

ORDINANCE NO. 1421

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING VARIOUS SECTIONS OF NAPA
COUNTY CODE CHAPTER 8.70 (AMBULANCE) TO REFLECT CHANGES
TO THE PROCESS FOR CERTIFICATE OF OPERATION RENEWALS, TO
REPEAL FEES THAT WILL BE READOPTED BY RESOLUTION, TO
REQUIRE ADVANCE NOTICE OF CHANGES TO SERVICE CHARGES
AND RATES, AND TO MODIFY VIOLATION FINES**

WHEREAS, pursuant to Division 2.5 of the Health and Safety Code, Sections 1797, et seq., Napa County Health and Human Services Agency (HHSA) is designated as the Local Emergency Medical Services Agency (LEMSA) for the purpose of the administration of local emergency medical services; and

WHEREAS, Chapter 8.70 of the Napa County Code establishes the LEMSAs formal policies and regulations for issuing certificates and permits, and regulating the operation of ambulance services in Napa County, and allows for the orderly and lawful operation of a local emergency and non-emergency medical services system pursuant to the provisions of Health and Safety Code Section 1797, et seq; and

WHEREAS, certain amendments to Chapter 8.70 of the Napa County Code are needed to reflect desired changes to the process for certificate of operation renewals, to repeal and readopt fees by resolution, to require advance notice of changes to service charges and rates, and to modify violation fines.

NOW, THEREFORE, the Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Chapter 8.70 (Ambulance) of the Napa County Code is hereby amended

to read in full as follows:

Chapter 8.70

AMBULANCE

ARTICLE I

GENERAL PROVISIONS

Section:

- 8.70.002 Title.**
- 8.70.003 Purpose.**
- 8.70.004 Authority Within the County and Cities.**
- 8.70.005 Ordinance Administration.**

8.70.002 Title.

This ordinance shall be known as the “Ambulance Ordinance.”

8.70.003 Purpose.

The purpose of this ordinance is to:

- A. Establish formal policies and regulations for issuing certificates and permits, and regulating the operation of ground ambulance services in Napa County;
- B. Protect the public by assuring that ambulances operate safely and meet certain minimum levels and standards of equipment, staffing, and mechanical reliability;
- C. Allow for adequate, appropriate, and efficient ambulance services in all areas of Napa County;
- D. Allow for the orderly and lawful operation of a local emergency and non-emergency medical services system pursuant to the provisions of Health and Safety Code Section 1797 et seq.; and
- E. Allow for all ambulance services to be a part of the county EMS system with the necessary training, policies, procedures, and communication systems.

8.70.004 Authority Within the County and Cities.

- A. Upon adoption by the County Board of Supervisors (board), the ordinance shall apply within the county’s unincorporated areas and to ambulance companies that transport patients from locations within the county through unincorporated areas.
- B. Upon adoption by a city of the ordinance, the county shall have enforcement powers within that city. However, lack of adoption of all or part of this ordinance by a city shall not be interpreted as limiting any authority granted to the county by Division 2.5 of the California Health and Safety Code and the California Code of Regulations, Title 22, Division 9.
- C. This chapter shall apply to a governmental agency such as a city or town fire department or fire district ambulance service. However, governmental agencies and nonprofit

organizations staffed by all volunteers shall not be required to pay any fees required by this chapter.

8.70.005 Ordinance Administration

A. This ordinance shall be administered by the Napa County Health and Human Services Agency’s (HHS) director. The county designates HHS to be the Local Emergency Medical Services Agency (LEMSA) for the purpose of the administration of this ordinance. The director of HHS shall make necessary and reasonable policies, procedures, and/or protocols for the effective and reasonable administration of this ordinance. These policies, procedures, and/or protocols shall be codified in the county’s LEMS A Administrative Policy and Field Treatment Guideline Manual and may include, but not be limited to:

1. Response time standards for non-emergency responses in each area of the county;
2. Identification of required clinical or operational reports and dispatch records;
3. Personnel requirements;
4. Equipment requirements;
5. Vehicle requirements;
6. Other clinical, operational, and dispatch standards;
7. Clinical and operational data reports;
8. Special event stand-by;
9. Emergency and disaster operations.

B. All references herein to LEMS A Administrative Policy and Treatment Guideline Manual ("LEMS A Policy Manual") or Administrative Policy and Field Treatment Guideline Manual or policies and medical orders/direction by the EMS Medical Director shall be interpreted as referring to the current version and all subsequent modifications to such policies and regulations.

ARTICLE II

DEFINITIONS

Section:

8.70.010 Generally.

8.70.010 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this chapter.

“Advanced Life Support” or “ALS” means special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during interfacility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

“Advanced Emergency Medical Technician – Advanced,” or “AEMT-A” or “Advanced EMT II” means an individual trained and accredited in limited advanced life support care in accordance with the provisions contained in the California Code of Regulations, Title 22, Division 9, Chapter 3, et seq. and accredited by the LEMSA.

“Ambulance” means a ground transportation vehicle certified by the California Highway Patrol (CHP) that is specially constructed, modified or equipped and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons and staffed with no less than two emergency medical technicians (EMTs). “Ambulance” does not include the transportation of persons in a Litter Van or Wheelchair Van as defined in this section.

“Ambulance Permit” means the authorization issued by LEMSA, including all documents and/or decals for each ambulance conforming to the requirements of these regulations, which is owned or controlled by a person holding a Certificate of Operation indicating the county’s approval for the permittee to operate at the assigned level and scope within the county.

“Ambulance provider” means a person, firm, partnership, corporation or other organization, which furnishes or offers to furnish ambulance service.

“Ambulance service” means the transportation of any person for monetary or other consideration in an ambulance certified by the CHP.

“Basic Life Support” or “BLS” means emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until ALS is available.

“Certificate of Operation” means the document issued by the county to a permittee that has met the requirements to operate an ambulance service in Napa County. Certificates of Operation will be issued for ALS, BLS and CCT levels of service.

