

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 9.05 OF MENDOCINO COUNTY CODE
ENTITLED "EMERGENCY AND PRE-HOSPITAL MEDICAL SERVICE SYSTEM"
CODE**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

DIVISION ONE GENERAL

Sec. 9.05.100 Title.

- A. The ordinance codified in this Chapter shall be known as the "Emergency and Pre-Hospital Medical Services System Ordinance of Mendocino County."

Sec. 9.05.110 Authority.

- A. The County of Mendocino (hereinafter, "County") has established an Emergency Medical Services (EMS) system containing an organized pattern of readiness and response services pursuant to California Health and Safety Code section 1797.200, *et seq.*
- B. The County has designated a Local EMS Agency (LEMSA) to administer the County EMS system pursuant to Health and Safety Code section 1797.200, *et seq.*
- C. This Chapter shall be administered by the County through its designated LEMSAs. The LEMSAs shall administer the EMS System through the use of agreements with public and private entities as well as policies, procedures and guidelines as provided for in Health and Safety Code section 1797.204.

Sec. 9.05.120 Intent and Scope.

- A. Intent: It is the intent of this Chapter for the LEMSAs to provide medical control and management of EMS in the County in conformance with California Health and Safety Code section 1443, Welfare and Institution Code section 17000, Vehicle Code section 2512, and Government Code section 37101.
- B. Scope: The LEMSAs shall develop and implement policy, procedure, and guidelines setting forth minimum requirements for the authorization and operation of ground and air EMS providers for the purpose of providing the organization and resources required to maintain an EMS system that meets state mandates and the health and safety needs of the residents of and the visitors to the County.
- C. The LEMSAs shall develop and implement procedures for the training, education, certification, accreditation and discipline of pre-hospital personnel in accordance with

Health and Safety Code and California Code of Regulations for the purposes of protecting the health and safety of the residents of and the visitors to the County.

- D. The LEMSA shall develop and implement additional policy, procedure and guidelines as appropriate to be consistent with current healthcare practice or when mandated by Health and Safety Code and/or California Code of Regulations for the purposes of protecting the health and safety of the residents of and the visitors to the County.

Sec. 9.05.130 Definitions.

- A. "Advanced Life Support" or "ALS"; see "Class of Service."
- B. "Ambulance" means any privately or publicly owned vehicle especially designed, constructed, modified, equipped, arranged, maintained and operated for the sole purpose of transporting sick, injured, infirm, convalescent or otherwise incapacitated persons, and expectant mothers.
- C. "Ambulance Dispatch Center" means any entity that dispatches ambulances in response to requests for service through any means of communication.
- D. "Ambulance Service Provider" means any person or entity who, for monetary, public service, or other consideration, transports, in one or more air or ground ambulances providing any class of service, one or more persons needing medical attention or services from any location in the County.
- E. "Ambulance Service Provider Permit" means a permit issued by the LEMSA in accordance with LEMSA policy authorizing the holder to act as an Ambulance Service Provider within the County.
- F. "Basic Life Support" or "BLS"; see "Class of Service."
- G. "Board" means the Board of Supervisors, County of Mendocino.
- H. "Class of service" means the level or levels of complexity of field emergency medical services that may be provided by the Permittee and/or certified person. These are:
 - 1. Emergency Medical Responder (EMR) level care provided by a person who has completed a state-approved EMR course that meets or exceeds the national EMS education standards for EMR and functions within the state and LEMSA-approved scope of practice
 - 2. Basic Life Support (BLS) as defined in Health and Safety Code Section 1797.60 provided at the EMT scope of practice level as defined in Health and Safety Code Section 1797.80.

