

## CHAPTER 111: EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES

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### § 111.01 PURPOSE.

The purpose of this chapter is to provide for a Granville County Emergency Medical Services System and for the regulation of other ambulance services in Granville County to the extent not otherwise limited by any municipality regulating ambulance services under G.S. § 153A-250(c).

### § 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AMBULANCE.** Any publicly or privately owned vehicle that is specially designed, constructed or modified and equipped, and is intended to be used for and is maintained or operated for the transportation upon the streets and highways in the state of persons who are sick, injured, wounded or otherwise incapacitated. (See also G.S. § 131E-155(a1))

**AMBULANCE SERVICE.** A publicly or privately owned enterprise that is engaged in the transportation of patients to emergency and/or nonemergency medical facilities.

**BOARD.** The Granville County Board of Commissioners.

**CONTRACT EMS AGENCY.** A municipal agency, including but not limited to Granville Health System, a municipal hospital organized pursuant to N.C. Gen. Stat. §131E-9(a), or a private, nonprofit organization which contracts with the county to provide emergency medical services as part of the county EMS system.

**CONVALESCENT AMBULANCE SERVICE.** Ambulance services provided to individuals who are medically stable and need transportation but are unable to utilize regular ambulatory style transportation. Such services normally include the transportation of medically stable patients who are unable to sit up to and from their home.

**COUNTY.** Granville County, North Carolina.

DEPARTMENT. Granville County Department of Emergency Medical Services.

ADMINISTRATOR. Granville County Department of Emergency Medical Services Administrator or his/her designee.

EMERGENCY MEDICAL SERVICES or EMS. Services rendered by emergency medical services personnel as defined in G.S. § 131E-155(7) in responding to address an individual's need for immediate emergency medical care in order to prevent loss of life or further aggravation of illness or injury. (See also G.S. § 143-507(d))

FIRST RESPONDER. The first dispatched medical or rescue aid to arrive at the scene and provide emergency medical assistance to stabilize the patient while waiting for further medical aid and/or transport.

FRANCHISE. A permit issued by the county under the authority of G.S. § 153A-250 for the operation of an ambulance service.

MEDICAL DIRECTOR. The physician responsible for the medical aspects of the management of the Granville County EMS System. (See also 10A NCAC 13P .0102 (34))

NON-EMERGENCY AMBULANCE SERVICE. Ambulance services other than those provided by the Granville County EMS System or a licensed specialty care transport program. Such services normally include transportation of medically stable patients to health care facilities, medical offices and facilities and long-term care facilities.

OEMS. The Office of Emergency Medical Service of the North Carolina Department of Health and Human Services, Division of Health Service Regulation.

OEMS RULES. North Carolina Administrative Code rules codified at 10A NCAC 13P, Emergency Medical Services and Trauma Rules.

PEER REVIEW COMMITTEE. The committee established under 10A NCAC 13P .0408 for the Granville County EMS System.

PREMIS SYSTEM. The Pre-Hospital Management Information System established by OEMS.

SPECIAL EVENT. An event conducted by a public or private agency involving participation of persons in such numbers or in such circumstances where the presence of additional emergency medical or ambulance services resources are requested by the event sponsor or deemed necessary by the Department.

SPECIALTY CARE TRANSPORT PROGRAM. A program designed and operated for the provision of specialized medical care and transportation of critically ill or injured patients between health care facilities or between such facilities and residences or residential facilities. (See also 10A NCAC 13P .0102 (45))

SYSTEM. The Granville County Emergency Medical System.

§ 111.03 GRANVILLE COUNTY EMERGENCY MEDICAL SYSTEM.

(A) Composition. The Granville EMS System shall consist of the Department, contract EMS agencies, first responders, and the Granville County 911 emergency telecommunications system, to the extent it is utilized for the provision of emergency medical care, and the Granville County EMS Peer Review Committee.

