

**An Ordinance
Regulating Ambulance Services & Ambulance Franchises
Amended June 2016**

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1.0 AUTHORITY & PURPOSE

Following a public hearing duly held to determine the necessity for ambulance services, the undersigned Board of County Commissioners finds the adoption of this Ordinance pursuant to G.S. 153A-250 (Ambulance services), and other applicable law, necessary to assure the provision of adequate and continuing ambulance service, and to preserve, protect, and promote the public health, safety, and welfare and hereby adopts this Ordinance, effective as of the date specified below, to establish the terms and conditions under which a person may provide ambulance services or operate ambulances in the County.

1.1 **EXCLUSIVE EMS AUTHORITY:** Notwithstanding anything to the contrary herein, 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 emergency transportation services in the County, which services shall be provided at all times solely by County EMS.

2.0 DEFINITIONS

For the purposes of this Ordinance, the following words, phrases, terms, abbreviations, and their derivations, regardless of capitalization, shall have the meanings specifically given herein. When not inconsistent with the context, words used in the present tense include the past tense (and vice versa), words in the plural number include the singular number (and vice versa), and words in the masculine, feminine or neuter gender include each of the other genders.

2.1 ***Ambulance*** means any privately or publicly owned motor vehicle, aircraft, or vessel that is specifically designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways, or airways of this state. (G.S. 131E-155).

2.2 ***Ambulance Provider*** means any person who engages in or professes to provide the service of transporting patients in an ambulance.

- 2.3 **ASB or Ambulance Service Board** means any board or commission created by resolution of the Board of County Commissioners and vested with some or all of that Board's authority related to franchised ambulance providers under this Ordinance, or otherwise by law, provided if no ASB is created, or upon any ASB's dissolution, all references in this Ordinance to "ASB" or "Ambulance Service Board" shall be deemed to refer to and mean the Board of County Commissioners.
- 2.4 **Board** means the Board of County Commissioners adopting this Ordinance; and only if applicable, shall also be deemed to refer to and mean any agent, committee, board, or commission thereof whenever exercising any of the duties or powers of such Board of County Commissioners under this Ordinance pursuant to any legal delegation of authority to do so on its behalf.
- 2.5 **C911 or County 911 Communications** means the County 911 Communications Department or Center responsible for coordinating and/or dispatching calls for law enforcement, fire, and/or medical emergency services.
- 2.6 **Commission** means the North Carolina Medical Care Commission. (G.S. 131E-155)
- 2.7 **County** means the County of Washington, North Carolina unless otherwise expressly stated.
- 2.8 **Credentialed Personnel** means an individual who meets the requirements set forth in the rules of the Commission required for credentialing by DHHS and/or OEMS that allows them to practice as any of the following: Medical Responder (MR), Emergency Medical Technician (EMT), EMT-Expanded Scope, EMT-Intermediate (EMT-I), Emergency Medical Dispatcher (EMD), and/or EMT-Paramedic (EMT-P), as defined in G.S. 131E-155, and any other rules required by law.
- 2.9 **DHHS** means the North Carolina Department of Health and Human Services (or any successor agency) (G.S. 131E-1)
- 2.10 **Emergency Transportation Service** means operation of an ambulance, equipment and personnel to provide medical care transportation of patients in need of immediate medical treatment to prevent loss of life or further aggravation of physiological/psychological illness/injury.
- 2.11 **EMS or County EMS** means the Emergency Medical Services System operated by and/or serving County.
- 2.12 **Emergency Medical Services** means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual's need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board in accordance with G.S. 143-514 in order to prevent loss of life or further aggravation of physiological or psychological illness or injury. (G.S. 131E-155)
- 2.13 **FAP or Franchised Ambulance Provider** means any ambulance provider that has been granted a franchise to operate an ambulance in Washington County.
- 2.14 **FAPCC** means a FAP owned and operated communications center.
- 2.15 **FCC** means the Federal Communications Commission.
- 2.16 **Non-Emergency Transportation Service** means the operation of an ambulance for any purpose other than Emergency Transportation Service, as defined herein.
- 2.17 **OEMS** means the DHHS Office of Emergency Medical Services (or any successor agency).
- 2.18 **Ordinance** means this entire instrument entitled "An Ordinance Regulating Ambulance Service & Ambulance Franchises" adopted by the undersigned Board of County Commissioners.
- 2.19 **Owner** means any person, as defined herein, who owns an ambulance, or any part thereof.

