

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

**AN ORDINANCE OF THE BOARD OF SUPERVISORS)
OF THE COUNTY OF SAN BENITO, AMENDING) Ordinance No.: 977
CHAPTER 11.09 OF TITLE 11 OF THE SAN BENITO)
COUNTY CODE PROVIDING FOR THE REGULATION)
OF AMBULANCE SERVICE IN SAN BENITO COUNTY)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11.09, "Ambulance Service," of Title 11 of the San Benito County Code shall be amended as follows:

SECTION 2. Section 11.09.007 of the San Benito County Code is hereby amended in its entirety to read:

11.09.007 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 ambulance service within San Benito County unless the person holds (and is entitled to hold) a currently valid ambulance Certificate of Operation issued by the AGENCY.
- (B) No person (either as owner, agent or otherwise) shall furnish and operate an ambulance unless that ambulance has a currently valid Ambulance Permit issued by the AGENCY.
- (C) Quick Response Vehicles, Gurney and Wheelchair Van transport providers are required to hold an ambulance Certificate of Operation. Gurney Van and Wheelchair Van medical transportation services will not be provided on an exclusive basis. Each medical transportation entity providing service within the County shall obtain a Certificate of Operations. A transportation vehicle permit is required for each vehicle owned by the medical transportation entity and operated within the County.
- (D) No person (either as owner, agent or otherwise) shall furnish and operate a Quick Response Vehicle, Gurney or Wheelchair Van unless that vehicle has a currently valid Ambulance Permit issued by the AGENCY.
- (E) No Certificate of Operation or Ambulance Permit is required for the delivery into San Benito County of persons picked up outside San Benito County. No Certificate of Operation or Ambulance Permit is required for specialized teams, including but not limited to, neonatal intensive care units permitted by another emergency medical services agency, transporting patients to acute care hospitals based outside of San Benito County.
- (F) Exclusive Operating Areas: The COUNTY has not established EOA for BLS, and/or CCT emergency and/or non-emergency transport, but retains its option to do so in the future.

SECTION 3. Section 11.09.008 of the San Benito County Code is hereby amended in its entirety to read:

11.09.008 CERTIFICATE OF OPERATION AND PERMIT PROCESS

- (A) Application forms for an ambulance service Certificate of Operation shall be supplied by the AGENCY.
- (B) The applicant must be a licensed CHP ambulance service prior to submitting an application.
- (C) Required data: 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 level(s) of service requested;
 - (4) A statement specifying whether the applicant has provided services in San Benito 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 a company outside of San Benito 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, if applicable;
 - (7) An assets and liabilities statement or a letter prepared by a certified public accountant showing proof of financial solvency;
 - (8) A copy of the business license for the city in which the applicant is doing business;
 - (9) A statement of the legal history of the applicant, including criminal and civil convictions;
 - (10) A statement specifying the education, training, and experience in the care and transportation of patients;
 - (11) 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;
 - (12) A statement that the applicant owns or has under his control, in good mechanical condition, required equipment to consistently provide service in the area for which they are applying, and that the applicant owns or has access to suitable facilities for maintaining equipment in a clean and sanitary condition;
 - (13) A statement that the applicant understands and will comply with the COUNTY's Staffing, and Equipment and Supply Specifications policies or contractual requirements regarding equipment carried for each level of service;
 - (14) A list of the actual number of vehicles or ambulances and for each: the make and model, year, the vehicle identification number (VIN), State vehicle license number and proof of current Department of Motor Vehicle registration, and proof of

California Highway Patrol Ambulance Inspection Report and Ambulance Identification Certificate;