3. Advanced Life Support (ALS) as defined in Health and Safety Code Section 1797.56 provided by a paramedic as defined in Health and Safety Code Section 1797.84.
 4. "Critical Care Transport" or "CCT" level care during transport which exceeds the paramedic scope of practice, requiring a higher level of health care licensure.
- I. "County" means the County of Mendocino, State of California.
 - J. "Department" means County of Mendocino, Department of Health and Human Services Agency.
 - K. "Emergency Medical Services" or "EMS" means medical services performed in response to an Emergency Call.
 - L. "EMS Aircraft Service" means any aircraft service utilized for the purpose of pre-hospital emergency patient response and transport. EMS Aircraft Service includes air ambulances and all categories of rescue aircraft as defined in Title 22.
 - M. "EMS Dispatch" means the Ambulance Dispatch Center designated by the LEMSA for the dispatch of EMS responders to Emergency Calls.
 - N. "EMS Entity" means a public or private organization of any type providing EMS and/or Ambulance services within the County.
 - O. "EMS System" means a specifically organized arrangement which provides for the personnel, facilities and equipment for the effective and coordinated delivery of medical care services under emergency conditions, as described in Health and Safety Code sections 1797 and 1798.
 - P. "EOA" means Exclusive Operating Area as defined in Health & Safety Code section 1797.85.
 - Q. "LEMSA" means the Local EMS Agency established by the County, designated by the Board pursuant to Health and Safety Code section 1797, et seq.
 - R. "Maddy EMS Fund" references funding available through Health and Safety Code section 1797.98 which compensates health care providers for emergency medical services for individuals who do not have health insurance and cannot afford to pay for emergency care and for discretionary EMS purposes.
 - S. "Permit" means an "Ambulance Service Provider Permit."
 - T. "Permittee" means an Ambulance Service Provider which has been granted a permit by the LEMSA to engage in a business or service in which ambulances are operated.

- U. "Provider Authorization" means an agreement between an EMS Entity and the LEMSA specifying terms and conditions for the provision of EMS including, but not limited to, class of service to be provided, LEMSA approval for optional scope of practice, participation in LEMSA data and quality improvement activities and/or performance standards.

DIVISION TWO AUTHORIZATIONS

Sec. 9.05.200 Authorization Required.

- A. All EMS Entities operating in the County shall be authorized by the LEMSA in accordance with the requirements of this Chapter and any Federal or State law or regulation governing EMS.
- B. Authorization shall consist of a Provider Authorization and, if indicated for the type of EMS Entity, an Ambulance Service Provider Permit.
- C. Provider Authorizations shall be issued in accordance with LEMSA Provider Authorization Policy.
- D. Ambulance Service Provider Permits shall be issued in accordance with LEMSA Ambulance Service Permit Policy.

Sec. 9.05.210 Ambulance Service Provider Permits Required.

- A. Any entity (either as an owner, agent or otherwise) who wishes to furnish, operate, conduct, maintain, or otherwise engage in, or offer, or profess to engage in providing ambulance service in the County shall have a valid Ambulance Service Provider Permit in accordance with the LEMSA System Plan and EMS policies, procedures, and guidelines.
- B. Permit requirements shall apply to providers of air and ground ambulances, including BLS, ALS and CCT vehicles.
- C. Permit requirements shall not apply to ambulance service providers engaged in the transport of patients where the transport initiated outside County boundaries for transport into or through the County.
- D. Public agencies operating as EMS Entities are exempt from the LEMSA permitting process.
- E. LEMSA Policy shall specify due process for the issuance of Ambulance Service Provider permits including:
 - 1. Application and approval process

2. Procedure for denial of application
3. Procedure for suspension or revocation of permits issues in conformity with this chapter
4. Appeal process for contesting denial of application, or suspension and or revocation of permits issued in conformity with this chapter

Sec. 9.05.220 Provider Authorization Required.

- A. Any EMS entity providing ambulance service, Advanced Life Support or other EMS Services requiring LEMSA authorization in the County, shall secure a Provider Authorization from the LEMSA specifying terms and conditions for the provision of EMS including, but not limited to, class of service to be provided, LEMSA approval for optional scope of practice, participation in LEMSA data and quality improvement activities and applicable performance standards as defined in LEMSA policies, procedures and guidelines.
- B. Provider Authorizations shall not apply to cities or fire districts providing pre-hospital emergency medical services subject to and in accordance with Health and Safety Code section 1797.201. Such agencies providing services under Section 1797.201 shall nonetheless be subject to LEMSA medical control and applicable performance standards as defined in LEMSA policies, procedures and guidelines. Compliance of City and Fire District pre-hospital emergency service providers with LEMSA medical control and applicable performance standards pursuant to LEMSA policies, procedures and guidelines shall not evidence or constitute an “agreement” with such City and Fire Districts for purposes of Section 1797.201, and nothing in this ordinance may be so construed. Nothing in this ordinance is intended to affect, or may be construed to affect, in any way the rights and obligations of City and Fire District pre-hospital emergency service providers pursuant to Section 1797.201. Nothing in this ordinance is intended to affect or may be construed to affect the eligibility of City and Fire District pre-hospital emergency service providers to enter exclusive operating agreements under Health and Safety Code section 1797.224.
- C. Exemptions
 1. Provider Authorization requirements shall not apply to non-transport EMS Entities except where specific LEMSA authorizations for EMS Scope of Practice are required by California Health and Safety Code and/or California Code of Regulations.
 2. Provider Authorization requirements shall not apply to ambulance service providers engaged in the transport of patients where the transport initiated outside County boundaries for transport into or through the County.

