

**SAMPSON COUNTY ORDINANCE REGULATING EMERGENCY MEDICAL SERVICE AND
GRANTING OF FRANCHISES FOR CONVALESCENT TRANSPORT SERVICE**

Sampson County does hereby adopt the following ordinance pursuant to the provisions of Chapter 153A of the North Carolina General Statutes. That this ordinance shall govern the granting of franchises for ambulance service and other pre-hospital emergency medical services within the geographical bounds of Sampson County.

That upon adoption of this ordinance the previous ordinance heretofore adopted in 1968 [after a public hearing held on February 5, 1968] is rescinded in its entirety.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Sampson County, in regular meeting assembled and following a duly advertised public hearing held on the 18th day of August, 1997, that:

I. DEFINITIONS. As used in this ordinance, unless the context clearly indicates another or different meaning or intent, the following definitions shall be applicable.

[a] 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 of persons who are sick, injured, wounded, or otherwise incapacitated or helpless over or upon the streets or highways, waterways or airways of this State.

[b] 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 who has been certified as an ambulance attendant by the Department of Human Resources, Office of Emergency Medical Services.

[c] 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 State of North Carolina Office of Emergency Medical Service.

- [d] The term “ambulance provider” means an individual, firm, corporation or association who engage in the business or service of transporting patients in an ambulance.
- [e] 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.
- [f] 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.
- [g] The term “committee” shall mean the Sampson County Emergency Medical Services Committee.
- [h] The term “county” shall mean the County of Sampson Board of Commissioners or its designated representative.
- [i] The term “telecommunicator” 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 fire departments and emergency medical facilities of any existing or threatened emergency.
- [j] 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 of physiological damages or physiological illness or injury.
- [k] 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.

- [l] The term “franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service, rescue squad or first responder unit.
- [m] The term “franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service, rescue squad or first responder unit.
- [n] The term “license” shall mean any driver’s license or permit to operate a motor vehicle issued under or granted pursuant to the laws of the State of North Carolina.
- [o] The term “non-emergency transportation service” shall mean the operation of an ambulance for any purpose other than transporting emergency patients.
- [p] The term “operator” shall mean a person in actual physical control of an ambulance which is in motion or which has the engine running.
- [q] The term “owner” shall mean any person or entity who owns an ambulance.
- [r] The term “patient” shall mean an individual who is sick, injured, wounded, or otherwise incapacitated or helpless to the end that the need for some medical assistance might be anticipated while being transported to or from a medical facility.
- [s] The term “person” shall mean any individual, firm, partnership, association, corporation, company, group of individuals, or other like legal entity, acting together for a common purpose, or an organization of any kind, including any governmental agency other than the United States.
- [t] The term “rescue” shall mean situations where the victim cannot escape an area through the normal exit or under his/her own power.

II. FRANCHISE REQUIRED.

- [a] 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 Sampson

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.

- [b] No person shall drive an ambulance, attend a patient in an ambulance, or permit an ambulance to be operated when transporting a patient within the County of Sampson unless that person holds a currently valid certificate as an ambulance attendant, emergency medical technician, EMT-D, EMT-Intermediate, EMT-Advance Intermediate or EMT-Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical services.
- [c] No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, or otherwise be engaged in or profess to be engaged in the business or service of providing rescue services or first responder services unless they have been granted a franchise for the operation of such business or service by Sampson County, all pursuant to this Ordinance.
- [d] No franchise shall be required for:
 - [1] Any entity operated from a location or headquarters outside of the County in order to transport patients who are picked up beyond the limits of the County when that transport is to any facility which is located within the geographical boundaries of the County, or to pick up patients within the County for transporting to locations outside the County; but no such entity shall be used to pick up patients within the County for transporting to locations within the County or other locations unless that entity is rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid situation or emergency in which the services franchised by the County are insufficient or unable to cope; or,

[2] Ambulances owned and operated by an agency of the United States government.

III. APPLICATION FOR AMBULANCE FRANCHISE. Application for a franchise to operate ambulances in the County shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain, in the minimum, the following:

- [1] The name and address of the ambulance provider and the owner of the ambulance[s].
- [2] The trade or other fictitious name[s], if any, under which the applicant does business, together with a certified copy of an assumed name certificate duly filed as required by law, or articles of incorporation establishing such name in corporate form.
- [3] A resume of the training and experience of the applicant in the transportation and care of patients.
- [4] A full description of the type and level of service to be provided, including the location of the place or places from which that service is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched through that service.
- [5] An compiled financial statement of the applicant as the same pertains to its operation, in such form and such detail as may be required by the County. These statements should show a comparison of the last two fiscal years of operations. At a minimum, the following statements should be included: Balance Sheet, Profit and Loss Statement and Statement of Cash Flow.
- [6] A list of radio frequencies the applicant is authorized to operate on, along with a copy of the FCC license[s] in the name of the person providing the service.
- [7] A description of the applicant's capability to provide twenty-four hour coverage, seven 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 emergency calls within that district.
- [8] Any additional information that the County shall deem reasonably necessary for a fair

determination of the capability of the applicant to provide services in the County in accordance with the requirements of law and the provisions of this Ordinance.

