**

A. The Gates County Office of Emergency Management shall be the enforcing agency for the regulations contained in this ordinance and shall establish policies, procedures and standards for the evaluation of Permit applications.

- (1) Receive all applications for Permit from providers.
- (2) Study each application for conformance to this ordinance.

- (3) With the approval of the Council and the Medical Director, recommend to the Gates County Board of Commissioners the award of the Permit to the applicant.
- (4) Inspect the premises, vehicles, equipment, and personnel of Permittees to assure compliance to this ordinance and perform any other inspections that may be required.
- (5) With approval of the Council, recommend to the Gates County Board of Commissioners the temporary or permanent suspension of a Permit in the event of non-compliance with the terms of the Permit.
- (6) Ensure providers, both Permitted and those operating contrary to this ordinance, are operating within established guidelines.
- (7) Require and receive monthly report showing summary of transports.
- (8) Receive complaints from the public, other enforcing agencies, and ambulance providers regarding Permittee infractions. Review the complaint with the Council. Obtain recommended corrective action with the approval of the Council.
- (9) With the approval of the Council, recommend improvements, to the Gates County Board of Commissioners, which will ensure better medical transportation services. A demonstrable need shall be present to expand Permittees.
- (10) Maintain all records required by this ordinance and other applicable Gates County Regulations.

B. Ensure due process as follows:

- (1) Require written complaints filed against a Permittee be submitted to the Gates County Office of Emergency Management.
- (2) At the Council hearing, both sides will have an opportunity to present their case regarding the written complaint, in writing or in person.
- (3) Council shall deliberate following the hearing, any parties who were involved in the complaint shall be excluded.
- (4) The decision of the Council regarding the written complaint shall be sent by mail to all parties within fifteen (15) days of the hearing, including procedures for appeal.
- (5) Upon receipt of the Council's written decision, Permittee will have thirty (30) days to send a written appeal to the Gates County Board of Commissioners.
- (6) Upon receipt of written appeal from Permittee, the Gates County Board of Commissioners shall render a decision in writing within fifteen (15) days of their monthly meeting. The decision, at their discretion, may include, but is not limited to, probation, suspension, fines or termination.

C. It shall be a violation of this Ordinance for anyone to file a frivolous complaint against any Permittee or any employee or representative of a Permittee, with the intent to cause a fine, suspension, probation or termination of any ambulance Permit.

D. Penalties may be imposed by the Board of Commissioners for violations of or acts of non-compliance with any terms of this ordinance to include picking up patients in Gates County without a permit. Penalties may be imposed and fines collected by Gates County Office of Emergency Management. Penalties are as follows:

- (1) First offense: Fine of five hundred dollars (\$500.00)
- (2) Second offense: Fine of one thousand dollars (\$1000.00)
- (3) Third offense: Fine of two thousand dollars (\$2000.00)
- (4) Fourth offense: shall cause the Council to recommend to the Gates County Board of Commissioners the permanent termination of the Permit or Denial from any future application.
- (5) Penalties for any offense may include fines and suspension, probation, termination, or denial at the discretion of the Board of County Commissioners. The Board of Commissioners are not, nor shall be, required to follow an escalating schedule of discipline. The Board of Commissioners may, at its sole discretion, use any and all discipline it deems prudent and fitting given the facts presented.

E. Any medical transport entity that provides service in Gates County whether permitted or not shall produce for inspection, upon request of the EM Director or designee, current transport logs, personnel credentials and proof of insurance. Any provider failing to produce the requested information within (7) seven calendar days from the date of request by Gates County Emergency Management shall be in violation of this ordinance and will be denied the opportunity to provide any type of medical transport in Gates County for (1) calendar year.

**Sec. 1-106. Inspections.**

Gates County Emergency Management Director may inspect a Permittee's records, premises, and equipment at any time in order to ensure compliance with this ordinance and any Permit granted pursuant to this article.

**Sec. 1-107. State Permits and County Permit Required.**

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 transportation of patients originating from any residence or establishment in Gates County, unless the person holds a valid permit for each ambulance used in such service issued by the State Department of Health and Human Services, Office of Emergency Medical Services, and has been granted a Permit for the operation of such service by Gates County which creates inclusion in the EMS System Plan, pursuant to this ordinance.

**Sec. 1-108. Exemptions from Permit Requirements.**

No Permit shall be required for:

- (1) Any entity rendering assistance to a permitted ambulance service in the case of a major catastrophe, mutual aid, or emergency with which the services Permitted by Gates County are insufficient or unable to cope and the services are requested through official means by Gates County Emergency Management.
- (2) Any certified transport company can make return trips or bring patients back into Gates County.
- (3) Ambulances owned and operated by an agency of the United States Government.
- (4) Vehicles owned and operated by Emergency Medical Services or Rescue Squads chartered by the state as non-profit corporations and approved by Gates County to operate in Gates County as of the date of this ordinance. Gates County Rescue Squad & EMS meets this exemption.
- (5) Any entity providing emergency transportation services within the meaning of this ordinance that provides trauma transportation services in connection with a certified trauma transportation program

which will include ground and air transport units.