Sec. 9.05.230 Exclusive Operating Area.

- A. The LEMSA, as directed by the Board, may establish one or more exclusive operating areas (EOAs), as defined in Health & Safety Code section 1797.85, which may be awarded either without a competitive process (a "non-competitive EOA") or pursuant to a competitive process (a "competitive EOA"), provided that in either case the requirements of Health and Safety Code section 1797.224 are met.
- B. An EMS Entity granted an EOA shall enter into an agreement with the County (an "EOA Agreement") setting forth the terms on which the EMS Entity shall provide services within the EOA, including the level and type of ambulance services covered by the EOA Agreement.
- C. No EMS Entity shall render any type or level of services considered exclusive within an EOA, unless the EMS Entity has entered into an EOA Agreement with the County to provide such services.
- D. Nothing in this Chapter or in any rule or regulation enacted by the County shall be construed as requiring the County to establish either a competitive or non-competitive EOA.

Sec. 9.05.240 EMS Dispatch.

- A. All dispatch of ambulance(s) and/or EMS Entities in response to a request for EMS services shall be in accordance with relevant LEMSA policy for the provision of Medical Control to EMS Dispatch.
- B. Dispatch of ambulance(s) and/or EMS Entities in response to a request for EMS and/or ambulance transportation shall only be conducted by communications centers approved by the LEMSA.

Sec. 9.05.250 Emergency and Disaster Operations.

During any "state of war emergency," "state of emergency" or "local emergency," as defined in the California Emergency Service Act (Chapter 7 of Division 1 of Title 2 of the Government Code), as amended, each Ambulance Service Provider shall provide equipment, facilities, and personnel as required by the LEMSA.

Sec. 9.05.260 Violations.

- A. Any person or EMS Entity required to have a valid Ambulance Service Provider Permit to provide ambulance services within the County, that does not have a valid Ambulance Service Provider Permit shall be in violation of this Chapter as well as any relevant statute or regulation.
- B. Any EMS Entity providing ambulance services without the LEMSA authorization required in the Health and Safety Code or the California Code of Regulations Title

22 via a Provider Authorization shall be in violation of this Chapter as well as any relevant statute or regulation.

DIVISION THREE FUNDING

Sec. 9.05.300 Fees.

The LEMSA shall establish the fees to recover the costs of the oversight of the EMS system through the County Board of Supervisors approved fee schedule.

Sec. 9.05.310 EMS Fund and EMS Trust.

- A. An EMS special fund, known as the “Maddy Fund,” has been established pursuant to Health and Safety Code section 1797.98, et seq. Monies collected are to be deposited in this fund and distributed according to the Health and Safety Code.
- B. An EMS Trust has been established for monies collected from EMS providers related to permits, fines, and liquidated damages. Said monies will continue to be exclusively utilized to fund EMS-related system improvements at the direction of the LEMSA. It is not intended to support EMS provider operations.

DIVISION FOUR EFFECTIVE

Sec. 9.05.400 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Sec. 9.05.410 CEQA.

Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. Adoption and implementation of the Permit and Provider Authorization requirements, and other measures contained in the ordinance will not result in any direct physical change to the environment. The basis for this determination is that this ordinance does not in itself approve any activities that have an environmental impact, but instead establishes standards, Permit and Provider Authorization requirements, and other measures that regulate the delivery of EMS. The Director of the Department of Health Services is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Sec. 9.05.420 Implementation.

This ordinance shall be, and the same is hereby declared to be, in full force and effect thirty (30) days after the date of its passage. A summary of the ordinance shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in The Ukiah Daily Journal, a newspaper of general circulation published in the County of Mendocino, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy