

BAKER COUNTY BOARD OF COUNTY COMMISSIONERS

BAKER COUNTY, OREGON

In the Matter of Amending the)
Baker County Ambulance) ORDINANCE NO. 2022-02
Service Area Plan;)
Regulating Ambulance)
Service Providers)

WHEREAS, state law requires Baker County to develop and adopt a plan for the county relating to the need for and coordination of ambulance services and to establish Ambulance Service Areas (ASAs) consistent with the Plan, pursuant to ORS 682.062, ORS 682.063 and OAR 333-260-0000 to 333-260-0070; and

WHEREAS, Baker County Commissioners previously certified the Baker County Ambulance Service Area Plan (ASA Plan) on (date) October 17, 2018; and

WHEREAS, it is recognized that amendments and updates are needed for the most efficient operation of the ASA Plan and to take into consideration changing needs of the community; and

WHEREAS, Baker County has consulted with each person and entity that has notified the county in writing of their desire to be consulted prior to the adoption or amendment of a county plan for ambulance services, as required by ORS 682.062(2);

NOW, THEREFORE,

The Board of County Commissioners for Baker County, Oregon, ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as the “Baker County Ambulance Service Ordinance,” Ordinance No. 2022-02. Exhibit “A,” known as the Baker County Ambulance Service Area Plan, is attached and incorporated herein by reference.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, ORS 682.031 and ORS 682.062.

SECTION 3. PURPOSE AND POLICY.

The purposes of this Ordinance are to (1.) acknowledge and adopt Ambulance Service Area Plan (ASA Plan) amendments that will improve clarity and service delivery for pre-hospital patients, (2.) improve clarity for service providers and provider applicants; (3) ensure accurate

references to statutes and administrative rules; (4) correct clerical or typographical errors in the ASA Plan; (5) adopt a format that will improve efficient administration and enforcement of the Ordinance and ASA Plan.

This Ordinance, together with the adopted Baker County Ambulance Service Area Plan, attached as Exhibit “A,” make up the complete plan for ambulance services for Baker County, which establishes methods for creating and modifying Ambulance Service Areas (ASAs), establishes methods for selecting ambulance service providers for each ASA, and establishes the Ambulance Service Area Advisory Committee.

SECTION 4. DEFINITIONS.

1. All words and phrases used in this Ordinance shall have the meaning provided in the Plan, attached as Exhibit “A”, as provided in ORS Chapter 682 and OAR Chapter 333, unless specifically defined in this Section to have a different meaning. The term “this Ordinance” shall be deemed to include all amendments hereafter made to this Ordinance.
2. Other specific definitions include:
 - a. Administrator. Baker County Emergency Management Director or other person designated by the Board of Commissioners to administer this Ordinance.
 - b. Ambulance Service. A person, governmental unit or other entity that operates ambulances and that holds itself out as providing prehospital care or medical transportation to persons who are ill or injured or who have disabilities.
 - c. Ambulance Service Area. A geographic area which is served by one emergency ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
 - d. Assignment. Formal selection by the Board to provide ambulance services to a specified ASA, memorialized in writing such writing signed by the Board and service provider.
 - e. Board. The Board of County Commissioners for Baker County.
 - f. Committee. The Ambulance Service Area Advisory Committee, or the ASA Advisory Committee, created pursuant to the Baker County Ambulance Service Plan and this Ordinance.
 - g. Person. Includes individuals, corporations, associations, firms, partnerships and special districts formed and existing pursuant to Oregon Revised Statutes.

SECTION 5. EXEMPTIONS.