“County Dispatch” means the county designated Public Safety Answering Point dispatch center(s).

“County policies” means the policies and regulations as defined in the LEMSA Administrative Policy and Field Treatment Guideline Manual.

“Critical Care Transport” or “CCT” means any transport of a patient where the skill level required in the care of that patient during transport exceeds the basic life support, Emergency Medical Technician (EMT) and paramedic level and scope of training.

“Emergency call” means a 9-1-1 or other emergency request for an ambulance to transport or assist persons in apparent sudden need of medical attention; or an ambulance transport that is initially classified as a non-emergency call that becomes an emergency call due to a change in the patient’s medical condition; or a medical emergency, as determined by a physician, to transport blood, or any therapeutic device, accessory to such device, or tissue or organ for transplant.

“Emergency Medical Technician,” or “EMT,” means an individual trained and certified in basic life support care in accordance with the provisions contained in the California Code of Regulations, Title 22, Division 9, Chapter 2, et seq.

“Emergency Medical Technician – Paramedic,” or “EMT-P” or “paramedic” means an individual trained and accredited in advanced life support care in accordance with the provisions contained in the California Code of Regulations, Title 22, Division 9, Chapter 4, et seq. and accredited by the LEMSA.

“EMS Communications Center” means the county designated ambulance dispatch center.

“Exclusive Operating Area” or “EOA” means an EMS area or sub area as defined by the LEMSA, which restricts operations to one or more ambulance providers in accordance with Health and Safety Code Section 1797.224.

“First Responder ALS” means a unit staffed and equipped with a minimum of one California State licensed and LEMSA accredited paramedic capable of providing ALS at scenes of medical emergencies.

“Litter Van Transport” means a vehicle which is modified, equipped and used for the purpose of providing nonemergency medical transportation for those patients with stable medical conditions who require the use of a litter or gurney and which is not routinely equipped with the medical equipment or personnel required for the specialized care provided in an ambulance.

“Paramedic,” “Emergency Medical Technician – Paramedic,” or “EMT-P” means an individual trained and licensed in advanced life support care in accordance with the provisions contained in the California Code of Regulations, Title 22, Division 9, Chapter 4, et seq. and accredited by the LEMSA.

“Permittee” means a person, firm, partnership, corporation or other organization to whom a Certificate of Operation and Ambulance Permit(s) have been issued for purposes of operating an ambulance service.

“Personal Protective Equipment” or “PPE” means the minimum equipment, supplies, and personal protective equipment – per responder – to ensure safety and readiness as required by the LEMSA Administrative Policy and Field Treatment Guideline Manual.

“Special event” means any activity or situation, including, but not limited to street fairs, concerts, sporting events, contests, or other events that place a grouping or gathering of people in one general locale or participating in a regional event sufficient in number, or subject to activity that creates the need to have on-site EMS services which may include one or more ambulances pre-positioned at the event.

“Wheelchair Van Transport” means any vehicle specially constructed, modified or equipped and/or used for the purpose of transporting patients in wheelchairs for whom the need for any medical care, treatment or procedure is not required, likely, or foreseeable.

ARTICLE III

CERTIFICATE OF OPERATION AND PERMITS

Section:

- 8.70.020 Ambulance Services.**
- 8.70.021 Certificate of Operation and Permits Required.**
- 8.70.022 Certificate of Operation Process.**
- 8.70.023 Changes to Operations.**
- 8.70.024 Adding Ambulances.**
- 8.70.025 Renewal of Certificate of Operation.**

8.70.020 Ambulance Services.

A. ALS emergency ambulance services shall only be provided under a 9-1-1 contract with the LEMSA pursuant to the provisions of the Health and Safety Code Sections 1797, et seq.

B. BLS emergency and non-emergency transport service shall be regulated by the provisions of this ordinance.

C. CCT emergency and non-emergency transport service, either CCT-P or CCT-RN, shall be regulated by the provisions of this ordinance and the LEMSA Administrative Policy and Field Treatment Guideline Manual.

D. Nothing in this ordinance shall be construed as regulating the clinical scope of practice of Registered Nurses (RN) working in a CCT-RN ambulance.

8.70.021 Certificate of Operation and Permits Required.

A. No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in providing prehospital emergency medical service or ambulance service within Napa County unless the person holds (and is entitled to hold) a current, valid ambulance Certificate of Operation issued by the county or is recognized as an authorized public safety agency.

B. No person (either as owner, agent or otherwise) shall furnish and operate an ambulance unless that ambulance has a current, valid Ambulance Permit issued by the county.

C. Litter and Wheelchair Van Transport providers are not required to hold an ambulance Certificate of Operation.

D. No Certificate of Operation or Ambulance Permit is required for the delivery into Napa County of persons picked up outside the county boundaries. No Certificate of Operation or Ambulance Permit is required for specialized teams (e.g., neonatal intensive care unit teams) that are permitted by another emergency medical services agency and that pick up patients in Napa County for transportation to an acute care hospital based outside of the county.

E. The county has not established EOA's for BLS, and/or CCT emergency and/or non-emergency transport, but retains its option to do so in the future.

8.70.022 Certificate of Operation Process.

A. Application forms for an ambulance service Certificate of Operation shall be supplied by the county.

B. The applicant shall be a licensed CHP ambulance service prior to submitting an application.

C. Each applicant who desires an ambulance service Certificate of Operation shall submit the following on, or as attachments, with their application:

1. The names and addresses of the applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s), hereafter called "applicant";

2. The name under which the applicant has engaged, does, or proposes to engage in ambulance service;

3. The ambulance service level requested – ALS, BLS, CCT, or all three service levels;

4. A statement specifying whether the applicant has provided ambulance service in Napa County prior to the establishment of this ordinance, and if so, what type and for how long;

5. A statement specifying whether the applicant has previously operated an ambulance company outside of Napa County, and if so, under what name, what type, where and for how long;

6. A copy of a current CHP Emergency Ambulance Non-Transferable License;

7. A copy of the business license for the city or cities in which the applicant is doing

business;

8. A statement of the legal history of the applicant, including criminal and civil convictions;
9. A statement specifying the education, training, and experience of the applicant in the care and transportation of patients;
10. A statement that the applicant will abide by the regulations of the California Vehicle Code and the California Code of Regulations, Title 13, Motor Vehicles;
11. A statement that the applicant owns or has under its control, in good mechanical condition, required equipment to consistently provide quality ambulance service in the area for which it is applying, and that the applicant owns or has access to suitable facilities for maintaining equipment in a clean and sanitary condition;
12. A statement that the applicant understands and will comply with the LEMSA's staffing, and equipment and supply specifications policies regarding equipment carried in each ambulance, including automated external defibrillators (AEDs);
13. A list of the actual number of ambulances and for each: the make and model, year, the vehicle identification number, State vehicle license number and proof of current Department of Motor Vehicle registration, and proof of CHP ambulance inspection report and Ambulance Identification Certificate;
14. A statement that the applicant understands and will comply with the ambulance permitting and inspection process, including the required fees;
15. A statement that the applicant has or will have sufficient personnel adequately trained and available to deliver ambulance service of good quality at all times, including copies of their certifications/licenses;
16. A statement of the applicant's training and orientation programs for EMTs and/or paramedics, CCT nurses, and dispatchers;
17. A statement that applicant's ambulances are equipped with radios capable of communicating with designated dispatch center and hospital, and the radios are in good working order;
18. A description of the company's program for maintenance of the vehicles;
19. A description and photo/image of the company's logo and color scheme to be used to designate the ambulances of the applicant;
20. A description of the locations (posts, bases, stations, offices) from which ambulances will be dispatched to provide the services offered in the county, noting the hours of operation and phone numbers;
21. Evidence of insurance coverage compliance under Section 8.70.040;
22. A certificate of consent to self insure issued by the California State Director of Industrial Relations, or a certificate of workman's compensation insurance;
23. A disaster response plan including a personnel call-back plan;
24. All service charges and rates to be charged, showing compliance with any maximum charges if so established by the county;
25. The application fee for a Certificate of Operation as set forth in LEMSA Administrative Policy and Field Treatment Guideline Manual;
26. An ambulance inspection fee for each ambulance to be inspected as set forth in the LEMSA Fee Schedule. This fee may be returned if the permittee does not meet the basic requirements of subsection (C) of Section 8.70.022 and ambulances are not inspected; and
27. Any other information the county deems necessary for determination of

compliance with this division.

D. Within sixty days of receipt of a complete application and the required fee, the county shall review the application taking into consideration the following:

1. Whether the applicant meets the requirements of this ordinance and other applicable laws, ordinances, and regulations, and
2. Whether the applicant's vehicles, equipment, including radios, are in good working order and the ambulances pass an inspection, according to the provisions of Section 8.70.043.

E. Approval or denial:

1. If it is determined that the applicant does not meet all requirements within this division, then the county shall deny the application and notify the applicant in writing by certified mail of the receipt of the application.
2. If it is determined that the applicant meets all requirements within this division, the county shall approve the application and issue a Certificate of Operation and, upon a positive inspection, appropriate Ambulance Permits.

F. Whenever the county denies an application for a permit, the applicant may request a hearing on the denial at which the applicant will have the burden of proof. The appeal will be made to the board according to the provisions of Section 8.70.065.

G. The decision of the county rendered pursuant to this chapter shall be final, unless appealed to the board within thirty days after such decision is rendered in writing, and notice of the same is given to the applicant by certified mail.

H. Term:

1. Certificates of Operation shall be valid for one year from the date of issuance.
2. Certificates of Operation shall be continued upon conditions of Section 8.70.022 unless earlier suspended, revoked or terminated for cause.
3. A permittee providing ambulance service may discontinue such services only after providing sixty days' notice in writing of intent to discontinue services to the county or upon mutual written agreement.

I. Existing ambulance companies:

1. Within one hundred eighty days of the effective date of this ordinance, ambulance companies that have been providing BLS and CCT emergency and non-emergency transport services in the unincorporated County areas shall apply for a Certificate of Operation and Ambulance Permits. The county shall issue or deny a Certificate of Operation to each existing company, based on their ability to meet the requirements as set forth in this ordinance. The fees for the initial Certificate of Operation and Ambulance Permits for existing companies shall be the fee set for new applicants.

2. The county may issue a provisional sixty day Certificate of Operation to an existing non-emergency ambulance company to allow for required ambulance inspections. Upon a satisfactory completion of the inspections, the provisional status will be made permanent.

J. Application for transfer of any permittee's Certificate of Operation shall be subject to the same terms, conditions, and requirements as if the application were for an original certificate. No Ambulance Permit shall be transferred to another person(s), or company or corporation, except upon prior approval of the county.

8.70.023 Changes to Operations.

The permittee shall notify the county about changes to business location and phone numbers; ambulance stations and phone numbers; hours of operations; service charges and rates; insurance coverage; and changes to applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s) on file; at least fifteen days prior to such changes.

8.70.024 Adding Ambulances.

If a permittee desires to include additional ambulance units under its Certificate of Operation, the permittee shall submit a vehicle description form for each additional unit and provide the designated fee per unit to the county, and schedule an ambulance inspection. The term of the Ambulance Permit for additional authorized units shall run concurrently with the last authorized permit period. The fee paid for each additional unit will be prorated according to the amount of time remaining during the last authorized permit period. Prorating will be based on the number of quarters left in the permit period.

8.70.025 Renewal of Certificate of Operation.

A. Applicants for renewal of an ambulance service Certificate of Operation under this ordinance shall file with the county an application in writing, which shall include the following information:

1. An application in electronic format, on a form furnished by the LEMSA, which shall include any changes in the information required in Section 8.70.022. The application for renewal may be filed with the LEMSA ninety days prior to the expiration date, but no later than forty-five days prior to the expiration date of the current permit, and be accompanied by the appropriate renewal fee.

2. Renewal of a Certificate of Operation shall require conformance with all requirements of this ordinance as upon issuance of an initial certificate. Nothing in this ordinance shall be construed as requiring the automatic renewal of a Certificate of Operation upon its expiration and the burden of proof respecting compliance of all the requirements of this division and of entitlement of a certificate shall be with the applicant for renewal.

B. Late renewal applications received less than forty-five days prior to the expiration of the Certificate of Operation shall pay an additional twenty-five percent of all certification fees due.

C. All ambulances specified by the permittee shall be inspected and have their permits renewed in accordance with the provisions of Section 8.70.044, Ambulance Inspection and Permit Process. The issuance of a renewed Certificate of Operation shall be based on all ambulances having been inspected.

D. Renewal of a Certificate of Operation shall require conformance with all requirements of this division as upon issuance of an initial certificate. Nothing in this division shall be construed as requiring the granting of a certificate upon expiration of a previous certificate, and the burden of proof respecting compliance with all the requirements for a period and of entitlement of a certificate shall remain at all times with the applicant for renewal.

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ARTICLE IV

FEES

Section:

8.70.030 Fees.

8.70.030 Fees.

A. An application for an initial ambulance Certificate of Operation shall be accompanied by payment of an application fee and ambulance inspection fees. The ambulance inspection fee may be returned if the permittee does not meet the basic requirements of subsection (C) of Section 8.70.022 and ambulances are not inspected.

B. Failed ambulance inspections will require a new inspection fee prior to the re-inspection of that ambulance.

C. An application for renewal of an ambulance Certificate of Operation shall be accompanied by payment of fees.

D. The fees shall not exceed the reasonable cost of administering and enforcing this ordinance as determined by the board. The application and ambulance inspection fees will be established by resolution of the board and listed in the Napa County EMS Agency Fee Schedule.

ARTICLE V

OPERATIONAL REQUIREMENTS

Section:

8.70.040 Hold Harmless and Liability Insurance Agreement.

8.70.041 Financial Responsibility.

8.70.042 General Performance Standards.

8.70.043 Ambulance Compliance.

8.70.044 Ambulance Inspection and Permit Process.

8.70.045 Ambulance Communication Capability.

8.70.046 Ambulance Color Scheme and Design.

8.70.047 Ambulance Staffing.

8.70.048 Ambulance Personnel Qualifications.

8.70.049 Personnel Standards.

8.70.050 Medical Control.

8.70.051 Personal Protective Equipment.

8.70.052 Ambulance Station Standards.

8.70.053 Service Level.

8.70.054 Response Standards.

8.70.055 Dispatch.

8.70.056 Prohibitions.

8.70.057 Advertising.

8.70.058 Service Charges and Rates.

8.70.059 Service Updates.

8.70.040 Hold Harmless and Liability Insurance Agreement.

A. Each ambulance permittee, at its sole cost and expense, shall obtain, maintain, and comply with all county insurance coverage(s) and requirements. Types of insurance coverage include Commercial General Liability, Commercial or Business Automobile Liability, Worker's Compensation and Employers Liability, Professional Liability/Errors and Omissions, and Endorsements and Conditions. Required limits of insurance may be obtained from Napa County Health and Human Services, Public Health Division.

B. Lack of coverage as required at any time shall automatically suspend the Certificate of Operation. Failure of the permittee to notify the county of lack of coverage for any reason shall be deemed a violation of regulation subject to fine.

C. As a condition of being issued a permit, permittee shall be required to indemnify and hold harmless the county from any and all claims or actions for property damage, personal injury, sickness, disease, caused by the permittee's acts or omissions and will pay any and all judgment decrees, costs, attorney's fees which may be rendered against the county, its directors, officers, agents, employees and volunteers in any and all such actions or proceedings.

8.70.041 Financial Responsibility.

Each permittee shall provide the county with information in reference to any pending action or unpaid judgments or liens against the permittee, and the notice of the transactions or acts giving rise to the judgments or liens. The permittee shall notify the county in writing of the actions within one week of the notification from the levying agency. The reported information will be reviewed by the county who will make a determination regarding the effect this information will have on the agency's ability to provide continuous service in accordance with this division.

8.70.042 General Performance Standards.

A. Permittee shall maintain sufficient ambulances, operational procedures and personnel, with valid certifications and licenses to meet performance standards and permit specifications.

B. Permittee shall follow the county's LEMSA's policies.

C. Permittee and their personnel shall follow the regulations of the California Vehicle Code and the California Code of Regulations, Title 13, Motor Vehicles.

D. Permittee shall maintain supervisory or management personnel, available on a twenty-four hour basis on-site or on-call, authorized to make operational decisions, direct personnel and commit resources for use.

E. Permittee shall maintain a Quality Management program and perform quality assurance activities in accordance with Sections 8.70.070 and 8.70.071 of this ordinance.

F. Permittee shall ensure that all management, supervisory, dispatch and field personnel maintain knowledge and familiarity with multi-casualty and mass-casualty incident medical operations, staging, and incident command structure.

8.70.043 Ambulance Compliance.

A. Each ambulance shall be equipped according to the standard vehicle safety and equipment requirements of the California Vehicle Code and the California Code of Regulations, Title 13, Motor Vehicles.

B. Each ambulance shall carry a photocopy or original current vehicle registration, current insurance identification, current CHP ambulance identification card (or CHP inspection report valid for thirty days after an initial inspection), and current county issued Ambulance Permit.

C. Each ambulance shall carry standard patient carrying fixtures and restraints necessary for the comfort and safety of patients.

D. Each ambulance shall be equipped with no less than the standardized equipment and supplies as established according to the LEMSA's Equipment and Supply Specifications policy for the level of service provided. CCT ambulances shall be equipped according to the LEMSA's CCT policy.

E. Permittee shall maintain its vehicles, equipment, and supplies in a clean, sanitary, and safe mechanical condition at all times.