- (15) A statement that the applicant understands and will comply with the ambulance inspection process, including the required fees;
 - (16) A statement that the applicant has or will have sufficient personnel adequately trained and available to deliver service of good quality at all times, including copies of their certifications/licenses;
 - (17) A statement of the applicant's training and orientation programs for EMTs and/or paramedics, and dispatchers;
 - (18) A description of the number and type, frequency and private line codes of the vehicle's radios, and if used, phone numbers of the vehicle's cellular phones;
 - (19) A description of the company's program for maintenance of the vehicles;
 - (20) A description and photo/image of the company's logo and color scheme to be used to designate the vehicles or ambulances of the applicant;
 - (21) The number of vehicles or ambulances to be deployed on each shift;
 - (22) A description of the locations from which services will be offered, noting the hours of operation and phone numbers;
 - (23) Evidence of insurance coverage compliance under section 11.09.013;
 - (24) A Certificate of Consent to Self-Insure issued by the California State Director of Industrial Relations, or a Certificate of Workman's Compensation Insurance;
 - (25) A Quality Improvement Program as specified in section 11.09.041;
 - (26) A Disaster Response Plan as specified in section 11.09.046;
 - (27) All service charges and rates to be charged, showing compliance with any maximum charges established by the County;
 - (28) An acknowledgement and promise to pay the application fee for a Certificate of Operation within ten (10) days of receipt of invoice;
 - (29) An acknowledgement and promise to pay the inspection fee for each vehicle or ambulance within ten (10) days of receipt of invoice.
 - (30) If applying for a CCT Certificate of Operation, copies of all paperwork for inter-facility transport as identified in the AGENCY CCT policy.
 - (31) Any other information the AGENCY deems necessary for determination of compliance with this division.
- (D) Upon submission of an application, an invoice will be mailed to the applicant indicating the Certificate of Operations fee and the inspection fee for each vehicle or ambulance.
- (E) Within thirty (30) days of receipt of a complete application and the required fee, the AGENCY shall determine 1-7 (below) or if an extension is necessary:
- (1) Whether the applicant is a licensed CHP ambulance service, and

- (2) Whether the applicant meets the requirements of this ordinance and of other applicable laws, ordinances, and regulations; and
 - (3) Whether the applicant is able to provide the requested service, and
 - (4) Whether the applicant has knowingly made a false statement of fact in such application, and
 - (5) Whether the applicant has knowingly failed to disclose facts pertinent to the application process, and
 - (6) Whether the applicant was previously a holder of a Certificate of Operation issued under this chapter, which has been revoked or not renewed based on the provisions of this ordinance, and
 - (7) Whether the applicant's vehicles, equipment, and appurtenances, including radios, are in good working order and the ambulances pass an inspection, according to the provisions of section 11.09.016 – 11.09.017.
- (F) Approval or denial:
- (1) If it is determined that the applicant does not meet all requirements within this division, then the AGENCY shall deny the application and notify the applicant in writing.
 - (2) If it is determined that the applicant meets all requirements within this division, the AGENCY shall approve the application and issue a Certificate of Operation and, upon a positive inspection, appropriate Ambulance Permits.
- (G) Appeal from denial of issuance: Whenever the AGENCY denies an application, 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 of Supervisors according to the provisions of section 11.09.011.
- (H) Decisions—finality: The decision of the AGENCY rendered pursuant to this chapter shall be final, unless appealed to the Board of Supervisors within thirty (30) days after such decision is rendered in writing, and notice of the same is given to the applicant.
- (I) Term:
- (1) Certificates of Operation shall be valid for one calendar year beginning on January 1 and ending on December 31.
 - (2) Certificates of Operation shall be continued upon conditions of section 11.09.037 unless earlier suspended, revoked or terminated for cause.
 - (3) It is the responsibility of the PERMITTEE to maintain current data with the AGENCY.
 - (4) Notice of intent to discontinue service: A PERMITTEE providing ambulance service may discontinue such services only after providing notice in writing of intent to discontinue services to the AGENCY or upon mutual written agreement.
- (J) Transfer of Certificate of Operation or Ambulance Permit: 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 AGENCY.

- (K) **Interruption of Service:** In the event of any actual or anticipated interruption of service, or any actual or anticipated substantial changes in the ambulance services, which cause, or threaten to cause, the ambulance service to be carried out differently than specified in the certificate of operation, the certificate holder shall immediately notify the agency verbally, to be followed by written notification within three days, stating the facts of the actual or anticipated change.
- (L) **Temporary or Emergency Certificates:** The AGENCY may grant a temporary or emergency certificate of operation to insure the public health, safety or welfare. The temporary or emergency certificate shall remain in effect for the period indicated by the EMS Administrator, but shall not exceed one-hundred eighty (180) days.

SECTION 4. Section 11.09.010 of the San Benito County Code is hereby amended in its entirety to read:

11.09.010 ADDING VEHICLES OR AMBULANCES

If a PERMITTEE desires to include additional vehicles or ambulances under its Certificate of Operation, the PERMITTEE shall submit a vehicle description form for each additional unit, provide the designated fee per unit to the AGENCY, and schedule an inspection. The term of the Ambulance Permit for additional authorized units shall run concurrently with the last authorized permit period.

SECTION 5. Section 11.09.011 of the San Benito County Code is hereby amended in its entirety to read:

11.09.011 RENEWAL OF CERTIFICATE OF OPERATION

- (A) Applicants for renewal of an ambulance service Certificate of Operation under this ordinance shall file with the AGENCY an application, which shall include information required in section 11.09.008, subd. (C). Renewal applications may be submitted sixty (60) days prior to the expiration date but no later than twenty (20) days prior to the expiration date. An invoice will be provided to the Applicant.
- (B) AGENCY reserves the right to inspect All vehicles specified by the PERMITTEE and have their permits renewed in accordance with the provisions of section 11.09.017, Ambulance Inspection and Permit Process. The issuance of a renewed Certificate of Operation shall be based on receipt of all documentation and payment of fees.
- (C) Renewal of a Certificate of Operation shall require conformance with all requirements of an initial certificate. Nothing in this division shall be construed as requiring the granting of a renewal certificate upon expiration of a previous certificate without first having met all requirements. The applicant bears the burden of proof that all requirements have been met for the issuance of a renewal certificate for the specified period of operation.
- (D) An ambulance provider shall submit, with their renewal application, a financial statement of its business activities or a letter showing proof of financial solvency, prepared by a certified public accountant. Renewal of a certificate is contingent upon proof of financial solvency within the proper time frames.

SECTION 6. Section 11.09.012 of the San Benito County Code is hereby amended in its entirety to read:

11.09.012 FEES

- (A) Once the application for an initial or renewal Certificate of Operation is reviewed, an invoice will be provided for the highest level of service intended, and all Ambulance Permit fees, including inspection fees, as defined in the applicable COUNTY fee schedule.
- (B) The Board of Supervisors shall set the fees by resolution. The fees shall not exceed the reasonable cost of administering and enforcing this ordinance as determined by the Board of Supervisors.

SECTION 7. Section 11.09.017 of the San Benito County Code is hereby amended in its entirety to read:

11.09.017 AMBULANCE INSPECTION AND PERMIT PROCESS

- (A) No person, firm, partnership, corporation or other organization, except as identified in section 11.09.007, shall operate or cause any ambulance, quick response vehicle, and gurney or wheelchair van to be operated in San Benito County unless an ambulance permit has been issued for that vehicle in accordance with these regulations.
- (B) The COUNTY reserves the right to inspect each vehicle for which it receives an application to ensure compliance with this ordinance and the COUNTY's policies, protocols, and regulations as they pertain to that vehicle and the service level applied for, according to the provisions of section 11.09.016 – 11.09.017.
- (C) The annual inspection for permit renewal shall be based on the list of vehicles 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 a vehicle fails the inspection.
- (E) Upon passage of the 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 COUNTY's policies, which has not been inspected by the CHP under the California Code of Regulations, Title 13, Vehicle Code, Division 2, Chapter 2, Article 1, sections 1103 and 1103.2.

SECTION 8. Section 11.09.019 of the San Benito County Code is hereby amended in its entirety to read:

11.09.019 AMBULANCE COLOR SCHEME AND DESIGN

- (A) At the time of initial application, PERMITTEE shall request a specific color scheme and design and, upon approval by the COUNTY, shall apply such color scheme and design to each vehicle receiving an ambulance permit.
- (B) The color scheme and design shall not imitate or conflict with any other color scheme authorized by this ordinance in a manner that is misleading or would tend to deceive the public.

- (C) No sign, letter, color, appliance or item of decorative or distinguishing nature shall be attached or applied to any ambulance unless it has first been approved in the color scheme authorized for each ambulance provider.

SECTION 9. Section 11.09.020 of the San Benito County Code is hereby amended in its entirety to read:

11.09.020 AMBULANCE STAFFING

Each BLS ambulance shall be staffed with a minimum of two (2) California certified EMTs. Paramedics licensed in California may also staff BLS ambulances but may not utilize the paramedic scope of practice. Each ALS ambulance shall be staffed with a minimum of one (1) paramedic and one (1) EMT. Each CCT ambulance shall be staffed according to the COUNTY's CCT policy. Each Gurney Van and Wheelchair Van must be staffed in accordance with California Code of Regulations, Title 22, Division 3, Chapter 3, Article 3 for Gurney Vans (22 CCR § 51231.1) and for Wheelchair Vans (22 CCR § 51231.2).