(B) Duties of the Department. The Department will enforce the regulations set forth in this chapter and will perform related function, such as:

- (1) Establish performance standards for the EMS system;
- (2) Negotiate and prepare agreements for approval by the Board for such contract EMS agencies as may be necessary for effective delivery of emergency medical services with the EMS system;
- (3) Inspect the premises, vehicles, equipment and staff qualifications of contract EMS agencies and franchisees to ensure compliance with this chapter and applicable regulations;
- (4) Maintain access to records related to credentials of all personnel within the EMS system; and
- (5) Screen and evaluate all franchise applications from ambulance service providers and monitor franchisees, specifically:
  - (a) Make recommendations to applicants when information is incomplete or otherwise fails to meet chapter requirements;
  - (b) Present the Department's evaluation of franchise applications to the Board and recommend grant or denial of franchises;
  - (c) Recommend that the County Manager suspend a franchise or impose other sanctions under this chapter when it determines a franchisee to be in violation of this chapter; and
  - (d) Investigate complaints from the public and agencies or health facilities related to franchised ambulance services.

(C) Duties of the Administrator. The Administrator, or his/her designee, shall:

- (1) Direct and oversee operational aspects of the EMS system;
- (2) Report to the Board on the state of the EMS system, non-emergency ambulance services, and convalescent ambulance services in Granville County;
- (3) Present ambulance franchise applications to the Board;
- (4) Promulgate policies and procedures related to the operation of the system and declarations of emergency applicable to system, non-emergency ambulance providers, convalescent ambulance providers, and specialty care transport providers;
- (5) Provide, coordinate, approve and oversee the provision of emergency medical services for special events as designed herein;

(6) Promulgate operational and clinical performance measures by which the system is evaluated and publicly reported; and

(7) Establish fees associated with this chapter in accordance with the following:

- (a) Within 60 days after the acceptance of the franchise as set out herein, the franchisee shall submit to the county a proposed schedule of rates and charges for the operation of an ambulance service. The county shall within 30 days thereafter either accept or reject the proposed rates. If the county rejects the rates, the franchisee and the county shall negotiate for an acceptable rate, and if the agreement is not reached within 30 days after the rejection by the county, the county may terminate the franchise; and further, any rate increase sought by the franchisee will be filed with the county 60 days before it is to be effective; and if the county takes no action or approves the increase, it will go into effect on the date specified in the filing. If the county takes action by resolution to disapprove the increase, the proposed rate increase shall not be effective.
- (b) No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service; but such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.
- (c) On nonemergency calls or calls where a person requires transportation to a nonemergency facility, attempts to collect payments can be made before the ambulance begins its trip.

#### § 111.04 AMBULANCE SERVICE FRANCHISES.

(A) Purpose. The best interests of the citizens of Granville County are served by franchising non-emergency ambulance service, convalescent ambulance services, and specialty care transport services to assure adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety and welfare. (See also G.S. § 153A-250(a))

(B) Franchise required. No person may furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the provision of non-emergency ambulance service, convalescent ambulance service, or specialty care transport service within the geographic boundaries of Granville County unless the person has been either granted a franchise to do so by the Board pursuant to this chapter or exempted from a franchise pursuant to this chapter.

(C) (1) No franchise shall be required for the provision of emergency ambulance service within Granville County. The provision of emergency advanced life support ambulance service is the sole responsibility of the Granville County EMS System. Therefore, no franchise shall be required for operation of ambulances by:

- (a) A contract EMS agency as defined in this chapter; or

(b) An entity rendering assistance to the system at the request of the Administrator during a major emergency or when system resources are insufficient resources to meet the needs of the community for EMS or non-emergency ambulance service.

(2) No franchise shall be required for the provision of ambulance transportation by a specialty care transport program operated by a hospital that is physically located within the geographic limits of Granville County.

(3) The county may limit the number of ambulance franchises awarded consistent with the needs of the community. The county expressly reserves the right to amend, suspend, or revoke a franchise for any reason.

(D) Application for franchise. Application for a franchise to provide non-emergency ambulance services, convalescent ambulance services or specialty care transport services in Granville County shall be made upon forms prepared or prescribed by the Department and shall contain:

(1) The name and address of the applicant, who shall be the owner of the entity and any ambulances to be operated under the franchise. If the owner is a limited liability company, corporation, limited partnership, or other entity created by a filing with a governmental entity, a certified copy of the articles of incorporation, articles of organization, or similar required formation filing must be attached.