8.70.044 Ambulance Inspection and Permit Process.

A. No person, firm, partnership, corporation or other organization, except as identified in subsection (C) of Section 8.70.004, shall operate or cause an ambulance to be operated in Napa County unless an Ambulance Permit has been issued for that ambulance in accordance with this ordinance.

B. The LEMSA shall inspect each ambulance for which it receives an application to ensure compliance with this ordinance and the LEMSA's policies, protocols, and regulations as they pertain to the ambulance service applied for, according to the provisions of Section 8.70.043.

C. The annual inspection for permit renewal shall be based on the list of ambulances submitted by the permittee.

D. The permittee shall be notified in a timely manner of the results of the inspection and any corrective action required if an ambulance fails the inspection.

E. Upon passage of the ambulance inspection, the county shall issue an Ambulance Permit or renewal of the permit, to the permittee.

F. The ambulance inspection will be for all equipment identified in the LEMSA's policies, which has not been inspected by the CHP under the California Code of Regulations, Title 13, Motor Vehicles, Division 2, Chapter 5, Article 1, Sections 1103 and 1103.2.

8.70.045 Ambulance Communication Capability.

Each ambulance shall have a radio for establishing and maintaining radio contact with county Dispatch and county hospitals as prescribed by the county and in compliance with Federal Communication Commission regulations.

8.70.046 Ambulance Color Scheme and Design.

A. At the time of initial application, and if subsequently changed, permittee shall provide the county with pictures or a description of the permittee's specific color scheme and design of its ambulances.

B. The color scheme and design shall not imitate or conflict with any other color scheme of other permittees authorized by this ordinance in a manner that is misleading or would tend to deceive the public.

8.70.047 Ambulance Staffing.

Each BLS ambulance shall be staffed with a minimum of two California certified EMTs. Paramedics licensed in California may also staff BLS ambulances but may not utilize the paramedic scope of practice. CCT ambulances shall be staffed according to the LEMSA's CCT policy.

8.70.048 Ambulance Personnel Qualifications.

A. All personnel while on duty must carry all applicable certificates and permittee identification, and comply with the LEMSA Administrative Policy and Field Treatment Guideline Manual.

B. All EMT and paramedic personnel who operate ambulances and critical care transport units must have a current California driver's license, California ambulance driver's certificate, and a medical examiner's certificate.

C. Permittee's EMT personnel assigned to provide BLS service under this ordinance must meet the minimum qualifications:

1. EMTs must hold current, valid EMT certification in the State of California.
2. EMTs shall be certified in cardiopulmonary resuscitation (CPR/AED) according to the policies of the LEMSA and State of California.
3. EMTs assigned to provide CCT driver/assistant service must meet the additional qualifications specified in the county's CCT policy.

D. Permittee's paramedic personnel assigned to provide CCT service under this ordinance must meet the minimum qualifications:

1. Paramedics must hold current, valid paramedic licensure in the State of California.
2. Paramedics shall be accredited by the LEMSA and hold current and valid ALS certifications.
3. Paramedics assigned to provide CCT patient care must meet the additional qualifications specified in the LEMSA's CCT policy.

E. Permittee's registered nurse (RN) personnel assigned to provide CCT service under this ordinance must meet the minimum qualifications specified in the LEMSA's CCT policy.

F. All drivers must complete an Emergency Vehicle Operation Course (EVOC) driver training course, or its equivalent.

G. The permittee shall retain on file at all times, copies of all current and valid licenses, certifications, and/or accreditations of all emergency medical personnel performing services under this ordinance.

8.70.049 Personnel Standards.

Ambulance companies shall maintain personnel standards that include orientation to the LEMSA Administrative Policy and Field Treatment Guideline Manual, special training (as deemed necessary by the EMS Medical Director), uniforms and appearances, safety apparel, identification, driver training, work-hour scheduling limitations, with due consideration for collective bargaining agreements and/or State and Federal regulations where they apply.

8.70.050 Medical Control.

All ambulance personnel are to provide patient care in accordance with the LEMSA Administrative Policy and Field Treatment Guideline Manual and as directed by standing or specific orders issued by the EMS Medical Director, or his or her designee.

8.70.051 Personal Protective Equipment.

- A. Permittee shall supply and maintain standardized personal protective equipment and supplies to ensure safety and readiness, according to Cal/OSHA guidelines.
- B. Permittee shall ensure that all personnel receive training in all available equipment, including fit testing, according to Cal/OSHA guidelines.

8.70.052 Ambulance Station Standards.

Ambulance company stations within Napa County shall meet the minimum standards in Section 8 of the Federal Housing Authority, and include an EMS bulletin board, provisions for storage, and protection of ambulance(s). Stations shall comply with all applicable zoning, building, and occupational health and safety regulations.

8.70.053 Service Level.

The permittee, unless holding a contract to provide emergency service only, shall be approved by the county prior to beginning service.

8.70.054 Response Standards.

- A. Any private call requesting service for a life threatening emergency or a call requiring ALS level care where ALS care is timely, appropriate and available shall be immediately referred to the 9-1-1 emergency operators.
- B. If a BLS ambulance responds to a patient who appears to have a medical emergency, the crew shall call 9-1-1 and request a 9-1-1 response, and render appropriate care within their scope of practice until the ALS ambulance is on-scene.
- C. Permittee shall dispatch an ambulance to a non-emergency BLS call within a reasonable amount of time and notify the caller of the ambulance's estimated time of arrival. If the unit is delayed more than fifteen minutes from its estimated time of arrival the permittee shall notify the caller of the delay with the new estimated arrival time. The exception to this is for calls that have been prescheduled except for the notification of delay requirement.
- D. The permittee or their employees shall report any response to a non-emergency request for ambulance service that is responded to by a unit not permitted, staffed or equipped at the appropriate service level to the county EMS Agency on an Unusual Occurrence form within ten days of the incident.

