

DUPLIN COUNTY
AN ORDINANCE REGULATING AMBULANCE SERVICE AND GRANTING
OF FRANCHISES TO AMBULANCE OPERATORS

An ordinance governing the granting of franchises for ambulance services and other pre-hospital emergency medical services. The County of Duplin Board of Commissioners does ordain the following:

SECTION I. DEFINITIONS

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

1.1 **AMBULANCE**

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

1.2 **AMBULANCE ATTENDANT**

The term "Ambulance Attendant" means an individual who has completed a training program in emergency medical care and first aid approved by the North Carolina Department of Human Resources and has been certified as an ambulance attendant by the Department of Human Resources, Office of Emergency Medical Services.

1.3 **EMERGENCY MEDICAL TECHNICIAN**

The term "Emergency Medical Technician" means an individual who has completed a training program in emergency medical care at least equal to the National Standard Training Program for Emergency Medical Technicians as defined by the United States Department of Transportation and has been certified as an Emergency Medical Technician by the Department.

1.4 **AMBULANCE PROVIDER**

The term "Ambulance Provider" means an individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.

1.5 **APPROVED**

The term "Approved" shall mean approved by the North Carolina Medical Care Commission pursuant to the latter's rules and regulations promulgated under N. C. General Statutes 143B-165.

1.6 SECONDARY AMBULANCE PROVIDER

The term "Secondary Ambulance Provider" shall mean the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

1.7 COUNTY

The term "county" shall mean the County of Duplin Board of Commissioners or their designated representative.

1.8 DISPATCHER

The term "Dispatcher" shall mean a person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise local law enforcement agencies and emergency medical facilities of any existing or threatened emergency.

1.9 EMERGENCY

The terms "Emergency" and "Emergency Transportation Service" shall mean the use of an ambulance, its equipment and personnel to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation or physiological or psychological illness or injury.

1.10 FIRST RESPONDER

The term "First Responder" shall mean an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

1.11 FRANCHISE

The term "Franchise" shall mean a permit issued by the County to a person for the operation of an ambulance service.

1.12 FRANCHISEE

The term "franchisee" shall mean any person having been issued a franchise by the

County for the operation of an ambulance service.

1.13 LICENSE

The term "License" shall mean any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.

1.14 NON-EMERGENCY TRANSPORTATION SERVICES

The term "Non-Emergency Transportation Service" shall mean the operation of an ambulance for any purpose other than transporting emergency patients.

1.15 OPERATOR

The term "Operator" shall mean a person in actual physical control of an ambulance which is in motion or which has the engine running.

1.16 OWNER

The term "Owner" shall mean a person or entity who owns an ambulance.

1.17 PATIENT

The term "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

1.18 PERSON

The term "Person" shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including, any governmental agency other than the United States.

1.19 RESCUE

The term "Rescue" shall mean situations where the victim cannot escape an area through the normal exit or under his own power.

SECTION II. FRANCHISE REQUIRED

2.1 No person either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and /or non-emergency transportation of patients

within the County of Duplin unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services, and has been granted a franchise for the operation of such business or service by the County pursuant to this Ordinance.

- 2.2 No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the County of Duplin unless he or she holds a currently valid certificate as an Medical Responder, Emergency Medical Technician, Emergency Medical Technician-Intermediate, or Emergency Medical Technician-Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical Service.

2.3 **NO FRANCHISE SHALL BE REQUIRED FOR:**

- (A) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the services franchised by the County of Duplin are insufficient or unable to cope; or,
- (b) Any entity operated from a location or headquartered outside of the County of Duplin in order to transport patients who are picked up beyond the limits of the County of Duplin, to facilities located within the County of Duplin, or to pick up patients within the County of Duplin for transporting to locations outside the County of Duplin; or,
- (c) Ambulances owned and operated by an agency of the United States Government.
- (d) Ambulance transportation by a specialty care transport program operated by a hospital or Skilled Nursing facility that is physically located within the geographic limits of Duplin County.

SECTION III. APPLICATION FOR AMBULANCE FRANCHISE

- 3.1 Application for a franchise to operate ambulances in the County of Duplin shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain:

- (a) The name and address of the ambulance provider and the owner of the ambulances(s);
- (b) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name;

- (c) A resume of the training and experience of the applicant in the transportation and care of patients;
- (d) A full description of the type and level of service to be provided including the location of the place or places from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched. An audited financial statement of the applicant as the same pertains to the operations in the County of Duplin, said financial statement to be in such form and such detail as may be required by the County;
- (e) A description of the applicant's capability to provide twenty-four (24) hour coverage, seven (7) days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district; and
- (f) Any information the county shall deem reasonable necessary for a fair determination of the capability of the applicant to provide ambulance services in the County of Duplin in accordance with the requirements of State Laws and the provisions of these regulations.

SECTION IV. GRANTING OF FRANCHISE

- 4.1 Prior to accepting applications for the operation of an ambulance service, the Board of Commissioners may designate specific service areas as franchise districts. Said districts will be established using criteria that includes: geographic size, road access, the location of existing medical transportation services, population, and response time. The county shall have the authority to redistrict or rearrange existing districts at any time at their discretion.
- 4.2 An applicant may apply for a franchise to operate either emergency transportation service or non-emergency transportation service or both. If both types of service are to be provided, separate applications must be filed for each type.
- 4.3 Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within thirty (30) days after hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 4.4 A franchise may be granted if the County finds that:
 - (a) The applicant shows a reasonable effort to meet state standards and standards outlined in the franchise ordinance.
 - (b) The proposed service will fit within the existing service so as not to adversely affect the level of services or operations of other franchises to

render service.

- (c) A need exists for the proposed service in order to improve the level of ambulance services available to residents of the county and that this is a reasonable and cost effective manner of meeting the need.

- 4.5 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.

SECTION V. TERM OF FRANCHISE

- 5.1 The County may issue a franchise hereunder to an ambulance provider, to be valid for a term to be determined by the county, provided that either party as its option, may terminate the franchise upon sixty (60) days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.
- 5.2 Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation or termination of a driver's license or Medical Responder's certificate, or Emergency Medical Technician certificate, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance. The franchise shall not permit such an individual to drive an ambulance or provide medical care in conjunction with the ambulance service.
- 5.3 Each franchised ambulance service shall comply at all times with the requirements of this ordinance, the franchise granted hereunder, and all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.
- 5.4 Prior approval of the County shall be required where ownership or control of more than ten (10%) percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the County shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the County.
- 5.5 Any change of ownership of a franchised ambulance service without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchising.
- 5.6 No franchise may be sold, assigned, mortgaged, or otherwise transferred without the approval of the County; and a finding of conformance with all requirements of this ordinance as upon original franchising. Each franchised ambulance service, its

equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the State, the county, or their designated representatives.

- 5.7 A franchise may not be defaced, removed, or obliterated.

SECTION VI. STANDARDS FOR DRIVERS AND ATTENDANTS

- 6.1 Standards for drivers and attendants as developed by the North Carolina Medical Care Commission as requirements for certification of ambulance attendants and emergency medical technician pursuant to Article 26, Chapter 130-233, and Article 67, Chapter 143, of the General Statutes of North Carolina, and shall be applied and the same are incorporated herein by reference.

SECTION VII. STANDARDS FOR VEHICLES AND EQUIPMENT

- 7.1 Vehicle and equipped standards as developed by the North Carolina Medical Care Commission pursuant to Article 26, Chapter 130, and Article 56, Chapter 143, of the General Statutes of North Carolina, and shall be applied and the same are incorporated herein by reference.

SECTION VIII. STANDARDS FOR COMMUNICATIONS

- 8.1 Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the County to each hospital(s) emergency department in the County in which the ambulance is based. Each ambulance vehicle shall be equipped with two-way radio capable of establishing good quality voice communications from within the geographic confines of the county in which the ambulance dispatching agency within the County.
- 8.2 Each ambulance provider shall maintain current authorizations of Federal Communication Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per Federal Communication Commission's Rules and Regulations.
- 8.3 Each base of operations must have at least one open telephone line. Telephone numbers must be registered with each law enforcement agency and communication center in the County of Duplin.