[9] The Franchisee shall provide Franchisor a background check for all employees performing services in the County of Sampson reasonably required by Franchisor and permitted by law.

IV. GRANTING OF FRANCHISES.

- [1] Prior to accepting applications for the operation of an ambulance service, the County may designate specific service areas as franchise districts. Such districts will be established using criteria that include, but are not necessarily limited to, geography size, road access, the location of existing medical transportation service, population density, and response time. The County shall further have the authority to redistrict or rearrange existing districts at any time at its discretion.
- [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 services are to be provided, separate applications must be filed for each type.
- [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 next following that hearing, the County shall cause such investigation as it may deem necessary to be made relative to the applicant and his/her proposed operations. A reasonable extension of time to complete such investigation shall be granted should the County deem an extension necessary.
- [4] A franchise may be granted if the County finds that:
- [a] The applicant shows a reasonable effort to meet state standards and such other standards as may be outlined in this franchise ordinance.
 - [b] The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees 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 that need.

V. TERM OF FRANCHISE.

- [1] The County may issue a franchise hereunder to an ambulance provider which shall be valid for such term as may be determined by the County, provided always that either party, at its option, may terminate that 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.
- [2] Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service, rescue squad or first responder unit shall immediately cease operations. Upon suspension, revocation, or termination of an attendant's certification or emergency medical technician certification, such person[s] shall cease to provide medical care, directly or indirectly, with an ambulance service. Upon the suspension, revocation, or termination of a driver's license, such person[s] shall cease to drive an ambulance. The franchisees shall not permit any such individual to drive an ambulance without a valid driver license. The franchisees shall not permit any such individual to provide medical care without a valid certification.
- [3] Each franchised ambulance service shall, at all times, comply with the requirements of this Ordinance and such other requirements as may be set out in the franchise granted hereunder. Full compliance shall always be had with any applicable state and/or local laws relating to health, sanitation, safety, equipment, ambulance design and all other laws and ordinances that might be applicable to the service presented pursuant to the franchise.
- [4] Prior approval by the County shall be required where ownership or control of more than ten percent [10%] of the right of control of a franchisee is acquired by a person or group of persons

acting in concert, none of whom own or control ten percent [10%] or more of such right of control, singularly or collectively, at the date of the franchise application or issuance. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the County shall constitute a material and substantial violation of the franchise and shall be cause for termination of that franchise, at the option of the County.

- [5] Any change of ownership of a franchised ambulance service without the approval of the County shall result in immediate termination of the franchise and shall, in and of itself, require the filing of a new application for the issuance of a new franchise. The term "change of ownership" as contemplated by this section, shall mean any change of ownership, however small the percentage of change may be.
- [6] Any change in the level of service offered by a franchisee without the prior approval of the County shall, in and of itself, terminate that franchise and shall require a new application and new franchise, all pursuant to the terms of this ordinance.
- [7] No franchise may be sold, assigned, mortgaged, pledged or otherwise transferred without the prior written approval of the County and a finding of conformance with all requirements of this Ordinance as upon original franchise approval.
- [8] Each franchised service, its equipment and the premises designated for its use in the application, together with all records relating to its maintenance and operation, shall be open to inspection by the State, the County, or any of their designated representatives, at all times.
- [9] The franchise certificate shall be posted in a readily visible public location at the base of operations for the franchised service. No such franchise certificate may be defaced, removed or obliterated.

VI. STANDARDS FOR DRIVERS AND ATTENDANTS.

Standards for drivers and attendants as developed by the North Carolina Medical Care Commission as requirements for certification of ambulance attendants and emergency medical technicians pursuant to Article 7, Chapter 131E-158, and Article 56, Chapter 143 of the General Statutes of North Carolina, and rules and regulations promulgated by the Board of Medical Examiners For Advance Life Support Technicians shall be applied and the same are incorporated herein by reference thereto.

VII. STANDARDS FOR VEHICLES AND EQUIPMENT. Vehicle and equipment standards which are or may be developed by the North Carolina Medical Care Commission pursuant to applicable law shall be applied and the provisions of Article 7, Chapter 131E-157 and Article 56, Chapter 143, of the North Carolina General Statutes are incorporated herein by reference thereto.

VIII. STANDARDS FOR COMMUNICATIONS.

- [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 emergency department in the County in which that ambulance is based. Each ambulance vehicle shall be equipped with a two-way radio communications capability for communications with all hospital emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the State of North Carolina. Each ambulance vehicle shall be equipped with a operational two-way radio capable of establishing good quality voice communications from within the geographic confines of any county in which the ambulance's dispatching agency shall have directed that ambulance to transport patients.
- [2] Each ambulance provider shall maintain current authorizations or 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 as required by Federal Communications Commission Rules and Regulations.
- [3] Each base of operations must have at least one [1] open telephone line. All telephone numbers used by that base must be registered with each law enforcement agency and communications center

operated or maintained by the County.

[4] Each ambulance shall be dispatched from the County dispatch center or an acceptable and approved alternative.

IX. INSURANCE. 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 unless the franchisee has at all times in force and effect either insurance coverage issued by an insurance company licensed to do business within the State of North Carolina, or a bond with personal and/or corporate surety for each and every ambulance owned and/or operated by or for that ambulance service which shall provide, at the minimum, liability for payment of damages in the following amounts:

[a] In the minimum sum of Five Hundred Thousand Dollars [\$500,000.00] for injury to or death of individuals in any incident or accident resulting from a cause for which the owner or operator of said vehicle may be held liable as the result of liability imposed by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and

[b] In the minimum sum of One Hundred Thousand Dollars [\$100,000.00] for loss of or damage to the property of another, including but not limited to personal property, in any accident or incident for which the vehicle owner or agent may be liable, as by law provided.

[c] Written evidence of the insurance required by [a] and [b] above shall be provided to the County at all times during any franchise term, together with a letter from any carrier agreeing to provide a least thirty [30] days prior written notification before cancellation or amendment of any such liability insurance coverages.

X. RECORDS.

[1] Record of dispatch which shall show the time that a call was received, the time the ambulance was dispatched, the time the ambulance arrived on the scene, the time that the ambulance arrived at its destination, the time that the ambulance was in service, and the time that the

ambulance returned to its base.

- [2] Trip records which shall state all information required in Section [a] above 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.
- [3] Daily report logs which shall be maintained for the purpose of identifying more than one person transported in any one day.
- [4] Driver and attendant check lists and inspection reports which shall list contents and descriptions of operations for each vehicle, which shall be signed by the individual verifying vehicle operations and equipment.

XI. RATES AND CHARGES.

- [1] Each franchise shall submit a schedule of rates to the County for approval and shall not charge more nor less than the approved rates without specific written approval of the County.
- [2] No franchisee shall attempt to collect rates on emergency calls until the patient [singular or plural] has reached the point of destination, has received medical attention and is in a condition to consult with the ambulance service as determined by any attending or consulting physician; but such franchisee may attempt to collect rates with a family or guardian of a patient once that patient is in the process of receiving medical attention following delivery of the patient to his/her point of destination.
- [3] On non-emergency calls, or calls where a person requires transportation to a non-emergency facility, attempts to collect payment may be made before the ambulance actually begins its trip.

XII. ENFORCEMENT. The Sampson County Office of Emergency Management shall be the enforcing agency for the regulations contained within this Ordinance. That Office shall

- perform the following acts or provide the following services:
- [a] Receive all franchise proposals from potential providers.
 - [b] Study each franchise proposal to determine if it conforms to this Ordinance.
 - [c] With the approval or disapproval, as the case may be, of the Committee, recommend to the franchise[s] following evaluation of each proposal.
 - [d] Inspect the premises, vehicles, equipment and personnel of franchisees to assure compliance with this Ordinance and to perform any other inspections that may be required by the County.
 - [e] With the approval of the Committee, recommend to the County the temporary or permanent suspension of a franchise in the event of noncompliance with the terms of this Ordinance and to further recommend the imposition, if justified, of misdemeanor or civil penalties as provided by this Ordinance.
 - [f] Create cooperative agreements with other ambulance services so as to insure the continuation of service in a district where an ambulance service franchise might have been suspended under this Ordinance.
 - [g] Prepare and deliver such data sheets as may be requested by the Committee or the Sampson County Director of Emergency Management.
 - [h] Receive complaints, public or otherwise, relative to alleged franchise infractions, review all such complaints with the Committee and obtain any corrective action required after receiving approval of the Committee for such corrective action.
 - [i] With the approval of the Committee, recommend improvements to the County the purpose of which is to insure better or enhanced medical care and transportation by franchisees.
 - [j] Maintain all records required by this Ordinance and any other applicable County, State, or Federal regulation.
 - [k] Perform such of the above functions [a through j] as may be requested by any municipality

within the County of Sampson.

- [1] Serve as staff to the Sampson County Emergency Medical Services Committee on all matters pertaining to that Committee.

XIII. MISCELLANEOUS. The County may inspect a franchisee's records, premises and equipment at anytime in order to insure compliance with this ordinance and the terms of any franchise granted hereunder.

XIV. COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE.

- [1] There is hereby created the Sampson County Emergency Medical Services Advisory Committee whose membership shall be appointed by the Board.

The Committee shall have the responsibility and duty of advising the Emergency Management Director on matters relating to the enforcement of this Ordinance as specified in Section XIII, infra, and shall develop and recommend for approval to the Board standards of care, policies, procedures and actions which will maintain and improve the quality of emergency medical services for residents of Sampson County. Providers approved to operate at a level of prehospital care requiring Hospital sponsorship and direction from the ALS Medical Director will also be govern by all applicable rules required by OEMS and the local Audit and Review Committee.

- [2] Membership on the Committee shall consist of the following:

- [a] The Administrator of Sampson Regional Medical Center or his/her designee.
- [b] A physician selected by the Sampson County Medical Society.
- [c] The ALS medical director from Sampson Regional Medical Center.
- [d] The Sampson County Communications Center Supervisor.
- [e] One representative from County Government [county commissioner, county manager, or their designee].

- [f] One representative from each franchise provider of ambulance services within the County.
- [g] One emergency room nurse selected by the administration of the Sampson Regional Medical Center.
- [h] One citizen-at-large from Sampson County.
- [i] One educator residing in Sampson County.
- [j] The Sampson County Emergency Medical Services Director or the Director of Emergency Management of Sampson County.

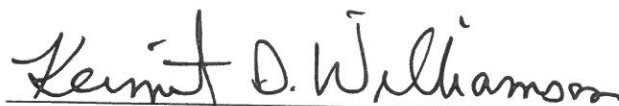
All members of the Committee shall have full and equal voting rights on matters to be considered by the Committee with the exception of the following:

- [1] Representatives from the franchised providers shall have no voting privileges when the Committee considers matters relating to the granting of franchises and/or reviewing complaints and investigate reports regarding franchised services. Representatives from franchised services shall have full and equal voting rights on all other matters not expressly excluded in this paragraph.

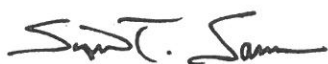
XV. ADDENDUMS TO ORDINANCE. The Board may, through appropriate actions, amend or expand this ordinance to include other emergency departments or agencies, as it may deem necessary.

XVI. EFFECTIVE DATE. This Ordinance shall take effect on the 5th day of June, 2000.

Approved first reading May 15, 2000.
 Approved second reading June 5, 2000.
 Amended Ordinance approved May 2, 2005



 KERMIT D. WILLIAMSON-CHAIRMAN OF
 THE SAMPSON COUNTY BOARD OF
 COMMISSIONERS



 Scott T. Sauer, Clerk to the Board

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[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 that need.

V. **TERM OF FRANCHISE.**

- [1] The County may issue a franchise hereunder to an ambulance provider which shall be valid for such term as may be determined by the County, provided always that either party, at its option, may terminate that 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.
- [2] Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service, rescue squad or first responder unit shall immediately cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate or emergency medical technician certificate, such person[s] shall cease to drive an ambulance or provide medical care, directly or indirectly, in conjunction with an ambulance service. The franchisees shall not permit any such individual to drive an ambulance or to provide medical care in conjunction with the ambulance service, rescue squad, or first responder unit, directly or indirectly.
- [3] Each franchised ambulance service shall, at all times, comply with the requirements of this Ordinance and such other requirements as may be set out in the franchise granted hereunder. Full compliance shall always be had with any applicable state and/or local laws relating to health, sanitation, safety, equipment, ambulance design and all other laws and ordinances that might be applicable to the service presented pursuant to the franchise.
- [4] Prior approval by the County shall be required where ownership or control of more than ten percent [10%] of the right of control of a franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten percent [10%] or more of such right of

control, singularly or collectively, at the date of the franchise application or issuance. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the County shall constitute a material and substantial violation of the franchise and shall be cause for termination of that franchise, at the option of the County.

- [5] Any change of ownership of a franchised ambulance service without the approval of the County shall result in immediate termination of the franchise and shall, in and of itself, require the filing of a new application for the issuance of a new franchise. The term "change of ownership" as contemplated by this section, shall mean any change of ownership, however small the percentage of change may be.
- [6] Any change in the level of service offered by a franchisee without the prior approval of the County shall, in and of itself, terminate that franchise and shall require a new application and new franchise, all pursuant to the terms of this ordinance.
- [7] No franchise may be sold, assigned, mortgaged, pledged or otherwise transferred without the prior written approval of the County and a finding of conformance with all requirements of this Ordinance as upon original franchise approval.
- [8] Each franchised service, its equipment and the premises designated for its use in the application, together with all records relating to its maintenance and operation, shall be open to inspection by the State, the County, or any of their designated representatives, at all times.
- [9] The franchise certificate shall be posted in a readily visible public location at the base of operations for the franchised service. No such franchise certificate may be defaced, removed or obliterated.

VI. STANDARDS FOR DRIVERS AND ATTENDANTS.

Standards for drivers and attendants as developed by the North Carolina Medical Care Commission as

requirements for certification of ambulance attendants and emergency medical technicians pursuant to Article 7, Chapter 131E-158, and Article 56, Chapter 143 of the General Statutes of North Carolina, and rules and regulations promulgated by the Board of Medical Examiners For Advance Life Support Technicians shall be applied and the same are incorporated herein by reference thereto.

VII. STANDARDS FOR VEHICLES AND EQUIPMENT. Vehicle and equipment standards which are or may be developed by the North Carolina Medical Care Commission pursuant to applicable law shall be applied and the provisions of Article 7, Chapter 131E-157 and Article 56, Chapter 143, of the North Carolina General Statutes are incorporated herein by reference thereto.

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[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 emergency department in the County in which that ambulance is based. Each ambulance vehicle shall be equipped with a two-way radio communications capability for communications with all hospital emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the State of North Carolina. Each ambulance vehicle shall be equipped with a operational two-way radio capable of establishing good quality voice communications from within the geographic confines of any county in which the ambulance's dispatching agency shall have directed that ambulance to transport patients.

[2] Each ambulance provider shall maintain current authorizations or 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 as required by Federal Communications Commission Rules and Regulations.

[3] Each base of operations must have at least one [1] open telephone line. All telephone numbers used by that base must be registered with each law enforcement agency and communications center operated or maintained by the County.

[4] Each ambulance shall be dispatched from the County dispatch center or an acceptable and approved alternative.

IX. INSURANCE. 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 unless the franchisee has at all times in force and effect either insurance coverage issued by an insurance company licensed to do business within the State of North Carolina, or a bond with personal and/or corporate surety for each and every ambulance owned and/or operated by or for that ambulance service which shall provide, at the minimum, liability for payment of damages in the following amounts:

- [a] In the minimum sum of Five Hundred Thousand Dollars [\$500,000.00] for injury to or death of individuals in any incident or accident resulting from a cause for which the owner or operator of said vehicle may be held liable as the result of liability imposed by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and
- [b] In the minimum sum of One Hundred Thousand Dollars [\$100,000.00] for loss of or damage to the property of another, including but not limited to personal property, in any accident or incident for which the vehicle owner or agent may be liable, as by law provided.
- [c] Written evidence of the insurance required by [a] and [b] above shall be provided to the County at all times during any franchise term, together with a letter from any carrier agreeing to provide a least thirty [30] days prior written notification before cancellation or amendment of any such liability insurance coverages.

X. RECORDS.

- [1] Record of dispatch which shall show the time that a call was received, the time the ambulance was dispatched, the time the ambulance arrived on the scene, the time that the ambulance arrived at its destination, the time that the ambulance was in service, and the time that the ambulance returned to its base.

- [2] Trip records which shall state all information required in Section [a] above 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.
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- [4] Driver and attendant check lists and inspection reports which shall list contents and descriptions of operations for each vehicle, which shall be signed by the individual verifying vehicle operations and equipment.

XI. RATES AND CHARGES.

- [1] Each franchise shall submit a schedule of rates to the County for approval and shall not charge more nor less than the approved rates without specific written approval of the County.
- [2] No franchisee shall attempt to collect rates on emergency calls until the patient [singular or plural] has reached the point of destination, has received medical attention and is in a condition to consult with the ambulance service as determined by any attending or consulting physician; but such franchisee may attempt to collect rates with a family or guardian of a patient once that patient is in the process of receiving medical attention following delivery of the patient to his/her point of destination.
- [3] On non-emergency calls, or calls where a person requires transportation to a non-emergency facility, attempts to collect payment may be made before the ambulance actually begins its trip.

- XII. ENFORCEMENT.** The Sampson County Office of Emergency Management shall be the enforcing agency for the regulations contained within this Ordinance. That Office shall perform the following acts or provide the following services:
- [a] Receive all franchise proposals from potential providers.

- [b] Study each franchise proposal to determine if it conforms to this Ordinance.
- [c] With the approval or disapproval, as the case may be, of the Committee, recommend to the franchise[s] following evaluation of each proposal.
- [d] Inspect the premises, vehicles, equipment and personnel of franchisees to assure compliance with this Ordinance and to perform any other inspections that may be required by the County.
- [e] With the approval of the Committee, recommend to the County the temporary or permanent suspension of a franchise in the event of noncompliance with the terms of this Ordinance and to further recommend the imposition, if justified, of misdemeanor or civil penalties as provided by this Ordinance.
- [f] Create cooperative agreements with other ambulance services so as to insure the continuation of service in a district where an ambulance service franchise might have been suspended under this Ordinance.
- [g] Prepare and deliver such data sheets as may be requested by the Committee or the Sampson County Director of Emergency Management.
- [h] Receive complaints, public or otherwise, relative to alleged franchise infractions, review all such complaints with the Committee and obtain any corrective action required after receiving approval of the Committee for such corrective action.
- [i] With the approval of the Committee, recommend improvements to the County the purpose of which is to insure better or enhanced medical care and transportation by franchisees.
- [j] Maintain all records required by this Ordinance and any other applicable County, State, or Federal regulation.
- [k] Perform such of the above functions [a through j] as may be requested by any municipality within the County of Sampson.

[1] Serve as staff to the Sampson County Emergency Medical Services Committee on all matters pertaining to that Committee.

III. MISCELLANEOUS. The County may inspect a franchisee's records, premises and equipment at anytime in order to insure compliance with this ordinance and the terms of any franchise granted hereunder.

XIV. COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE.

[1] There is hereby created the Sampson County Emergency Medical Services Advisory Committee whose membership shall be appointed by the Board.

The Committee shall have the responsibility and duty of advising the Emergency Management Director on matters relating to the enforcement of this Ordinance as specified in Section XIII, infra, and shall develop and recommend for approval to the Board standards of care, policies, procedures and actions which will maintain and improve the quality of emergency medical services for residents of Sampson County. Providers approved to operate at a level of prehospital care requiring Hospital sponsorship and direction from the ALS Medical Director will also be govern by all applicable rules required by OEMS and the local Audit and Review Committee.

[2] Membership on the Committee shall consist of the following:

- [a] The Administrator of Sampson Regional Medical Center or his/her designee.
- [b] A physician selected by the Sampson County Medical Society.
- [c] The ALS medical director from Sampson Regional Medical Center.
- [d] The Sampson County Communications Center Supervisor.
- [e] One representative from County Government [county commissioner, county manager, or their designee].
- [f] One representative from each franchise provider of ambulance services within the County.
- [g] One emergency room nurse selected by the administration of the Sampson Regional Medical Center.

[h] One citizen-at-large from Sampson County.

[i] One educator residing in Sampson County.

[j] The Sampson County Emergency Medical Services Director or the Director of Emergency Management of Sampson County.

All members of the Committee shall have full and equal voting rights on matters to be considered by the Committee with the exception of the following:

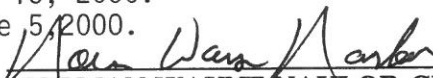
[1] Representatives from the franchised providers shall have no voting privileges when the Committee considers matters relating to the granting of franchises and/or reviewing complaints and investigate reports regarding franchised services. Representatives from franchised services shall have full and equal voting rights on all other matters not expressly excluded in this paragraph.

XV. ADDENDUMS TO ORDINANCE. The Board may, through appropriate actions, amend or expand this ordinance to include other emergency departments or agencies, as it may deem necessary.

XVI. EFFECTIVE DATE. This Ordinance shall take effect on the 5th day of June, 2000.

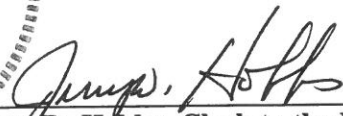
Approved first reading, May 15, 2000.

Approved second reading June 5, 2000.