**Sec. 1-109. Permit Districts.**

Should the Gates County Board of Commissioners not choose to designate specific districts the Permit shall include the entire County of Gates.

**Sec. 1-110. Application for Permit-Contents.**

Application for a Permit to operate ambulances in Gates County shall be made by the Ambulance Provider, as prescribed by this ordinance. The application shall be submitted to the Gates County Office of Emergency Management and shall contain:

- (1) The name and address of the Ambulance Provider and of the owner of the ambulances.
- (2) The trade or other 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 places from which it is intended to operate, ( Applicants that intend to maintain a base of operations in Gates County will be given preference ) the manner in which the public will be able to obtain assistance, and how the vehicles will be dispatched.
- (5) A description of the applicant's capability to provide service; how many hours a day the service will be available and how many days a week the service will be available.
- (6) Any information Gates County Office of Emergency Management shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in Gates County, in accordance with the requirements of state laws and the requirements of this ordinance.
- (7) A complete list of all vehicles and providers, including provider numbers ( CIS ) that the applicant intends to operate in this system.
- (8) Permits will be accepted at any time throughout the year, However the terms will be from January 1<sup>st</sup> until December 31<sup>st</sup> each year. Permit fees will be pro-rated to reflect actual term of usage.

**Sec. 1-111. BLS Transportation and/or ALS Transportation.**

An applicant may apply for a Permit to operate either BLS Transportation Service or ALS Transportation Service. If an ALS Transportation Permit is granted, BLS patients may be transported without further application. All applications are at the discretion of the Medical Director. The types of applications will be as follows:

- (1) Basic Life Support
- (2) Advanced Life Support

**Sec. 1-112. Hearing.**

Upon receipt of an application for a Permit, Gates County Office of Emergency Management shall schedule a time and place with the Council for hearing the applicant. Within thirty (30) days after the hearing, Gates County shall cause such investigation as it may deem necessary to be made of the applicant and the applicant's proposed operations. A decision shall be rendered within 60 days of application.

**Sec. 1-113. Fees to County.**

A fee of five hundred dollars (\$500.00) shall accompany all original applications before consideration will be given. Fees are non-refundable regardless of approval or denial by either the Council or Board of Commissioners. A fee of twenty-five hundred dollars (\$2500.00) shall be required within 30 days of approval of each new application and prior to inclusion to the Gates County EMS System Plan.

A renewal fee of five hundred dollars (\$500) and renewal application is due on the first work day in December of each year, or the Permit shall terminate.

Increases in the number of transport units within the Permit period shall be subject to approval by Gates County Emergency Management and a fee of one hundred dollars (\$100.00) will be required per unit. Failure to remit fees as scheduled will result in disciplinary action as outlined within. All fees shall be paid to Gates County Finance Department.

**Sec. 1-114. Appeals of Permit Rejection.**

Any permit applicant who is rejected by the Gates County Office of Emergency Management shall have the right to appeal first to the Council and thereafter to the Gates County Board of Commissioners for final decision. The aggrieved party shall give written notice of appeal to the Gates County Board of Commissioners within fifteen (15) days from the date the decision to be appealed is received from the Council.

**Sec. 1-115. Term of Permit; Renewal.**

A Permit pursuant to this ordinance shall be valid for a term of one (1) year. Either party may terminate the Permit upon sixty (60) days' written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a Permit.

The Permit may be renewed following the submittal of an application and payment of a five hundred-dollar fee (\$500.00) on or before the first work day in December. Any applicant that is late submitting renewal applications and fees will be in violation of this ordinance and shall be imposed the fine as indicated in Section 1-105 d(1)

Renewal applications shall include a narrative of annual operations including call summary, list of providers and vehicles. Renewed permits will be distributed prior to January 1<sup>st</sup> of each year.

**Sec. 1-116. Insurance.**

A. The Ambulance Provider, at its sole expense, shall maintain throughout the term of the Permit, including any renewals hereof, insurance, including:

- (1) One million dollars (\$1,000,000.00) for injury or death of individuals in accidents resulting from any cause for which the owner of the 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 employee; and
- (2) The law for the loss or damage to the property of another, including personal property, where the owner of the vehicle would be liable, in such sums as may require One hundred thousand dollars (\$100,000.00).

B. The ambulance provider shall furnish to the Gates County Office of Emergency Management, prior to the issuance of the Permit and thirty (30) days in advance of each insurance renewal date, a certificate of

insurance in a form acceptable to the Gates County Office of Emergency Management, which documents that the ambulance provider has complied with the foregoing insurance requirements.