SECTION IX. INSURANCE

- 9.1 No ambulance franchise shall be issued under this Ordinance, nor shall such

franchise be valid after issuance, nor shall any ambulance be operated in the County of Duplin unless the franchisee has at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of North Carolina, for each and every ambulance owned and or operated by or for the ambulance service providing for the payment of damages:

- (a) In the sum of \$1,000,000.00 for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agency; and,
- (b) In the sum of \$500,000.00 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State or as approved by the County of Duplin.
- (c) Each ambulance provider shall have Workers' Compensation Insurance at all times as required by the State of North Carolina.

SECTION X. RECORDS

10.1 Each franchisee shall maintain the following records:

- (a) Record of Dispatch - shall show time call was received, time ambulance dispatched, time arrived on scene, time arrived at destination, time in service, and time returned to base.
- (b) Trip Record - shall state all information required in Section (a) in addition to information on a form approved by the County. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information. A copy of the trip record may serve as a receipt for any charges paid.

SECTION XI. RATES AND CHARGES

- 11.1 Each franchisee shall submit a schedule of rates to the county for approval and shall not charge more nor less than the approved rates without specific approval by the County.
- 11.2 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.
- 11.3 On non-emergency calls, or calls where a person requires transportation to a non-emergency facility, attempts to collect payment can be made before the ambulance

begins its trip.

SECTION XII. ENFORCEMENT & VIOLATIONS OF ORDINANCE

12.1

Enforcement. The Duplin County Emergency Medical Services Department (hereinafter the "Department") shall be the enforcing agency for the regulation contained in this Ordinance. Such office will:

- (a) Receive all franchise proposals from potential Providers;
- (b) Study each proposal for conformance to this Ordinance;
- (c) Present any and franchise proposals from potential Providers to the Duplin County Board of County Commissioners with any recommendations from said Department;
- (d) Award the franchises(s) to any and all approved Providers;
- (e) Inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this Ordinance and perform any other inspections that may be required;
- (f) Recommend to the Board of Commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this Ordinance;
- (g) Recommend the imposition of civil penalties as provided therein;
- (h) Insure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended;
- (i) Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by the Department and the County;
- (j) Receive and review complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions.
- (k) Obtain corrective action for any violations of the franchise;
- (l) Recommend improvements to the County which will insure better medical transportation;
- (m) Maintain all records required by this Ordinance and other applicable County regulations; and

- (n) Perform such of the above functions as may be requested by any municipality within the County of Duplin.

12.2 Violations of Ordinance.

1. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation and pay any civil penalty within ten (10) days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.
2. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.
3. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.
4. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.
5. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in N.C. Gen. Stat. § 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

- 12.3 **Alternatives for Enforcement.** In addition to the provisions of this section, any provision of this Ordinance or other ordinance of the county may be enforced by any one or more of the remedies authorized by N.C. Gen. Stat. §153A-123, excluding misdemeanor charges as provided in N.C. Gen. Stat. § 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

SECTION XIII. MISCELLANEOUS

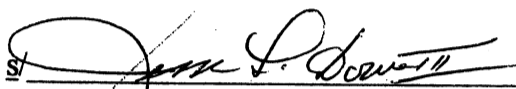
- 13.1 The County may inspect a franchisee's records, premises, and equipment at any time in order to insure compliance with this Ordinance and any franchise granted hereunder.

SECTION XIV. ADDENDUMS TO ORDINANCE

- 14.1 The Board of Commissioner of the County of Duplin may, through appropriate actions, amend or expand this Ordinance to include other emergency departments or agencies as deemed necessary.

SECTION XV. EFFECTIVE DATE

This Ordinance shall become effective and be in full force form and after the 17TH day of April, 2017. Upon execution of this Ordinance any and all previous Ordinances Regulating Ambulance Franchises in Duplin County shall be automatically repealed.

s/ 
Chairman
Duplin County Board of Commissioners

ATTEST: s/ 
Clerk