8.70.055 Dispatch.

Each ambulance company providing service under this ordinance shall assign at least one person or an agency to be responsible for receiving calls and dispatching ambulances. The permittee shall have a Dispatcher Training Program that includes prioritizing tasks including, but not limited to, call intake, unit assignment, documentation and reporting; communication equipment; and compliance with the LEMSA Administrative Policy and Field Treatment Guideline Manual covering ambulance service operation, ambulance transport, equipment, ambulance personnel, and standards of dispatch. Dispatchers shall be certified in CPR/AED.

8.70.056 Prohibitions.

Ambulance companies are hereby prohibited from engaging in the following activities:

- A. Permitting the operation of an ambulance in any manner contrary to the provisions of this ordinance or contrary to any applicable statute, rule, or regulation.
- B. Responding to a call when not requested to respond to that call by an individual requesting that service or the appropriate dispatch center.
- C. Causing or allowing its ambulances to respond to an emergency call location without first receiving a specific request from a Napa County approved dispatch center.
- D. Providing ALS service without being authorized by the county to provide such service.
- E. Providing CCT services without possessing a current and valid CCT Certificate of Operation and associated Ambulance Permit(s).

8.70.057 Advertising.

- A. No person or organization shall announce, advertise, offer, or in any way claim that it provides non-emergency ambulance service unless it possesses a current, valid ALS, BLS or CCT ambulance Certificate of Operation.
- B. No person or organization shall announce, advertise, offer, or in any way claim that it provides emergency service unless it has been approved as an emergency provider by the county.
- C. Any use of a telephone number on an ambulance for non-emergency ambulance service shall include the phrase “FOR EMERGENCIES, CALL 9-1-1” in capital letters that are at least as big as the letters used for the telephone number.

8.70.058 Service Charges and Rates.

- A. The permittee shall submit their service charges and rates to the county with their application for a Certificate of Operation with each renewal. Any change to the service charges and rates must be reported to the county at least fifteen days prior to such changes.
- B. All service charges and rates must be defined in sufficient detail so as to be understandable to the public. A list of all ambulance rates will be posted on the county website for public viewing. At least annually, the county will notify local healthcare providers, including hospitals and long-term care facilities of current ambulance rates.
- C. The county reserves the option, with board approval, to set maximum allowable rates for ambulance services.

8.70.059 Service Updates.

The permittee shall, at the start of each calendar year, submit to the county, in an electronic form, a list of all EMTs and paramedics employed along with their certificate or license numbers. In addition, the permittee shall notify the county within thirty days of any EMTs and/or paramedics who have been newly hired, terminated, retired, or have quit their employment.

ARTICLE VI
ENFORCEMENT

Section:

- 8.70.060 Investigations and Inspections.**
- 8.70.061 Consumer Complaints.**
- 8.70.062 Penalties.**
- 8.70.063 Notice Issuances.**
- 8.70.064 Hearings.**
- 8.70.065 Appeals; Board of Appeals.**
- 8.70.066 Emergency Action.**
- 8.70.067 Decision.**

8.70.060 Investigations and Inspections.

A. The county shall have the right to inspect the records, vehicles, equipment, supplies, and personnel of the permittee whenever the county deems such inspection necessary.

B. The permittee shall cooperate with the county, in any investigations of possible violations of this ordinance and shall make all dispatch logs and similar dispatch records, including audio recordings, available for inspection and copying at reasonable times at the permittee's regular place of business. All audio recordings shall remain available for a minimum of one hundred eighty days from the date the recording was made.

C. The permittee shall allow the county to inspect, on a pre-announced or unannounced basis, all ambulances used to provide ambulance service. The inspections should be held, whenever possible, during normal business hours at the ambulance operations center. The purpose of such inspections is to determine if the ambulance and its equipment and supplies are in good working order, properly maintained and equipped for the provision of ambulance service for which it is permitted. The ambulance inspection will be for all equipment identified in the county's policies, which has not been inspected by the CHP under the California Code of Regulations, Title 13, Motor Vehicles, Division 2, Chapter 2, Article 1, Sections 1103 and 1103.2.

D. The permittee shall inform the county of any suspension and/or revocation of their California Highway Patrol Ambulance Service License, or Vehicle Certificate, or Authorized Emergency Vehicle Permit for any of their vehicles.

8.70.061 Consumer Complaints.

A. Any user of a permitted ambulance service contending that the user received unsatisfactory services may file a written complaint with the county. Such written complaints shall set forth the allegations. The county shall notify the permittee of the complaint and provide the permittee with all relevant non-confidential information about the complaint.

B. The county shall conduct an investigation of the allegations in the written complaint to determine the validity of said allegations. If the allegations are found to be valid, the county shall take actions to secure compliance with the provisions of this chapter and any established ambulance regulations.

C. If the county is unable to secure compliance, it will initiate action to penalize, suspend or revoke the Certificate of Operation.

8.70.062 Penalties.

A. The county may suspend or revoke an ambulance company's Certificate of Operation for:

1. Violating any provision, regulation, law, including local, state or federal standards or ordinances; or

2. Failure to make and retain records showing its operations in any area covered by this ordinance, including but not limited to dispatching, response, personnel, vehicles, medical treatment or billing, or failure to make such records available for inspection by the county; or

3. Accepting an emergency or non-emergency call when it is either unable or unwilling to provide the requested service, or fails to inform the person requesting such service of any delay; or

4. Failure to pay any fine issued pursuant to this section within thirty business days.

B. Suspension is not a condition precedent to revocation.

C. Fines:

1. Fines may be issued by the county for:

a. Failure to provide required clinical or operational reports, including dispatch records;

b. Failure to comply with requirements for personnel, equipment, and vehicles;

c. Failure to comply with any other section of this ordinance or any regulation adopted pursuant to this ordinance.

2. Exceptions shall be granted for records destroyed by fire, explosion, or theft beyond the reasonable control of the permittee; a declaration of local, state, or federal emergency impacting the permittee's resources; and/or acts of God.

