

FREMONT COUNTY ORDINANCE NO. 2003- 06

AN ORDINANCE OF FREMONT COUNTY ESTABLISHING REGULATIONS AND REQUIREMENTS FOR AMBULANCE SERVICES IN FREMONT COUNTY; PROVIDING DEFINITIONS; ESTABLISHING SPECIFIC STANDARDS FOR AMBULANCE SERVICE PROVIDERS OPERATING IN FREMONT COUNTY; REQUIRING AMBULANCE SERVICE PROVIDERS TO OBTAIN A LICENSE FROM THE FREMONT COUNTY COMMISSION TO BE ABLE TO PROVIDE SERVICES IN FREMONT COUNTY, OUTLINING THE LICENSE APPLICATION REQUIREMENTS AND ESTABLISHING CRITERIA FOR THE ISSUANCE AND REVOCATION OF LICENSES; PROVIDING PENALTIES FOR VIOLATING PROVISIONS OF THE ORDINANCE; PROVIDING FOR THE SEVERABILITY OF PROVISIONS OF THE ORDINANCE; AND, PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO AS FOLLOWS:

AMBULANCE SERVICES**I- Definitions.**

(1) "Ambulance" means any privately or publicly owned vehicle, nautical vessel, fixed wing aircraft, or rotary wing aircraft used for or intended to be used for the transportation of sick or injured persons who may need medical attention during transport.

(2) "Non-transport vehicle" means any vehicle licensed by the Idaho Department of Health and Welfare, EMS Bureau, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons.

(3) The word "provider" means the following:

(a) Any person or business, public or private, including, but not limited to, any corporation limited liability company, or partnership, that operates an ambulance.

(b) Any "public agency," as defined in Idaho Code §67-2327, that operates an ambulance.

II- Standards.

(1) No provider may operate an ambulance in Fremont County, Idaho, unless each of the following requirements is satisfied:

(a) The provider shall have a current license from the Idaho Department of Health and Welfare.

(b) The provider shall have a dispatch service that operates 24 hours per day, including a dispatch arrangement with the Fremont County Sheriff's Department.

(c) The provider shall timely respond to calls 24 hours per day.

(d) The provider shall have at least three ambulances in good condition in Fremont County, Idaho.

(e) Each ambulance shall conform to the specifications of the Idaho Department of Health and Welfare that apply to such ambulance.

(f) Each ambulance shall carry the equipment that the Idaho Department of Health and Welfare deems essential for such ambulance.

(g) Each ambulance shall have a crew of at least two members on each transport; furthermore, the member of the crew who delivers the applicable medical attention during the transport shall have a certificate from the Idaho Department of Health and Welfare to perform, at a minimum, the services of a Basic Emergency Medical Technician or EMT-B.

(h) The provider shall have at least two crews on duty 24 hours per day, in Fremont County; furthermore, one of the members of each crew must have a certificate from the Idaho Department of Health and Welfare to perform the services of a Basic Emergency Medical Technician or EMT-B.

(i) The provider shall have a current license from the Board of Commissioners of Fremont County, Idaho, called "LICENSE FOR AMBULANCE SERVICES."

(2) The provisions of subsection (1) of this section do not apply to a transport that originates outside Fremont County, Idaho; in this regard, the point of origin of a transport is the location from which the sick or injured person is transported.

(3) The provisions of subsection (1) of this section do not apply to mass casualties or interagency contracts as pursuant to Idaho Code §67-2332.

(4) The provisions of subsection (1) of this section do not apply to non-transport vehicles.

III- Licenses.

(1) In order to receive a license, called "LICENSE FOR AMBULANCE SERVICES," a provider must submit an application to the Board of Commissioners of Fremont County, Idaho. The application is free of charge. In connection with the submission of the application, the provider must submit each of the following documents:

(a) A copy of its license from the Idaho Department of Health and Welfare.

(b) A list of its members, including a copy of the certificate from the Idaho Department of health and Welfare for each of its members.

(c) A report from a medical doctor for each of its members, stating that such member can perform the essential functions—that is, the essential services—of such member's certificate from the Idaho Department of Health and Welfare.

(d) A copy of the drivers license for each of its members, including a report of each member's driving record for the immediately preceding three years.

(e) A copy of the provider's certificate of insurance, as provided in Idaho Code §49-1210, showing proof of financial responsibility, as defined in Idaho Code §49-117(18), subject to the following minimum amounts:

(i) \$25,000.00 because of bodily injury to or death of one person in any one accident.

(ii) \$50,000.00 because of bodily injury to or death of two or more people in any one accident.

(iii) \$15,000.00 because of injury to or destruction of real or personal property in any one accident.

(f) If the provider is not a person doing business as a sole proprietorship, a disclosure of the percentage of ownership of each owner of the provider and, if there is a majority owner and such majority owner is not a person, a disclosure of the majority owner, in any, of such majority owner. In this regard, the word "owner" includes, but is not limited to, every partner of a partnership, every member of a limited liability company, and every shareholder of a corporation.