This Ordinances shall not apply to:

1. Ambulances owned by or operated under the control of the U.S. Government or the State of Oregon.

2. Vehicles being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used or render temporary assistance by an official at the scene of an accident.
3. Vehicles operating solely on private property or within the confines of institutional grounds, whether or not the incident crossing of any public street road or highway through the property or grounds is involved.
4. Ambulances or vehicles transporting patients from outside the County to a health care facility within the County, or which are passing through without a destination in the County.
5. Air ambulances (aircraft utilized as an ambulance) and marine ambulances (marine craft utilized as an ambulance).
6. Any person who drives or attends an individual who is ill or injured or who has a disability if the individual is transported in a vehicle exempted by this section.
7. Ambulance services that are located outside of the county, which may come into the county for the purpose of fulfilling service agreements or specialty transportation needs, provided the services are currently identified and on file with the Administrator. The Administrator and/or the Ambulance Service Area Advisory Committee may request and review copies of these service agreements.

SECTION 6. ADMINISTRATION.

The Administrator, under the supervision of the Board and with the assistance of the Committee, shall be responsible for the enforcement of this Ordinance. In order to carry out the duties imposed by the Ordinance, the Administrator or persons authorized by the Administrator, are hereby authorized to enter on the premises of any person regulated by the Ordinance at reasonable times and in a reasonable manner to determine compliance with this Ordinance and regulations promulgated pursuant to the Ordinance. The Administrator shall also have access to records pertaining to ambulance service operations of any person regulated by this Ordinance. These records shall be made available to the Administrator at the person's place of business, or copies made and provided as requested by the Administrator.

SECTION 7. AMBULANCE SERVICE AREAS.

The Board adopts the Ambulance Service Areas (ASAs) as described in the Baker County Ambulance Service Area Plan. The Board may change the number and/or boundaries of the ASAs by amendment to the ASA Plan, by adoption of a new ASA Plan, or separately by adoption of an order to that effect. Pursuant to an Intergovernmental Agreement and for

administrative convenience, the Board may authorize another County or Counties to award and administer an ambulance service assignment(s) within portions of Baker County, and/or accept authority from another County or Counties to award and administer an ambulance service assignment(s) in portions of other such County or Counties.

SECTION 8. AMBULANCE SERVICE PROVIDERS REGULATED.

No person shall provide ambulance service in Baker County unless such person is formally assigned to an ASA by Baker County Board of Commissioners and has entered into a personal service contract or agreement with Baker County in accordance with the provisions of this Ordinance, except as provided in Section 5., above.

SECTION 9. APPLICATION FOR AMBULANCE SERVICE ASSIGNMENT AND REQUEST FOR PROPOSALS

1. When a letter of interest is received by the Administrator from an ambulance service provider, the Administrator may open the process for selection of a provider, if the ASA assignment for non-emergency coverage is needed.
2. In the event that the decision is made not to continue a renewable personal services contract with a current ASA provider, or when the County has been notified of an ambulance service provider's intent to vacate the ASA assignment, the County shall open a process for selection of a new provider in compliance with Baker County's Public Contracting Resolution, Res. No. 2005-1027 (Public Contracting Resolution), and any amendments thereto. At that time, any provider may apply for assignment to an ASA by submitting a proposal utilizing the appropriate format and process set forth in the County's Request for Proposal (RFP), or other solicitation documents prepared for such purpose.
3. Prior to the termination of the current personal services contract or agreement with a provider assigned to an ASA for emergency transport services, the ASA will be reassigned according to the following procedure:
 - a. The Administrator will prepare for Board approval a RFP, or other solicitation document in compliance with the County's Public Contracting Resolution; and a process for evaluating the proposals that will be submitted in response to the RFP or solicitation document.
 - b. The RFP or solicitation document will be subject to Board approval and will describe or require:
 - i. Minimum credential requirements in order to qualify;
 - ii. Performance standards and remedies/penalties for breach of performance standards, as outlined in the ASA Plan;
 - iii. Proposal evaluation process;