**NORMAN WAYNE NAYLOR-CHAIRMAN OF
THE SAMPSON COUNTY BOARD OF
COMMISSIONERS**





Jerry D. Hobbs, Clerk to the Board

Amended 6/5/200 - see pg. 19

SAMPSON COUNTY ORDINANCE REGULATING EMERGENCY MEDICAL SERVICE AND GRANTING OF FRANCHISES FOR CONVALESCENT TRANSPORT SERVICE

Sampson County does hereby adopt the following ordinance pursuant to the provisions of Chapter 153A of the North Carolina General Statutes. That this ordinance shall govern the granting of franchises for ambulance service and other pre-hospital emergency medical services within the geographical bounds of Sampson County.

That upon adoption of this ordinance the previous ordinance heretofore adopted in 1968 [after a public hearing held on February 5, 1968] is rescinded in its entirety.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Sampson County, in regular meeting assembled and following a duly advertised public hearing held on the 18th day of August, 1997, that:

1. **DEFINITIONS.** As used in this ordinance, unless the context clearly indicates another or different meaning or intent, the following definitions shall be applicable.

[a] 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 of persons who are sick, injured, wounded, or otherwise incapacitated or helpless over or upon the streets or highways, waterways or airways of this State.

[b] 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 who has been certified as an ambulance attendant by the Department of Human Resources, Office of Emergency Medical Services.

[c] 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 State of North Carolina Office of Emergency Medical Service.

[d] 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.

[e] 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.

[f] 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.

[g] The term “committee” shall mean the Sampson County Emergency Medical Services Committee.

[h] The term “county” shall mean the County of Sampson Board of Commissioners or its designated representative.

[i] The term “telecommunicator” 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 fire departments and emergency medical facilities of any existing or threatened emergency.

[j] 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 of physiological damages or physiological illness or injury.

[k] 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.

[l] The term “franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service, rescue squad or first responder unit.

[m] The term “franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service, rescue squad or first responder unit.

[n] The term “license” shall mean any driver’s license or permit to operate a motor vehicle issued under or granted pursuant to the laws of the State of North Carolina.

[o] The term “non-emergency transportation service” shall mean the operation of an ambulance for any purpose other than transporting emergency patients.

[p] The term “operator” shall mean a person in actual physical control of an ambulance which is in motion or which has the engine running.

[q] The term “owner” shall mean any person or entity who owns an ambulance.

[r] The term “patient” shall mean an individual who is sick, injured, wounded, or otherwise incapacitated or helpless to the end that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

[s] The term “person” shall mean any individual, firm, partnership, association, corporation, company, group of individuals, or other like legal entity, acting together for a common purpose, or an organization of any kind, including any governmental agency other than the United States.

[t] The term “rescue” shall mean situations where the victim cannot escape an area through the normal exit or under his/her own power.

II. FRANCHISE REQUIRED.

[a] 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 Sampson 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.

[b] No person shall drive an ambulance, attend a patient in an ambulance, or permit an ambulance to be operated when transporting a patient within the County of Sampson unless that person holds a currently valid certificate as an ambulance attendant, emergency medical technician, EMT-D, EMT-Intermediate, EMT-Advance Intermediate or EMT-Paramedic issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services.

[c] 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 providing rescue services or first responder services unless they have been granted a franchise for the operation of such business or service by Sampson County, all pursuant to this Ordinance.

[d] No franchise shall be required for:

[1] Any entity operated from a location or headquarters outside of the County in order to transport patients who are picked up beyond the limits of the County when that transport is to any facility which is located within the geographical boundaries of the County, or to pick up patients within the County for transporting to locations outside the County; but no such entity shall be used to pick up patients within the County for transporting to locations within the County or other locations unless that entity is rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid situation or emergency in which the services franchised by the County are insufficient or unable to cope; or,

[2] Ambulances owned and operated by an agency of the United States government.

III. APPLICATION FOR AMBULANCE FRANCHISE. Application for a franchise to operate ambulances in the County shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain, in the minimum, the following:

[1] The name and address of the ambulance provider and the owner of the ambulance[s].

- [2] The trade or other fictitious name[s], if any, under which the applicant does business, together with a certified copy of an assumed name certificate duly filed as required by law, or articles of incorporation establishing such name in corporate form.
- [3] A resume of the training and experience of the applicant in the transportation and care of patients.
- [4] A full description of the type and level of service to be provided, including the location of the place or places from which that service is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched through that service.
- [5] An audited financial statement of the applicant as the same pertains to its operations in the County, said financial statement to be in such form and in such detail as may be required by the County.
- [6] A list of radio frequencies the applicant is authorized to operate on, along with a copy of the FCC license[s] in the name of the person providing the service.
- [7] A description of the applicant's capability to provide twenty-four hour coverage, seven 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 emergency calls within that district.
- [8] Any additional information that the County shall deem reasonably necessary for a fair determination of the capability of the applicant to

provide services in the County in accordance with the requirements of law and the provisions of this Ordinance.