- 2.20 **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. (G.S. 131E-155).
- 2.21 **Person** means any individual, firm, partnership, corporation, association, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency of the United States.
- 2.22 **State** means the State of North Carolina
- 2.23 **Traffic** means the response mode (i.e., Emergent (10-18), Routine-No-Delay (RND), or Routine) used by ambulances en route to calls and/or while transporting patients to a medical facility.

3.0 AMBULANCE FRANCHISE REQUIRED

- 3.1 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 providing non-emergency transportation of patients within County unless such person: (i) holds a valid OEMS permit for each ambulance used in such business or service, and (ii) holds a valid franchise to do so granted by Board pursuant to this Ordinance and G.S. § 153A-46 (Franchises).
- 3.2 No person shall drive any ambulance, attend any patient within any ambulance, or permit any ambulance to be operated when transporting a patient within County unless such person, and all of them, shall be properly credentialed personnel as defined herein.
- 3.3 Notwithstanding the foregoing, no franchise shall be required for any of the following:
 - 3.3.1 Privately owned vehicles not used in the business of transporting patients;
 - 3.3.2 Vehicles rendering mutual aide or services as ambulances in case of a major catastrophe or emergency if the permitted ambulances based in the vicinity thereof are insufficient to render the required services, or if the County Manager, Planning & Safety Director, EMS Director, or Medical Director requests such aide, which may be subject to any additional terms or conditions the requesting official may impose thereon from time to time;
 - 3.3.3 Any ambulance based outside of County, except that any ambulance receiving a patient within County for transportation to another location within County shall be required to obtain a valid franchise hereunder and comply with this Ordinance;
 - 3.3.4 Ambulances operated by County, by other local governments pursuant to any request for mutual aide, or by any agency of the United States Government;

4.0 FRANCHISE APPLICATIONS & APPROVAL

- 4.1 The ASB may accept applications for new franchises from interested ambulance providers as submitted, or otherwise during any annual application period established by the ASB.
- 4.2 Prior to accepting applications for a franchise hereunder, the ASB may designate specific service areas as franchise districts. Such districts will be established using criteria including without limitation geographic size, road access, location of existing medical transport service, population,

and response time. The ASB shall have the authority to redistrict or rearrange existing districts at any time and at its sole discretion.

- 4.3 Upon receipt of an application for a franchise, the ASB shall schedule a time and place for meeting with and hearing the applicant, and shall cause investigation as it may deem necessary to be made of the applicant and its proposed operations within sixty (60) days thereafter.
- 4.4 Application for a franchise to operate an ambulance in County shall be accompanied by an initial application fee in an amount to be established by the ASB from time to time but not exceeding \$Two Thousand Five Hundred Dollars (\$2,500.00). This fee is non-refundable except as expressly stated herein, and in no way obligates County to grant any franchise to any applicant. County hereby expressly reserves the right to refuse to accept applications for new franchises within its discretion. Applications received that are not to be considered will be returned together with any related application fees.
- 4.5 Application for a franchise to operate an ambulance in County shall be made by the ambulance provider upon such forms as may be prepared or prescribed by County, and in such detail as may be required by County, and shall contain, but not be limited to, all the following information:
 - 4.5.1 Name and address of the ambulance provider, and of all owner(s) of all its ambulance(s);
 - 4.5.2 Corporate, partnership, trade or other assumed name, if any, and all of them, under which the applicant transacts business, along with a certified copy of any assumed name certificates or articles of incorporation stating such names;
 - 4.5.3 Resume or CV of all principle owners, executives and senior managers of applicant;
 - 4.5.4 Complete detailed description of the type and level of services to be provided, including detailed plans stating the method of implementation and operation of service, including without limitation describing applicant's capability to provide 24 hour, 7 days per week coverage for all areas in which a franchise is applied for, together with estimated minimum and maximum response times for calls for service received within said area;
 - 4.5.5 Audited financial statement of applicant as same pertains to its operations in County;
 - 4.5.6 List of all employees, job status, copies of valid certification cards (credentials) issued by OEMS, and/or North Carolina motor vehicle operator license numbers;
 - 4.5.7 List of all ambulances, including the model, year and DMV/OEMS license numbers for each, and copies of current vehicle inspection sheets issued by OEMS;
 - 4.5.8 Proof of all required insurance as more particularly described herein;
 - 4.5.9 Copy of a valid provider license/certifications issued by OEMS;
 - 4.5.10 Mailing address and physical locations of all places where applicant conducts business;
 - 4.5.11 Certification regarding any pending complaints and/or litigation;
 - 4.5.12 Consent authorizing the ASB to inspect applicant's stations, vehicles, equipment, training records, attendants' state certification cards, and any other credentials and records deemed

necessary at any time, without notice, during the term of any franchise granted, and authorizing any person to release such information as may be necessary thereto.

- 4.5.13 Any additional information the ASB or Board shall deem necessary or desirable in order to determine the capability of applicant to provide ambulance services in County.
- 4.6 Pursuant to G.S. 153A-46 (Franchises), only the Board of County Commissioners may grant, renew, extend, or amend any franchise under this Ordinance. All franchises granted hereunder shall be subject at all times to the terms and conditions hereof, other applicable laws, and any additional terms, limitations, or conditions imposed as conditions thereon by the Board. A franchise may be granted by the Board if it finds:
- 4.6.1 Applicant shows a reasonable effort to meet all state standards and the standards outlined within this Ordinance; and
- 4.6.2 A need exists for the proposed services in order to assure the provision of an adequate and continuing level of ambulance service to County residents and to preserve, protect, and promote the public health, safety, and welfare; and
- 4.6.3 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.

5.0 FRANCHISE TERMS, CONDITIONS, AND RESTRICTIONS

- 5.1 Term: Each ambulance franchise shall be valid for one (1) year from the date of its issuance.
- 5.2 Renewal: Each ambulance franchise may be renewed for an additional one (1) year term subject to the same terms and conditions as the originally issued franchise. Renewal applications and a renewal application fee in the same amount required for initial applications, or any lesser amount approved by the ASB for renewals shall be submitted to the ASB at least ninety (90) days prior to an active franchise's expiration

Within sixty (60) days of receiving a complete renewal application and required fee, the ASB shall cause investigation as it may deem necessary to be made of the FAP and of the continuation of its current operations. Failure to submit a complete renewal application and/or the required fee in a timely manner may result in the franchise not being renewed, or may delay the renewal process prohibiting FAP from operating.

Unless the Board of County Commissioners elects to take any action to deny any renewal, or to modify the terms or scope of an active franchise as a condition of renewal, any renewal application which receives approval of the ASB (or EMS Director if no separate ASB exists), such franchise shall be deemed to automatically renew for one (1) additional one (1) year term, provided however all the terms and limitations otherwise applicable to any initial franchise granted hereunder shall continue to apply thereto.

- 5.3 Modification: FAP requests to modify any material terms or the scope of any active franchise shall be made only by submitting a new franchise application together with a new application fee. Any such approved application shall be deemed to replace the modified franchise upon approval.
- 5.4 Non-Exclusivity: Franchises granted hereunder are not, and shall not be deemed to be an exclusive right or permission. County expressly reserves the right to grant additional franchises to other ambulance providers at any time, which shall not be deemed to impair any other franchise or lessen the obligations or any FAP thereunder.
- 5.5 Minimum FAP Requirements: Each FAP shall provide for each and all of the following:
- 5.5.1 Be capable of responding to calls for service in County with at least one (1) ambulance, and crew consisting of at least one (1) EMT-B and an MR, or higher credentialed personnel 24 hours a day, 7 days a week;
 - 5.5.2 Maintain a base location from which any such response may be made that is central to County with a thirty (30) minute average response time to the Washington County Hospital under normal traffic conditions;
 - 5.5.3 Submit copies of all records required to be kept pursuant to this Ordinance or the ASB at least quarterly to the EMS Director, which shall include at a minimum:
 - 5.5.3.1 Dispatch Records - shall show all times of: calls received, ambulance dispatches, arrivals on scene, arrivals at destination, being in service, and returning to base;
 - 5.5.3.2 Trip Records - shall provide all dispatch information above on a form approved by the EMS Director, designed to provide each patient a copy thereof containing all required information, and which may serve as a receipt for any charges paid;
 - 5.5.3.3 Daily Report Log - shall be maintained to identify multiple transports per day;
 - 5.5.3.4 Daily Vehicle Checklist/Inspection Report - shall list daily contents, equipment checks, and description of vehicle operations, signed by the verifying individual;
 - 5.5.4 Ensure all responding FAP personnel are credentialed to run within County, and remain in good standing with credentialing through OEMS, and adhere to all continuing education requirements to the same extent as County EMS;
 - 5.5.5 Demonstrate a continuing need and commitment to operate in County by not failing to submit its required quarterly reports, or transport a patient in County for more than six (6) months; either of which event, shall automatically terminate FAP's franchise hereunder;
 - 5.5.6 Provide mutual aid as requested by County EMS and/or County 911 dispatch in the event of mass casualty events, mass patient evacuations, and/or high-priority EMS responses.
 - 5.5.7 Meet with County EMS Director and/or Medical Director during any initial or renewal application process, and otherwise as requested to perform their respective duties;
 - 5.5.8 Appoint an agent to represent FAP during peer reviews held by County EMS, and regularly attend and meaningfully participate therein;

- 5.5.9 Appoint an agent to represent FAP on any advisory boards or committee formed to aid Board or County EMS in the performance of their duties, and regularly and meaningfully participate therein.
 - 5.5.10 Carry a copy of a valid active franchise agreement onboard each FAP ambulance based or operating in County at all times hereunder, and not deface, remove or destroy it;
 - 5.5.11 Monitor and comply with any online medical direction for operating in EMT-P systems;
 - 5.5.12 Comply with County EMS's plan for Medical Oversight and all Written Treatment Protocols, and with all Medical Director's written guidance regarding decisions about equipment, medical supplies, and medications that will be carried on any ambulance or other EMS services vehicle;
 - 5.5.13 Comply with all applicable laws and County confidentiality policies and procedures for medical information, as amended and updated, including without limitation the Health Insurance Portability and Accountability Act (HIPAA).
- 5.6 Legal Compliance: Each FAP shall comply at all times with the requirements of this Ordinance, any 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.
- 5.7 ASB Compliance: In addition to the foregoing, each FAP shall comply at all times with any and all rules and regulations established by the ASB for franchised ambulance providers, as the same may be modified from time to time.
- 5.8 Transfer & Assignment Restrictions:
- 5.8.1 Prior ASB approval shall be required where ownership or control of more than 10% of the right of control of any franchise granted hereunder is acquired by a person or group of persons acting in concert, none of whom own or control, 10% or more of the right of control, singularly or collectively, at the date of the franchise. By its acceptance of a franchise hereunder, the FAP specifically agrees that any acquisition occurring without prior ASB approval shall constitute a violation of the franchise by FAP and shall be cause for termination at the option of the ASB.
 - 5.8.2 Any change of ownership of a FAP without ASB approval shall terminate the franchise and shall require a new application and fee, and new franchise, and conformance with all the requirements of this Ordinance as upon original franchising.
 - 5.8.3 No franchise may be sold, assigned, mortgaged or otherwise transferred without the approval of the Council and a finding of conformance with all requirements of this chapter as upon original franchising. Each FAP, its equipment and the premises designated in its 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.