3. Failure to remit amount of fine levied within thirty days of adoption of a resolution of findings on appeal to the board may result in revocation of the Certification of Operation.

D. Violations:

1. Except as otherwise provided, any permittee who violates any provision of this ordinance shall be guilty of a misdemeanor as provided under subsection (B) of Section 1.20.150 of this code, punishable by imprisonment in the county jail and a fine of up to one thousand dollars, or both.

2. A permittee who violates any provision of this ordinance shall be subject to a fine:

a. Not exceeding one hundred dollars for a first violation.

b. Not exceeding two hundred dollars for a second violation of the same section.

c. Not exceeding five hundred dollars for each additional violation within one year of the same section.

d. Notwithstanding the fines set forth in subsections (D)(2)(a) through (D)(2)(c) above, a permittee who violates any provision of this ordinance shall be subject to fines otherwise set or modified by future amendments to Section 25132 of the Government Code.

3. A violation period is defined as each day or portion thereof that a permittee is in violation of this ordinance.

4. The county or designee is hereby authorized to institute and pursue, in the name of the county, pursuant to the provisions of Section 25132 of the Government Code, civil actions for the recovery of fines for violations of this ordinance.

5. The county may also pursue injunctive relief and civil remedies and penalties provided for under subsections (A) and (B) of Section 1.20.155 of this code, including but not limited to civil penalties of up to one thousand dollars for each day or portion thereof, that a violation of this ordinance continues to persist.

6. Payment of any fine herein shall not relieve the permittee from the responsibility of correcting the violation.

7. As provided under Section 1.20.160 of this code, each and every day any violation of this ordinance, or of any condition of any permit or license or other entitlement issued by the county continues, shall, unless otherwise provided, constitute a distinct and separately punishable offense.

8.70.063 Notice Issuances.

Before any suspension or revocation, the county shall give written notice to the permittee specifying the violations. The written notice shall provide the permittee a reasonable period of time (not less than five nor more than fifteen business days) to comply with the provisions in question or to show cause against suspension or revocation and set a date for hearing thereon.

8.70.064 Hearings.

A. If an applicant for a Certificate of Operation or an Ambulance Permit or a permittee is dissatisfied with any of the actions taken by the county pursuant to this chapter, that person may request an administrative hearing.

B. The request for an administrative hearing must be filed within ninety days of the date of the notice.

C. The hearing shall be held at an agency office. The EMS agency shall deliver by certified mail to the applicant or permittee a written notice of the time and place of the hearing no less than ten calendar days prior to the hearing.

D. Hearings conducted pursuant to this chapter shall be conducted before a County Hearing Officer designated by the county. All hearings shall be electronically recorded. Hearings need not be conducted according to the California Code of Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient by itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Irrelevant and unduly repetitious evidence shall be excluded. The parties shall equally bear the expense of the Hearing Officer and the cost of the hearing. Each party shall bear its own expense.

E. At the hearing, the county has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the permittee.

8.70.065 Appeals; Board of Appeals.

A. In order to hear and decide appeals of orders, decisions or determinations made by the Hearing Officer relative to the application and interpretation of the regulations adopted pursuant to Chapter 8.70, there shall be and is hereby created a Board of Appeals consisting of three voting members who are qualified by experience and training to pass upon matters

pertaining to compliance with this chapter. None of the voting members shall be an employee of the county. The HHSA director shall be an ex officio member of and shall act as secretary to the Board of Appeals but shall have no vote on any matter before the Board of Appeals. The Board of Appeals shall be appointed by the board of supervisors and shall hold office at its pleasure. The Board of Appeals shall adopt rules of procedure for conducting its business, shall render its decisions and findings in writing to the appellant, and may recommend to the board of supervisors such new procedures as are consistent with those decisions.

B. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the various sections adopted in this title nor shall the Board of Appeals be empowered to waive the requirements of such codes.

C. Appeal from any finding of the Board of Appeals may be made by the applicant and shall be processed, heard and decided in the manner provided by Chapter 2.88 of this code.

8.70.066 Emergency Action.

The county may reduce the period of time for compliance under a suspension or revocation notice to no less than twenty-four hours and set the matter for hearing immediately upon expiration of the period when the county makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a permit is suspended or revoked, the permittee may request an additional hearing at which the permittee will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearings will be commenced within five days of the permittee's request. The request for, or the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.

8.70.067 Decision.

At the conclusion of the hearings, the Hearing Officer or the Board of Appeals shall promptly prepare a written determination of the issues presented and the proposed findings. A copy of the decision shall be served on the parties by certified return receipt mail. Service of the decision shall be deemed complete at the time deposited in the mail.

ARTICLE VII

QUALITY MANAGEMENT

Section:

8.70.070 Quality Management Program.

8.70.071 CCT Continuous Quality Improvement Plan.

8.70.070 Quality Management Program.

To ensure that ambulances are operating in the best interest of the public health and safety, and that ambulance companies are utilizing properly trained staff, each permittee will be required to have a quality management program that:

A. Utilizes a physician, RN, or paramedic with experience in quality management to direct and coordinate quality improvement activities (exceptions to this may be made on an individual basis by the LEMSA).