**Sec. 1-117. Records; Reports.**

Each Permittee shall maintain the following permanent records:

- (1) *Record of dispatch*: Showing time call was received, time ambulance dispatched, time arrived on scene, time arrived at destination, time in service.
- (2) *Trip record*: Shall state all information required in subsection of this section in addition to information on a form approved by Gates County. The trip record shall be so designed as to provide the patient with a copy of it and may serve as a receipt for any charges paid.
- (3) *Daily report log*: Shall be maintained for the purpose of identifying all persons transported in any given day.
- (4) *Daily driver and attendant checklist and inspection report*: Shall list contents and description of operations for each vehicle, signed by the individual verifying vehicle operations and equipment

*Each Permittee shall comply with the electronic data reporting requirements as set forth by the North Carolina Office of Emergency Medical Services.*

**Sec. 1-118. Cessation of Activity upon request.**

- (1) Upon suspension, revocation, denial or termination of a Permit the ambulance provider shall immediately cease operations in Gates County. The suspended provider will be immediately removed from the Gates County EMS System Plan.
- (2) Upon suspension, revocation, or termination of a driver's license or attendant's certification or Emergency Medical Technician Certificate, such persons shall cease to drive an ambulance, perform service, or attend an ambulance.
- (3) The Permittee shall not permit any person whose license or certification is invalid to drive an ambulance or provide medical care in conjunction with the ambulance provider.

**Sec. 1-119. Compliance with Law.**

Each Permitted ambulance service shall comply at all times with the requirements of this ordinance, and all applicable federal, state and local laws relating to health, sanitation, safety, equipment, and ambulance design.

**Sec. 1-120. Change of Ownership, etc.**

- (1) Prior approval of the Gates County Office of Emergency Management shall be required where ownership, control, or right of control of more than ten (10) percent of the Permit is to be acquired by a person or group of persons acting in concert, none of whom own or control ten (10) percent or more of such right of control, singularly or collectively, at the date of the Permit. By its acceptance of the Permit, the Permittee specifically agrees that any such acquisition occurring without prior approval of the Gates County Office of Emergency Management shall constitute a violation of the Permit by the Permittee and shall be cause for penalties at the option of the Council and/or the Gates County Board of Commissioners.
- (2) Any change of ownership of a Permitted ambulance service without the approval of the Gates

County Office of Emergency Management shall terminate the Permit. A new application and fee shall be required as upon original permitting.

- (3) No Permit may be sold, assigned, mortgaged, or otherwise transferred without the approval of the Gates County Office of Emergency Management. Each Permitted ambulance provider, 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 of North Carolina, Gates County, or their designated representatives at all reasonable times.
- (4) A Permit document may not be defaced, removed, or obliterated except by an authorized person.

**Sec. 1-121. Certificate referral for Medical Responder, Emergency Medical Technician, EMT-Intermediate, or EMT-Paramedic.**

No person shall drive an ambulance, attend a patient in an ambulance, or permit an ambulance to be operated when transporting a patient from Gates County unless such person holds a currently valid certificate as a Medical Responder, Emergency Medical Technician, EMT-Intermediate, or EMT-Paramedic issued by the State Department of Health and Human Services, Office of Emergency Medical Services, in accordance with G.S. chapter 131E, article 7, as amended from time to time.

**Sec. 1-122. Standards for Drivers and Attendants.**

Standards for drivers and attendants, as developed by the State Medical Care Commission as requirements for certification of ambulance attendants and Emergency Medical Technicians, in accordance with G.S. Chapter 131E, Article 7, and G.S. Chapter 143, Article 56, and shall be applied, and such standards are incorporated herein by reference.

**Sec. 1-123. Standards for Vehicles and Equipment.**

Vehicle and equipment standards, as developed by the State Medical Care Commission, pursuant to G.S. Chapter 131E, Article 7, and G.S. Chapter 143, Article 56, shall be applied, and such standards are incorporated herein by reference.

**Sec. 1-124. Standards for communications.**

- (1) Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the county to each hospital emergency department. 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. Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications with Gates County Communications. Cellular phones may be used in lieu of radios between dispatch and transport units.
- (2) Each Ambulance Provider shall maintain current authorization or Federal Communication Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per the Federal Communication Commission's rules and regulations.
- (3) Each base of operations must have at least one (1) open telephone line. Telephone numbers must be registered with each law enforcement agency and E-911 Communications Center in Gates

County.

**Sec. 1-125. Rates and charges to customers.**

- (1) Each Permittee shall submit a schedule of rates to the Gates County Office of Emergency Management for approval and shall not charge more than the approved rates without specific approval.
- (2) On non-emergency calls, or calls where a person requires transportation to a non-emergency facility, collection for service (payment) can be made before the ambulance begins the trip.

**Sec. 1-126. Supersede**

This ordinance shall supersede all previous ordinances.

**Sec. 1-127. Severability**

If any part or partition of this ordinance shall be deemed invalid by a court of competent jurisdiction the remaining parts and portions of this ordinance shall remain in full force and effect.

Adopted this the 2nd day of March, 2016.

Linda Hofler

Linda Hofler  
Chairman Gates County Board of Commissioners

Melissa Lawrence

Melissa Lawrence  
Clerk to the Gates County Board of Commissioners.