6.0 ENFORCEMENT, SUSPENSION, REVOCATION, & TERMINATION

- 6.1 Acceptance of any franchise granted hereunder by any ambulance provider constitutes an agreement to comply at all times with the requirements of this Ordinance, the franchise granted hereby, and all applicable federal, state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other applicable laws and ordinances, including but not limited to G.S. Ch. 131E, Article 7, and Ch. 143, Article 56, and the EMS System Plan adopted by County. Failure to comply with any of the foregoing requirements shall be grounds for and may result in the immediate termination, revocation or suspension of the franchise by the ASB.
- 6.2 Enforcement Authority: The Board of County Commissioners, any ASB, Medical Director, and EMS Director shall each have the independent and full power and authority to enforce the provisions of this Ordinance as required to perform their respective official duties. Without limiting the foregoing, the ASB shall be the primary enforcement body hereunder, and the EMS Director shall serve as its primary enforcement agent to:
- 6.2.1 Receive all franchise applications from potential ambulance providers.
 - 6.2.2 Study each application for conformance to this Ordinance.
 - 6.2.3 Make recommendations to the County Board of Commissioners regarding the award of any franchise(s) applied for by applicant(s).
 - 6.2.4 Inspect the premises, vehicles, equipment and personnel of FAPs and franchise applicants to assure compliance to this Ordinance and to perform any other inspection that may be required.
 - 6.2.5 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. Recommend the imposition of misdemeanor or civil penalties as approved therein.
 - 6.2.6 Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
 - 6.2.7 Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by County.
 - 6.2.8 Receive complaints from the public, other enforcing agencies and ambulance services regarding franchise infractions, review the complaint and obtain corrective action.
- 6.3 Upon any suspension, revocation, expiration or termination of its franchise, a FAP shall immediately cease all operations hereunder.
- 6.4 FAP shall immediately cause its personnel to cease driving any ambulance or vehicle upon the suspension, revocation, expiration or termination of their driver's license, and shall immediately cause its personnel to cease providing any service for which any certification, license, or credentials are required under the terms of this Ordinance or otherwise by law, upon the suspension, revocation, expiration, or termination thereof until fully and completely restored.

- 6.5 The EMS Director and/or Medical Director or their designee, shall be entitled to periodically inspect all FAP stations, bases, records and ambulances or other vehicles and equipment in order to determine ongoing compliance with, and any violations of, this Ordinance or other applicable laws pertaining to County EMS, and all FAPs, and any ambulance providers applying for a franchise shall permit such inspections at any time, and without prior notice.
- 6.6 Either party, at its option, may terminate an ambulance franchise granted under this chapter without cause upon one hundred twenty (120) days' prior written notice to the other party. After a notice of termination is given, the ambulance provider may reapply for a franchise if continued service is desired.

7.0 PERSONNEL, VEHICLE & EQUIPMENT STANDARDS & REQUIREMENTS

All credentialed personnel, vehicles, and equipment of FAP shall be subject to and shall comply at all times with any and all laws, rules, regulations and standards, including but not limited to those established by the Commission, OEMS, ASB, Medical Director, and/or the EMS System Plan, as all may be modified, and as all are hereby incorporated by reference.

8.0 FAP COMMUNICATIONS & DISPATCH STANDARDS & REQUIREMENTS

- 8.1 Radios: Each FAP ambulance shall be equipped with an operational two-way radio compatible at all times with the radio communication devices utilized by EMS and C911, as modified or upgraded from time to time, and being capable at all times of establishing good quality two-way voice communications from within the geographic confines of County therewith, and to each and every hospital emergency department located in County, and in every other county where such FAP ambulance is based or regularly transports patients. Cellular telephones are not a reliable primary means of communication, nor an acceptable substitute for the radio required to be carried and maintained under this provision.
- 8.2 FCC Compliance: Each FAP shall maintain current FCC authorizations and/or licenses for all frequencies and radio transmitters used or operated by such FAP, and copies thereof shall be on display and available for inspection per FCC rules and regulations.
- 8.3 EMS Assistance: Each FAP ambulanced shall be required to render assistance to County EMS as assigned by C911 or EMS, in the event of a major catastrophe or emergency, or whenever EMS units are unavailable to respond to any emergency or non-emergency calls including but not limited to dead-on-arrival or "DOA" calls (reimbursement for which shall be applied for pursuant to state law). Calls assigned to FAP by C911 or EMS under this provision shall take priority over any scheduled non-emergency calls.
- 8.4 Emergency Response: When EMS units are dispatched to an emergency call, and a FAP ambulance is available, and closer to the scene, the FAP ambulance shall contact C911 via radio and advise their current location and request authorization to respond, and only if authorized to do so, shall respond immediately utilizing the response traffic directed, and upon arrival, the FAP ambulance crew shall:

- 8.4.1 Establish patient contact as soon as the scene is deemed safe to do so; and
 - 8.4.2 Notify C911 of the patient's condition and recommend appropriate response traffic for the responding EMS unit; and
 - 8.4.3 Provide appropriate patient care until arrival of the EMS unit; and
 - 8.4.4 Provide assistance to the EMS crew upon their arrival, and until such time as they are released by the EMS crew.
- 8.5 FAPCC Required: Each FAP shall establish and maintain, at its own expense, a physical communications center which shall meet all the following:
- 8.5.1 Be staffed twenty four (24) hours per day, seven (7) days per week by personnel having successfully completed appropriate telecommunications training as required by the ASB;
 - 8.5.1.1 The foregoing 24/7 staffing provision may be waived by the ASB if it determines that the FAP maintains an FAPCC staffed during regularly established business hours, and has adequate measures in place to ensure that after hours contact can be made at all times with the FAP via radio and/or other secondary communications devices satisfactory to the ASB.
 - 8.5.2 Be accessible to the general public via a published, seven-digit telephone number;
 - 8.5.3 Be accessible to C911 and/or County EMS via a secondary seven-digit telephone number only utilized for the purposes of communications therewith;
 - 8.5.4 Be equipped with an operational two-way radio capable at all times of communicating with all FAP ambulances based in or operating in County via frequencies as may be assigned by C911; and
 - 8.5.5 Maintain an electronic record keeping system, capable of generating electronic reports in print, and tracking data points as required herein or specified by the ASB.
- 8.6 Any call for emergency transport services in County received at any base, office, FAPCC, or other facility or vehicle operated by FAP shall be immediately referred to C911.
- 8.7 Any calls for non-emergency transportation services that will both originate and terminate within the County received at any base, office, FAPCC, or other facility or vehicle operated by FAP may be required by the County to be referred to C911 for central dispatching according to any protocols established therefore by the ASB from time to time.

9.0 MINIMUM FAP INSURANCE STANDARDS AND REQUIREMENTS

No ambulance franchise shall be granted hereunder, nor shall any such franchise be valid after being granted, unless the FAP receiving such franchise has in full force and effect liability insurance coverage meeting all of the following criteria at all times:

- 9.1 Liability Insurance Required: Each FAP shall procure and maintain liability insurance against claims for injuries to persons or damages to property for the duration of any and all franchises granted hereunder, which may arise from or in connection with the performance of services hereunder by the FAP, his agents, representatives, employees, subcontractors, or assigns.
 - 9.1.1 *Commercial Gen Liability Ins:* Each FAP shall maintain occurrence version commercial general liability insurance or equivalent form with a limit of not less than one million

dollars (\$1,000,000.00) for each occurrence. Any general aggregate limit thereto shall be not less than two (2) times the occurrence limit. Such insurance shall include as additional insureds: County, its officials, officers and employees with respect to performance of the services, and shall contain no special limitations on the scope of protection afforded to the same, and shall be primary to any insurance or self-insured retention programs covering the additional insureds.

- 9.1.2 *Business Auto Liability Ins:* Each FAP shall maintain business automobile liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000.00) for each accident. Such insurance shall include coverage for owned, hired, and non-owned automobiles.
- 9.1.3 *Workers' Compensation and Employers' Ins:* Each FAP shall maintain workers' compensation insurance with state statutory limits, and employers' liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00) for each accident.
- 9.1.4 *Medical Malpractice Ins:* Each FAP shall maintain occurrence version medical malpractice liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000.00) for each occurrence. Any general aggregate limit thereto shall be not less than two (2) times the occurrence limit.
- 9.1.5 *Excess Liability Ins:* Each FAP shall maintain an excess liability insurance policy in the amount of four million dollars (\$4,000,000.00). This excess liability insurance policy shall be excess over the general liability, automobile liability, workers compensation, and medical malpractice liability insurance coverages
- 9.2 General Insurance Requirements: Each FAP shall:
 - 9.2.1 Prior to commencement of any services, furnish County with properly executed certificates of insurance clearly evidencing all insurance required in this section and including without limitation providing as a material endorsement upon all such policies:
 - 9.2.1.1 No revocation, withdrawal, cancellation, or material amendment or reduction in coverage shall be made except after thirty (30) days' prior written notice provided to County by the insurer; and
 - 9.2.1.2 County shall be an additional authorized party for purposes of releasing all related insurance and policy status information to it upon request.
 - 9.2.2 Promptly provide certified copies of endorsements and policies if requested by County, in lieu of or in addition to any certificates of insurance.
 - 9.2.3 Maintain all insurance required under this Ordinance and otherwise by law from the date and time services commence until the day after services cease or are completed, and not less than seven (7) days prior to any effective date thereof, replace (without County's request) any and all certificates, policies, and/or endorsements for any such insurance as the same may become modified, extended or expire.
 - 9.2.4 Place all such insurance with insurers authorized to do business in North Carolina and having A.M. Best Company ratings of not less than A:VII, unless any alternatives to this requirement are approved by the ASB and County Finance Officer.