- B. Reviews patient care provided by their employees.
- C. Meets the requirements of the State Emergency Medical Services Authority's Quality Improvement Program contained in the California Code of Regulations, Title 22, Division 9.
- D. Identifies problems or issues regarding patient care and proposes solutions for corrective action.
- E. Participates in the LEMSA's collection of data regarding quality of patient care.
- F. Includes disciplinary procedures to be used when appropriate.
- G. Maintains an audio recording of all calls for ambulance services requested, all dispatch instructions given, and all communications between the dispatch center and the ambulance unit until the ambulance run is completed. Recordings must be stored for a period of at least one hundred eighty days.
- H. Ensures that all drivers have completed an Emergency Vehicle Operation Course (EVOC) driver training course, or its equivalent, related to responding to calls for emergency medical service that includes, but is not limited to, the following didactic and practical components: legal aspects of the emergency ambulance operation, the practice of defensive driving, accident avoidance, principles of vehicle control, routine vehicle safety checks, breaking and stopping, acceleration, and steering.
- I. Requires the use of the LEMSA's approved Prehospital Care Report, the Unusual Occurrence form, and/or other approved reports that include all required data elements for all emergency medical and those runs and refusal of service against medical advice.
- J. Requires staff to attend, at no expense to the county, EMS Orientation, and other education and training programs as may be reasonably requested by the LEMSA.
- K. Is consistent with the LEMSA's Quality Assurance/Quality Improvement Plan.
- L. Actively participates in any committees, at the request of the LEMSA, to provide for continued system performance.
- M. Submits documentation outlining the quality management program to the county as part of the ambulance service permit application process.

8.70.071 CCT Continuous Quality Improvement Plan.

CCT ambulance companies are additionally responsible for submitting a Continuous Quality Improvement plan according to the specifications in the LEMSA's CCT policy.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section:

- 8.70.080 Exemptions.**
- 8.70.081 Medical Direction.**
- 8.70.082 EMS Special Event Notification.**
- 8.70.083 Emergency and Disaster Operations.**
- 8.70.084 Clinical Experience Program.**
- 8.70.085 County Liability.**

8.70.080 Exemptions.

A. When county officials have determined that adequate emergency ambulance service will not be available from existing ambulance providers, this ordinance may be waived at the request of any county Communications Center or at the request of any law enforcement or fire protection agency during any “state of war emergency,” “state of emergency,” or “local emergency” as defined in Government Code Section 8558 or during any period (not over thirty days, but renewable every thirty days).

B. This ordinance shall not prevent any peace officer as described in the California Code of Regulations, Title 13, Motor Vehicles 1107(a)(2) or public safety personnel as defined in county policies, from arranging for the transportation of an individual in need of emergency medical care when no ambulance with an appropriate ambulance service permit is available and such transportation is required immediately for the preservation of life or to avoid substantial impairment of the person to be transported.

8.70.081 Medical Direction.

All EMT and paramedic personnel working in Napa County are required to provide patient care in accordance with medical care policies, procedures and protocols promulgated by the EMS medical director.

8.70.082 EMS Special Event Notification.

Permittees providing special event standby coverage shall comply with the county’s Special Event requirements set forth in Chapter 10.24 policy and complete an EMS Special Event Notification form. This form shall be submitted to the county for approval at least seven days prior to the beginning of the coverage. Non-county approved transport providers shall pay a Special Event Non-Emergency Ambulance Permit fee. The county may impose conditions on the approval of the request, which are necessary to ensure the safety of the public, including, but not limited to, notification of the local public safety jurisdiction, county communications, and appropriate emergency or 9-1-1 first responder providers. This provision shall help to ensure that adequate and integrated emergency medical services are available to the public and event participants. Any unauthorized standby service provided by a private EMS service may result in a fine, permit suspension or revocation.

8.70.083 Emergency and Disaster Operations.

A. In the event of a disaster or mass-casualty incident, the ability of the emergency ALS ambulance providers to provide necessary prehospital emergency ambulance care and transportation may be disrupted or be inadequate for the number of casualties. It is expected that permittees assist the county by providing additional ambulances. In the event of a disaster or mass-casualty incident, the county will determine the amount of assistance needed. The county will contact each permitted service to determine availability of ambulances and may request the permittee to dispatch available ambulances to the county to aid in the disaster or mass-casualty incident. The county shall coordinate all medical mutual aid requests through the county Centralized Emergency Medical Dispatch, the medical mutual aid system, and the county Public Health Officer when applicable.

B. Permittees shall have on file with the county, its Disaster Response Plan which includes a personnel call-back plan.

C. All management and field personnel of the permittee shall follow the county's Multi Casualty Incident (MCI) Plan Policy during an MCI.

D. The county may assist the permittee in seeking reimbursement for its costs from any disaster relief monies. The county shall have no financial responsibility for these costs or charges.

E. When requested by the county (via a minimum ninety day notice), every permittee shall participate in a county organized disaster exercise by sending one fully staffed ambulance. All costs associated with their participation in the disaster exercise shall be the sole responsibility of the permittee.

8.70.084 Clinical Experience Program.

All BLS ambulance companies, in business more than one year, shall work with the county to develop and maintain a program that provides clinical experience to students enrolled in EMT training programs approved by the county.

8.70.085 County Liability.

Unless expressly agreed in writing, the county, LEMSA, HHSA, its officers and employees shall not be liable for any permittee costs or charges associated with compliance under this ordinance or the rules or regulations promulgated hereunder.

SECTION 2. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 3. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the

Napa County Board of Supervisors, State of California, held on the 6th day of June, 2017, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 13th day of June, 2017, by the following vote:

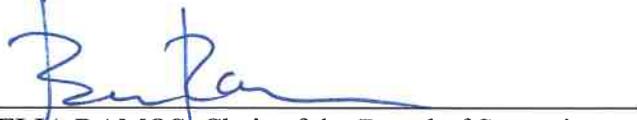
AYES: SUPERVISORS WAGENKNECHT, GREGORY, DILLON,
PEDROZA and RAMOS

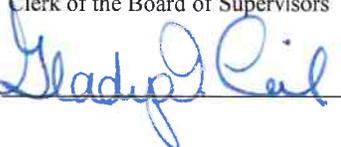
NOES: SUPERVISORS NONE

ABSTAIN: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

NAPA COUNTY, a political subdivision of the State of California

By: 
BELIA RAMOS, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Jennifer Yasumoto</u> Chief Deputy County Counsel</p> <p>By: <u>Sue Ingalls</u> County Code Services</p> <p>Date: May 16, 2017</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: June 13, 2017</p> <p>Processed By:  Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: </p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON 6/13/2017.


_____, DEPUTY for
GLADYS I. COIL, CLERK OF THE BOARD