(2) The address of the location in Granville County where the applicant will maintain a base of operations; provided, however, the same shall be provided within six months after approval of the franchise application,.

(3) The trade names under which the applicant does business, with a certified copy of an assumed name certificate stating such name.

(4) Training, credentials and experience of the applicant, its agents and employees related to operation of non-emergency ambulance services and patients care.

(5) A description of each ambulance owned or operated by the applicant, including chassis manufacturer, ambulance maker, year of manufacture, vehicle identification number, and NCOEMS permit number, if already permitted. A franchise may not be granted to applicant who owns/leases no ambulance vehicles.

(6) An inventory of all equipment that will be carried aboard each ambulance. This equipment may not exceed the scope of practice of an EMT-Basic except when franchised by the Board of County Commissioners of another county to provide services in excess of the EMT-Basic scope of practice.

(7) The location and description of places of business in Granville County where the applicant intends to locate ambulances.

(8) A description of the applicant's capability to provide non-emergency ambulance services on a 24-hour per day, seven-day per week basis.

(9) An official criminal record of the applicant if a sole proprietorship, of any partners if the applicant is a partnership, or any officers, directors, or managers of the applicant if a corporation or other business entity.

(10) A statement that the applicant will not discriminate as to any person with regard to sex (including pregnancy, gender, sexual orientation, gender identity or expression or transgender status), race, color, religion, national origin, age, disability, genetic information, veteran status, or any other legally protected characteristic.

(11) The applicant shall provide reviewed financial statements performed by an independent CPA in accordance with the Statements on Standards for Accounting and Review Services (SSARs) issued by the American Institute of Certified Public Accountants, Inc. (AICPA) Accounting and Review Services Committee (ARSC) or a similar standard generally recognized in the accounting profession.

(12) A certificate of insurance currently in force, issued by an insurance company licensed to provide insurance in the State of North Carolina evidencing the following insurance coverage:

(a) Vehicle insurance. For every ambulance owned or operated by or on behalf of the applicant providing for the payment of damages in the sum of \$1,000,000 per accident for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liability on account of liability imposed on him/her by law, regardless of whether the ambulance was being driven by the owner, his/her agent, or any other person.

(b) General liability insurance. Covering all operations with coverage including but not limited to bodily injury and property damage liability to protect the applicant, applicant's employees, agents, contractors and any other person or entity performing work or providing services hereunder, from claims of bodily injury or property damage which arise from operations and services provided under this franchise, whether such operations and services are performed by the applicant, its employees, agents, contractors, or any other person performing work or providing services under this franchise. The amounts of such insurance shall not be less than \$1,000,000 bodily injury each occurrence/\$3,000,000 aggregate and \$500,000 property damage each occurrence/\$1,000,000 aggregate. The liability insurance coverage amounts may be satisfied with a combination of primary and excess/umbrella coverage and shall be an occurrence-based policy.

(c) Applicant will maintain Workers Compensation Insurance at the statutory limits in compliance with applicable State and Federal laws.

(d) Applicant will be covered by professional liability insurance covering with policy limits not less than \$1,000,000 per claim and \$3,000,000 annual aggregate for acts, errors, or omissions in the rendering of or failure to render professional health care services under the terms hereof. If coverage is provided on a "claims made" basis at any time during the term of this franchise, applicant shall purchase such tail coverage as may be necessary to ensure that coverage in the amounts listed above is provided for all professional health care services of applicant performed at any time this franchise is in effect.

(e) Original certificates of such insurance will be furnished and shall contain the provision that the county will be given thirty (30) days written notice of any intent to amend or

terminate by either the applicant or the insuring company. The county shall be named an additional insured under the commercial general liability policy.

(13) A notarized statement certifying that the applicant (i) is not debarred from receiving Medicare or Medicaid programs; (ii) is not currently the subject of debarment proceedings; (iii) is and will remain in compliance with this chapter, OEMS rules and all applicable state and federal statutes and regulations; and, (iv) has no suits, claims, actions or legal, administrative, arbitration, or other proceedings or governmental investigations pending or threatened against the applicant except as shown on said notarized statement.