- 9.3 Independent Contractor & Hold Harmless: Each FAP shall operate as an independent contractor, and County shall not be responsible for any of the FAP's acts or omissions while providing services hereunder. Each FAP shall hold County harmless from and against any and all claims, expenses (including attorney fees), costs or liability for negligent or intentional acts or omissions, including willful or criminal conduct, of the FAP, its employees, agents or any other representatives while providing services under any Franchise granted hereunder.
- 9.3.1 Each FAP understands and acknowledges that the liability insurance coverage requirements hereunder are minimums, and do not restrict or limit County's recovery under the hold harmless provisions of this Ordinance, and are encouraged to consider increasing such limits.

10.0 FAP RATES AND CHARGES

- 10.1 Each FAP which charges for ambulance services provided within County shall set its rates and fees in accordance with the rates and fees established for County EMS and/or FAPs by the ASB as the same may be modified from time to time. Such rates and fees may provide for different rates and fees based upon different types of calls or services provided including without limitation BLS, ALS, DOAs or specialty calls.
- 10.2 No FAP shall charge any administrative fees for services provided hereunder, unless approved by the ASB. Except as otherwise determined by the ASB as part of any approved rates and charges applicable to FAPs, any and all costs of compliance with this Ordinance incurred by FAP shall be borne at FAPs sole expense.

11.0 OTHER

- 11.1 Multi-County Adoption, Administration and Enforcement:
- 11.1.1 If this Ordinance is adopted by multiple counties served by a single common EMS System, such counties may by resolutions passed by their respective Boards, enter into an agreement to apply the terms and provisions of this Ordinance cross jurisdictionally to all such counties as a single jurisdiction for purposes of administrating and enforcing the terms and provisions of this Ordinance to the fullest extent permitted by law.
- 11.1.2 In any such event, the term "County" as otherwise defined and used herein shall be enlarged to include all such counties within its meaning as the context may require during any period of such agreement, and such counties may jointly form a single ASB to more efficiently administer this Ordinance, provided however, each separate Board of County Commissioners shall retain its individual authority to grant, deny, renew, extend, or modify applications for franchises pursuant to G.S. 153A-46 (Franchises).
- 11.1.3 Unless otherwise agreed in writing, each separate individual county in any such multiple county system shall be considered and treated as a separate franchise district, and approval to operate therein may only be granted by the Board of County Commissioners governing such county/district, subject to any additional terms and conditions imposed upon the FAP which shall be deemed to apply within such district only.

- 11.2 Notices: Any notices provided under this Ordinance shall be deemed sufficient if made in writing and delivered personally or by certified, postage pre-paid, return receipt requested mail deposited in the US Post Office, addressed to the business address of FAP contained within its franchise application if to FAP, or to the published address of the County Manager for County.
- 11.3 Forum Selection: Any litigation between FAP and County arising under or regarding any franchise or this Ordinance shall occur, if in the North Carolina courts, in Washington County Superior Court or District Court having jurisdiction thereof, or if in the federal courts, in the United States District Court for the Eastern District of North Carolina.
- 11.4 Conflicts: Where any other applicable rules, regulations, ordinance, or laws impose more restrictive regulations than these contained herein, the more restrictive regulations shall govern.
- 11.5 Severability: The provisions of this Ordinance shall be severable. If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts hereof which shall continue in full force and effect notwithstanding.
- 11.6 Violations & Penalties: In addition to any other penalties provided herein or otherwise by law, if any person shall violate this Ordinance, they shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00)
- 11.7 Amendment: This Ordinance may be amended or expanded as deemed necessary by the County Board of Commissioners, and in accordance with G.S. 153A-250 (Ambulance services) and other applicable laws.
- 11.8 Effective Date: This Ordinance shall become effective on the date of adoption and shall supersede and repeal all previous ordinances applicable to ambulances.

ADOPTED THIS _____ DAY OF _____, 2014

BY THE WASHINGTON COUNTY BOARD OF COMMISSIONERS

D. COLE PHELPS, CHAIR

JULIE BENNETT, CLERK