SECTION 10. Section 11.09.021 of the San Benito County Code is hereby amended in its entirety to read:

11.09.021 AMBULANCE PERSONNEL QUALIFICATIONS

- (A) All personnel while on duty must carry all applicable certificates and PERMITTEE identification, and comply with the COUNTY's policies and procedures.
- (B) All EMT and paramedic personnel must have a current driver license, ambulance driver certificate, and a medical examiner's certificate. EMTs hired to solely provide patient care duties are exempt from this requirement. The PERMITTEE is required to inform the COUNTY of these personnel and any changes to their work status.
- (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 COUNTY and State.
 - (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 ALS or CCT service under this ordinance must meet the minimum qualifications:
 - (1) Paramedics must hold current, valid paramedic license in the State of California.
 - (2) Paramedics shall be accredited by the COUNTY and hold current and valid ALS certifications.
 - (3) Paramedics assigned to provide CCT patient care must meet the additional qualifications specified in the COUNTY'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 COUNTY's CCT policy.

- (F) All drivers must complete an Emergency Vehicle Operation Course (EVOC), 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.
- (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.

SECTION 11. Section 11.09.027 of the San Benito County Code is hereby amended in its entirety to read:

11.09.027 RESPONSE STANDARDS

- (A) Any private call of a life threatening nature or a call requiring ALS level care shall be immediately referred to the 9-1-1 emergency dispatchers.
- (B) If an 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 fifteen (15) minutes unless the caller is immediately advised of a delay in responding to the call or the unavailability of an ambulance. The exception to this is for calls that have been prescheduled.
- (D) PERMITTEE shall provide prompt transportation of the patient to the most appropriate medical facility, licensed, equipped, and staffed to meet the needs of the patient in accordance with applicable laws, rules, regulations, and policies.
- (E) The PERMITTEE or their employees shall report within one (1) day to the COUNTY, on an Unusual Occurrence Form, any critical failure or call for service where the unit that responded was not staffed and equipped at the appropriate service level.

SECTION 12. Section 11.09.041 of the San Benito County Code is hereby amended in its entirety to read:

11.09.041 QUALITY IMPROVEMENT PROGRAM

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

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

- (D) Identifies problems or issues regarding patient care and proposes solutions for corrective action;
- (E) Participates in the AGENCY's collection of data regarding quality of patient care;
- (F) Includes disciplinary procedures to be used when appropriate.
- (G) Maintains a radio recording of all calls for BLS/ALS services requested, all dispatch instructions given, and all communications between the dispatch center and the unit until the run is completed. Recordings must be stored for a period of at least ninety (90) 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 AGENCY's designated Prehospital Care Report, the Unusual Occurrence Form, and/or other approved reports that include all required data elements for all emergency medical responses including refusal of service and against medical advice (AMA).
- (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 AGENCY.
- (K) Is consistent with the AGENCY's Quality Improvement Plan.
- (L) PERMITTEES, or a designated employee(s), shall actively participate on any committees, at the request of the AGENCY, to provide for continued system performance.
- (M) Documentation outlining the quality improvement program is to be submitted to the AGENCY as part of the application process.

SECTION 13. Section 11.09.045 of the San Benito County Code is hereby amended in its entirety to read:

11.09.045 EMS SPECIAL EVENT NOTIFICATION

PERMITTEES providing special event standby coverage shall complete an EMS Special Event Notification Form. This form shall be submitted to the AGENCY for approval at least seven (7) days prior to the beginning of the coverage. The AGENCY may impose conditions on the approval of the request, which are necessary to ensure the safety of the public according to AGENCY's "EMS Coverage for Planned Events and/or Mass Gatherings." 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 by a private EMS service, whether or not transportation is provided, may result in a fine, permit suspension or revocation.

SECTION 14. Section 11.09.050 of the San Benito County Code is hereby deleted.

SECTION 15. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions

hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 16. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito, adopted this 5th day of February, 2019, on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s) Medina, Botelho, Gillio, Hernandez, De La Cruz

NOES: Supervisor(s) none

ABSENT OR NOT VOTING: none



Chair, Board of Supervisors

ATTEST:

Janet Slibsager, Clerk of the Board

By: Janet Slibsager
Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel
Barbara J. Thompson

By: [Signature] 1/29/19
Sarah M. Dickinson,
Deputy County Counsel