(E) Departmental review. Upon receipt of a complete application for a franchise, the Department will:

- (1) Review the application for completeness and compliance with this chapter;
- (2) Cause such investigation to be made as the Department deems necessary;
- (3) Determine whether the applicant meets the requirements for the award of a franchise under this chapter;
- (4) Make a recommendation to the Board of County Commissioners on whether to grant the application for franchise; and
- (5) Schedule a public hearing before the Board after providing all required public notices.

(F) Board action. The Board may grant a franchise upon finding the following fact:

- (1) The public will be served by granting the applicant a franchise, consistent with the policy set forth in § 111.01 of this chapter;
- (2) The application is accurate, complete and correct;
- (3) The applicant has produced adequate evidence of its ability to provide adequate and responsible non-emergency or convalescent ambulance service, and evidence that no owner, operator, agent or employee has been debarred from the Medicare or Medicaid program, or any other public benefit program of the United States or any other state; and
- (4) The applicant holds all necessary licenses and permits from OEMS or will be fully qualified to obtain all necessary licenses and permits upon the award of the franchise.

(G) Conditions of franchises granted by the Board.

- (1) A franchise issued by the county shall be valid for the term specified by the Board, not to exceed five years.
- (2) A franchise may be extended for one or more consecutive additional terms of the same number of years for which it was initially granted provided that at least 120 days prior to the end of each then current franchise term the applicant submits a written application, renewal fee, certification that the applicant has been continuously in compliance with all county and OEMS requirements and retains all necessary licenses and permits from OEMS, and such other

information as the county may reasonably require to confirm continued compliance with all applicable then current local, state, and federal legal requirements.

(3) No franchise may be sold, assigned, or transferred to or in any way vest in any person other than the applicant to whom the franchise is granted.

(4) The applicant must maintain continuous insurance coverage in the amounts specified in division (D) above and submit new insurance certificates when coverage is changed or renewed.

(5) Any change of ownership of a franchised ambulance service, including the acquisition of more than 10% of the ownership interests in any entity including, but not limited to, a corporation, limited liability company, or partnership, by an individual or other legal person not named as an owner in the original application, shall be considered a material change necessitating a new franchise application and issuance of a new franchise.

(H) Administrative requirements for franchised ambulance providers. Each franchised ambulance provider must:

(1) Affiliate with the Granville County EMS system.

(2) Submit data to the PreMIS system, CIS, and the Department, as required by OEMS or the Department.

(3) Permit representatives of the Department to inspect vehicles, facilities, personnel, and records at times and in locations specified by the Department.

(4) Employ, contract, or otherwise obtain the services of a medical director, as required by OEMS rules. The county's Medical Director shall not serve as the medical director for any franchised ambulance service.

(5) Immediately transfer to the appropriate 9-1-1 center any call which reasonably appears to require emergency medical services or advanced life support services, including but not limited to Medical Priority Dispatch System classifications of CHARLIE, DELTA, or ECHO.

(6) Submit a plan for delivery of the following services to the Department, not later than June 30 of each year:

(a) Medical direction of the franchised service and the development and enforcement of medical protocols consistent with OEMS rules and Granville County EMS System protocols.

(b) Receiving calls and dispatching ambulances, including the criteria for screening calls, identifying calls not appropriate for their franchised level of response, and referring those calls to the appropriate 9-1-1 center.

(c) Continuing education for every level of EMS personnel provided by the franchisee.

(d) Employee background checks to assure that personnel employed in the delivery of franchised ambulance services have acceptable criminal and driving records.

(e) Radio communications between ambulances, dispatch points and hospitals, as described in OEMS rules. Cellular telephone or other common carrier services may only be used as secondary communications for non-emergency ambulance service providers. If the franchise



is not using the North Carolina State Highway Patrol VIPER system, the franchise shall provide county with a copy of the license(s) issued by the Federal Communications Commission authorizing the use of license frequencies.

(f) Telephone communications, including at least one land-line telephone which shall provide 24-hour per day access to ambulance dispatch service.

(g) Assuring that vehicles, personnel, equipment, and operating procedures are in compliance with applicable OEMS rules and statutes.

- (i) Immediately notify the Administrator in writing if it becomes debarred or experiences any loss of status or ability to receive and act as a Medicare or Medicaid provider and shall further provide the Administrator an annual written statement certifying as to any suits, claims, actions or legal, administrative, arbitration, or other proceedings or governmental investigations pending or threatened against the franchisee.