(g) An explanation of the basis upon which the provider believes that the issuance of a license to it is necessary or proper for the general welfare of the residents of Fremont County, Idaho. In this regard, the Board of Commissioners of Fremont County, Idaho, may consider the safety, health, prosperity, morals, peace, good order, comfort, convenience, and property of the residents of Fremont County, Idaho.

(2) Upon receipt of an application and the documents in subsection (1) of this section, the Board of Commissioners of Fremont County, Idaho, shall hear the application at a public meeting within 21 days of such receipt.

(3) The Board of Commissioners of Fremont County, Idaho, shall issue a license to the provider if it finds all of the following:

(a) Each of the standards in Section II(1)(a) through (h) of this ordinance is satisfied.

(b) The provider is a fit and proper provider.

(c) The issuance of the license is necessary or proper for the general welfare of the residents of Fremont County, Idaho. In this regard, the Board of Commissioners of Fremont County, Idaho, may consider the safety, health, prosperity, morals, peace, good order, comfort, convenience, and property of the residents of Fremont County, Idaho.

(4) No license shall have a date of expiration; therefore, if the Board of Commissioners of Fremont County, Idaho, issues a license to the provider, the provider shall thereafter on an annual basis submit a copy of its annual license from the Idaho Department of Health and Welfare to the Board of Commissioners of Fremont County, Idaho, within seven (7) days of the issuance of such license. In connection with the submission of a copy of its annual license, the provider shall submit a current copy of each of the documents listed in subsection (1)(b) through (f) of this section.

(5) Subject to the laws of the State of Idaho and the United States of America, the provider shall transport each patient to the location of the patient's choice, provided that such location is reasonably practicable under the circumstances.

(6) A license shall automatically terminate thirty (30) days after any third party purchases, acquires, or otherwise receives a majority of the ownership of the provider or thirty (30) days after any third party purchases, acquires, or otherwise receives a majority of the ownership of the majority owner, if any, of the provider. In this regard, the word "owner" includes, but is not limited to, every partner of a partnership, every member of a limited liability company, and every shareholder of a corporation.

(7) The Board of Commissioners of Fremont County, Idaho may revoke a license if it finds any of the following:

(a) A violation of any provision of this ordinance, including any standard in Section II(1)(a) through (h) of this ordinance.

(b) The provider is no longer a fit and proper provider.

(c) The license is no longer necessary or proper for the general welfare of the residents of Fremont County, Idaho. In this regard, the Board of Commissioners of Fremont County, Idaho, may consider the safety, health, prosperity, morals, peace, good order, comfort, convenience, and property of the residents of Fremont County, Idaho.

(8) Reasonable cause regarding license revocation. The Board of Commissioners of Fremont County, Idaho shall serve a notice on the provider, stating a date, time and place of a public meeting at which the Board of Commissioners of Fremont County, Idaho, will hear the potential license revocation. The notice shall include a short and plain statement of the basis of the potential revocation. The Board of Commissioners of Fremont County, Idaho, shall serve the notice on the provider at least seven (7) days before the date of the hearing. The Board of Commissioners of Fremont County, Idaho shall serve the notice on the provider in accordance with I.R.C.P. 4(d) or (e).

(9) No provider may sell, assign, or otherwise transfer its license to any third party; furthermore, no provider may delegate the performance of its services to any third party.

IV- Penalties.

A violation of any provision of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$300.00, by imprisonment of not more than six months in the county jail, or both.

V- Severability

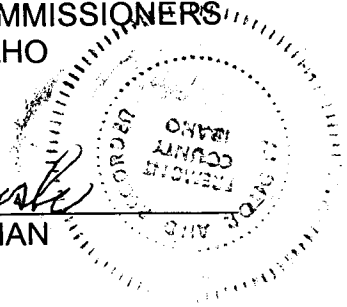
Irrespective of the basis of the invalidity, if any term or condition of this ordinance is invalid, the remaining terms and conditions of this ordinance are severable and effective until the repeal or amendment of such terms and conditions.

This ordinance shall be in full force and effect, from and after its passage and publication, as provided by law.

PASSED THIS 14th DAY OF July, 2003.

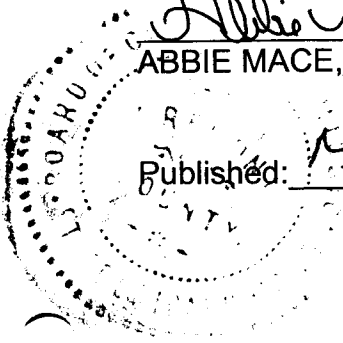
BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO

Bill Forbush
BILL FORBUSH, CHAIRMAN



ATTEST:

Abbie Mace
ABBIE MACE, CLERK



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