IV. GRANTING OF FRANCHISES.

- [1] Prior to accepting applications for the operation of an ambulance service, the County may designate specific service areas as franchise districts. Such districts will be established using criteria that include, but are not necessarily limited to, geography size, road access, the location of existing medical transportation service, population density, and response time. The County shall further have the authority to redistrict or rearrange existing districts at any time at its discretion.
- [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.
- [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 next following that hearing, the County shall cause such investigation as it may deem necessary to be made relative to the applicant and his/her proposed operations. A reasonable extension of time to complete such investigation shall be granted should the County deem an extension necessary.
- [4] A franchise may be granted if the County finds that:

- [a] The applicant shows a reasonable effort to meet state standards and such other standards as may be outlined in this franchise ordinance.
- [b] The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees 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 that need.

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- [1] The County may issue a franchise hereunder to an ambulance provider which shall be valid for such term as may be determined by the County, provided always that either party, at its option, may terminate that 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.
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provide medical care in conjunction with the ambulance service, rescue squad, or first responder unit, directly or indirectly.

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- [5] Any change of ownership of a franchised ambulance service without the approval of the County shall result in immediate termination of the franchise and shall, in and of itself, require the filing of a new application for the issuance of a new franchise. The term "change of ownership" as contemplated by this section, shall mean any change of ownership, however small the percentage of change may be.
- [6] Any change in the level of service offered by a franchisee without the prior approval of the County shall, in and of itself, terminate that franchise and shall

require a new application and new franchise, all pursuant to the terms of this ordinance.

[7] No franchise may be sold, assigned, mortgaged, pledged or otherwise transferred without the prior written approval of the County and a finding of conformance with all requirements of this Ordinance as upon original franchise approval.

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[c] Written evidence of the insurance required by [a] and [b] above shall be provided to the County at all times during any franchise term, together with a letter from any carrier agreeing to provide at least thirty [30] days prior written notification before cancellation or amendment of any such liability insurance coverages.

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XIV. COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE.

[1] There is hereby created the Sampson County Emergency Medical Services Advisory Committee whose membership shall be appointed by the Board. The Committee shall have the responsibility and duty of advising the Emergency Management Director on matters relating to the enforcement of this Ordinance as specified in Section XIII, infra, and shall develop and recommend for approval to the Board standards of care, policies, procedures and actions which will maintain and improve the quality of emergency medical services for residents of Sampson County. Providers approved to operate at a level of prehospital care requiring Hospital sponsorship and direction from the ALS Medical Director will also be govern by all applicable rules required by OEMS and the local Audit and Review Committee.

[2] Membership on the Committee shall consist of the following:

- [a] The Administrator of Sampson Regional Medical Center or his/her designee.
- [b] A physician selected by the Sampson County Medical Society.
- [c] The ALS medical director from Sampson Regional Medical Center.
- [d] The Sampson County Communications Center Supervisor.
- [e] One representative from County Government [county commissioner, county manager, or their designee].
- [f] One representative from each franchise provider of ambulance services within the County.
- [g] One emergency room nurse selected by the administration of the Sampson Regional Medical Center.
- [h] One citizen-at-large from Sampson County.
- [i] One educator residing in Sampson County.
- [j] The Sampson County Emergency Medical Services Director or the Director of Emergency Management of Sampson County.

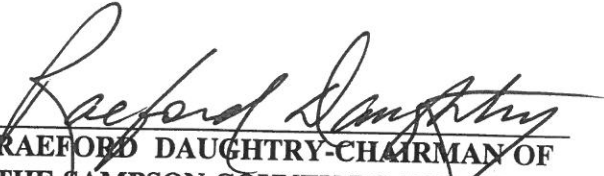
All members of the Committee shall have full and equal voting rights on matters to be considered by the Committee with the exception of the following:

- [1] Representatives from the franchised providers shall have no voting privileges when the Committee considers matters relating to the granting of franchises and/or reviewing complaints and investigate reports regarding franchised services. Representatives from franchised services shall have full and equal voting rights on all other matters not expressly excluded in this paragraph.


XV. ADDENDUMS TO ORDINANCE. The Board may, through appropriate actions, amend or expand this ordinance to include other emergency departments or agencies, as it may deem necessary.

XVI. EFFECTIVE DATE. This Ordinance shall take effect on the 18th day of August

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RAEFORD DAUGHTRY-CHAIRMAN OF
THE SAMPSON COUNTY BOARD OF
COMMISSIONERS




Jerry D. Hobbs, Clerk to the Board