(I) Operating requirements for non-emergency ambulance services.

(1) Franchisees shall maintain all licenses and permits required by OEMS and shall at all times be in compliance with OEMS rules.

(2) Except when providing emergency services to the EMS system during a period of major emergency, as directed by the Administrator, or in other situations where the life or health of a patient so require, non-emergency ambulance providers shall not operate ambulances vehicles using emergency warning equipment (red lights and sirens) in Granville County.

(3) In any circumstances where emergency warning lights and sirens are used by a non-emergency ambulance provider (except a specialty care transport provider) without prior authorization by the Administrator, the manager or owner of the franchise shall file a report with the Administrator disclosing the date, time, location, and justification for use of emergency warning equipment. Inappropriate use of emergency warning equipment by non-emergency ambulance providers may constitute grounds for sanctions or revocation of the franchise. This requirement does not apply to ambulance transports originating outside of Granville County.

(4) The Administrator may promulgate operational performance standards for non-emergency and convalescent ambulance services, which apply to all franchisees.

(5) Upon the Administrator's declaration of major emergency, the Administrator may restrict or suspend non-emergency and convalescent ambulance operations in order to make ambulances available to the system. The Administrator shall promulgate and publish major emergency procedures, which will include reasonable compensation to nonemergency and convalescent ambulance services for such services provided to the county.

(6) Franchisees must make its records, premises and equipment available for inspection by the Administrator during normal business hours after reasonable notice to the franchisee, in order to insure compliance with this chapter and any franchise granted hereunder. Franchisee must permit the Administrator to inspect any ambulance and interview the personnel assigned thereto at any time and without prior notice except while the ambulance is actually transporting a patient.

(7) Reporting requirements.

(a) Annually, at least 45 days prior to the anniversary date of the issuance of the franchise, the franchisee shall report to the county in writing and under oath its compliance with this chapter, OEMS rules, and applicable state statutes during the previous year.

(b) Monthly, franchisees must submit to the Administrator a report that details the following information concerning the prior month of operation:

1. Number of requests for ambulance transportation;
2. Number of patients transported;
3. For requests for service scheduled in advance, the percentage of on-time arrivals and the average delay for those calls for the ambulance did not arrive on time;
4. For requests for service not scheduled in advance (either immediate or as soon as possible), the 90th percentile interval between the time of the requests and the arrival of the ambulance at the curb side of the building for which the request was made;
5. Written details of any critical vehicle failure (failure of a vehicle after dispatch to a request for service or while transporting a patient);
6. Written details of any vehicle collision after dispatch to a request for service or while transporting a patient; and
7. Number of calls to the service deemed to be emergent and referred to a 9-1-1 center for disposition.

§ 111.05 ENFORCEMENT; VIOLATION; SANCTIONS.

(A) The Department shall monitor and initiate enforcement of this chapter.

(B) Administrative remedies. In the event of a violation of any section of this chapter or of any term or condition of a franchise issued hereunder, the violator may be assessed a penalty by the County Manager in the amount of \$500 or for each violation. Each day that a violation continues shall be deemed a separate violation. Notice of assessment of penalties may be appealed to the County Manager within 20 days of receipt of the notice, and the County Manager will schedule and hold a hearing on the assessment. Penalties may be recovered in the nature of a debt and the county may suspend or revoke a franchise, if the violator does not pay the penalty within ten days after being notified of the hearing decision. (See also G.S. § 153A-123(c) and (g))

(C) Civil actions. The county may seek an injunction, abatement order, or other appropriate equitable or legal remedy to insure compliance with this chapter. (See also G.S. § 153A-123(d))

(D) Criminal penalties. Nothing herein shall prevent the county from initiating criminal action against any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity for violating any provision of this chapter or any term or condition of a franchise granted hereunder as provided in G.S. § 14-4. (See also G.S. § 153A-123(b))

#### § 111.06 TERRITORIAL JURISDICTION.

The provisions of this chapter shall apply to all areas within the geographic boundaries of Granville County, including areas within a municipality unless the municipality's area has been specifically excluded by the Board. (See also G.S. § 153-250(c))