- iv. Submission of information or minimum standards on the following subjects:
1. Organizational structure of proposer.
 2. Proof of financial ability to operate, including an operating budget or financial statement. Private companies must provide a profit and loss statement, in addition to the above materials. Other appropriate financial information, such as income tax returns or reports by governmental authorities shall be submitted upon request.
 3. Proof of insurance
 - a. Adequate to protect the person or entity, and the County, its officers, agents and employees.
 - b. A certificate or certificates of insurance which names Baker County, its officers, agents and employees, as additional insureds and shall be accompanied by one or more additional insured endorsements. The certificates of insurance shall include a statement by the insurer that the County shall be given no less than thirty (30) days advance written notice if the policy is going to expire, be terminated or cancelled or modified in any material way. If the applicant is granted an assignment of an Ambulance Service Area under this Ordinance, the applicant shall notify the County immediately upon notice to the applicant that any insurance coverage required by this paragraph will be canceled, not renewed or changed to make the coverage no longer meet the minimum requirements of this Ordinance.
 - c. Coverage shall be carried for the duration of the applicable statute of repose in Oregon.
 4. Workforce to be used in providing ambulance service and their current Emergency Medical Technician certificate number or other appropriate certification, as well as compensation.
 5. Prior experience properly providing services equivalent in quantity and quality, and references if requested.
 6. Equipment and vehicles including year, make and model, and verification that each vehicle is certified as a basic life support, intermediate life support and/or advanced life support vehicle by the State of Oregon.
 7. Coverage plan for the ASA(s) to be assigned
 8. A statement as to whether or not the person or agency will subcontract for any service to be provided. If some service will be provided by subcontract, a copy of the subcontract shall be provided.

9. Rate for service (price), if any.
 10. Proof of compliance with the terms and conditions of the ASA Plan and applicable County ordinances, in the form of a narrative summary.
- v. Submission of a description of how the provider intends to integrate services with first responder agencies and other EMS components;
 - vi. Other standards or requirements as determined by the Board and Administrator

SECTION 10. EVALUATING PROPOSALS

The Board will evaluate proposals submitted, utilizing such staff or independent assistance as the Board determines to be advisable. If the Board determines that it is in the public interest, it will issue a personal service contract or agreement to the provider submitting the best overall proposal. The personal service contract or agreement will include the assignment of the successful provider to the ASA, with the exclusive right to provide emergency ambulance service within the ASA. The assignment may or may not include exclusive rights to nonemergency services.

The County shall reserve the right to negotiate more favorable terms with proposers, as deemed to be in the public interest. The term, conditions and requirements of the personal service contract shall be as requested in the RFP and as offered in the provider's proposal, unless negotiated terms with the successful proposer are in writing and agreed upon by both parties.

SECTION 11. EXISTING AMBULANCE SERVICE PROVIDERS

Nothing in this Ordinance shall act as a revocation of an assignment to any Baker County ASA granted prior to the effective date of this Ordinance, or any amendment to this Ordinance, except pursuant to Section V(j) Quality Assurance., of the ASA Plan, attached as Exhibit "A."

SECTION 12. EARLY DISCONTINUANCE OF SERVICE BY ASSIGNED PROVIDER

1. If an ambulance service provider alerts the County of its intent to discontinue services before the expiration of the personal service contract or agreement, the Board or the Administrator shall open the application process described in Section 9., above.
2. The Administrator shall develop a plan for coverage of all ASAs, using existing service providers and/or other resources as available to provide ambulance service in every Baker County ASA.
3. In the case of early discontinuance, the Administrator may issue a temporary assignment valid for a stated period not to exceed six (6) months, entitling a person to provide

ambulance service in all or part of an ASA. In such case, the Administrator shall alert the Board as to the need for the temporary assignment.

ADOPTED BY THE BAKER COUNTY BOARD OF COMMISSIONERS
on this ____ day of _____, 2022.

BAKER COUNTY BOARD OF COMMISSIONERS:

William Harvey, Commission Chair

Mark E. Bennett, Commissioner

Bruce A. Nichols, Commissioner

Attest:

Heidi Martin, Executive Assistant