RESOLUTION NO. 2020-96
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING REGULATIONS FOR AMBULANCE TRANSPORT VEHICLES
AND SERVICE OPERATING IN MARIN COUNTY

WHEREAS, the County of Marin has the authority pursuant to State law to regulate ambulance service within Marin County; and

WHEREAS, Marin County Code 7.60, provides for the establishment of standards for ambulance transport, personnel training and certification, equipment and supply requirements, response time requirements, radio and tracking mechanisms, patient treatment and transportation protocols; and

WHEREAS, it empowers the Emergency Medical Services Agency to recommend issuance or denial of permits, monitor performance, enforce standards if necessary and to act in an impartial manner as an arbitrator in matters of consumer complaints; and

WHEREAS, the proposed changes are reasonable and necessary for effective regulation of ambulance services; and to update the regulations to reflect current practice of ambulance operations within the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Marin pursuant to the provisions of Marin County Code, Chapter 7.60, that the following regulations concerning the operation, dispatching, equipment, training, and certification of crews of all ambulance transport providers; the issuance of Certificates of Operation and Vehicle Permits; the enforcement of the provisions of Chapter 7.60, and the administrative procedures necessary for the accomplishment of the purposes of chapter 7.60, regarding ambulance transport vehicle operations within Marin County be, and hereby are, enacted.

I. AUTHORITY

The Authority for these regulations includes, but is not limited to, the California Code of Regulations, the California Vehicle Code, the California Health and Safety Code, and the Marin County Code chapter 7.60.

II. PURPOSE

The purpose of these regulations is to carry out the intent and mandate of the Marin County Code chapter 7.60, regulating ambulance service delivery, patient care, and transportation in Marin County.

III. DEFINITIONS

Advanced Life Support Services (ALS Services) Definition as stated in Section 1797.52 of the California Health and Safety Code shall apply.

Ambulance (California Administrative Code, Title 13) refers to a vehicle specially constructed, modified, equipped, and authorized for the purpose of transporting sick, injured, convalescent, infirm or otherwise incapacitated persons.
**Ambulance Attendant** refers to that person assigned by the ambulance Permittee to deliver emergency medical care to a patient and who shall always occupy the patient compartment during transport.

**Ambulance Crew** includes the attendant and driver and may include one or more additional crewmembers or trainees.

**Ambulance Driver** the crewmember assigned by the ambulance operator to operate an ambulance, who shall possess, unless exempt, a valid California ambulance driver's certificate issued by the State Department of Motor Vehicles.

**Ambulance Permittee** refers to a person or entity engaged in providing ambulance services.

**Ambulance Transport** refers to the movement of a patient from one location to another in an authorized ambulance.

**Ambulance Unit** refers to an ambulance vehicle and its crew.

**Basic Life Support (BLS Services)** Definition as stated in Section 1797.60 of the California Health and Safety Code shall apply.

**Certificate of Operation** refers to the document issued by the EMS Agency, upon order of the Board of Supervisors, to a person or entity that has met the requirements to operate an ambulance service in Marin County.

**Color Scheme** refers to a design consisting of colors, logos, numbers, figures, and letters, or any combination thereof, assigned to a particular Permittee for application to the ambulance or ambulances for purposes of identification and distinction.

**County** refers to the County of Marin and/or its governing body.

**Critical Care Transport (CCT)** refers to an ambulance staffed, equipped, and authorized to perform transport services for critically ill patients. Also known as Specialty Care Transport (SCT).

**Direct Landline Communications** refers to the capability of direct, immediate telephone contact.

**Dispatcher** refers to a person who receives, records, and coordinates requests for medical responses via radio and telephone communications.

**Emergency** refers to a condition or situation in which a person or persons has an apparent need for immediate medical attention.

**Emergency care** refers to the medical care provided at the scene of an emergency and during transport.

**Emergency Services** refers to the public organizations that respond to and deal with emergencies when they occur, especially those that provide police, ambulance, and firefighting services.
Emergency Medical Services Agency (EMS Agency) refers to the regulatory body within the Marin County Health and Human Services Department, Division of Health Services, having primary responsibility for the administration of emergency medical services in Marin County.

EMS Dispatch Center refers to the entity or organization designated by the EMS Agency to exercise radio control and to coordinate emergency medical dispatching, as well as other specified public safety responses.

EMS Medical Director refers to the physician, meeting the qualifications of section 1797.202 of the California Health and Safety Code, who is responsible for the provision of medical control and assurance of medical quality and accountability throughout the planning, implementation, and evaluation of the EMS system.

Permit refers to the document issued by the EMS Agency, upon direction of the Board of Supervisors, for each ambulance conforming to the requirements of these regulations, which is owned or controlled by a person or entity holding a Certificate of Operation.

Permittee refers to the person or other legal entity holding a Certificate of Operation issued by the EMS Agency.

Point to Point Transport refers to an ambulance transport that originates and terminates within Marin County.

Response Time refers to the time, to the nearest minute, beginning upon receipt of enough information by the dispatcher to send an ambulance to a specific location and ending when ambulance motion stops at that location.

Special Event refers to any scheduled and/or organized event within the County where an authorized ambulance Permittee utilizes its personnel and resources to provide dedicated or non-dedicated EMS services to the participants and attendees of the event.

Special Event Resource refers to a fully equipped ambulance or fire apparatus that is assigned to provide medical support for a special event. The resource may be dedicated or non-dedicated to the event.

Trainee refers to a person assigned by the ambulance operator as an additional member of the crew for the purpose of learning the skills necessary to become an Attendant.

IV. APPLICABILITY

a. These regulations are applicable to all persons, entities, owners, Permittees, personnel, and dispatchers who are authorized to provide ambulance services for any and all transports originating within Marin County.
   i. These regulations allow for a non-Marin permitted Permittee transporting a patient from a sending facility or destination outside of Marin County to transport that patient to a receiving facility or destination within Marin County without the need for a Certificate of Operation.
b. These regulations take into consideration the following transport resource needs and provide exceptions for use of non-permitted ambulance resources for pick up in, and for point to point transports within Marin County:

i. Service Permittees contracted with the County of Marin as exclusive zone Permittees on the date of the implementation of this ordinance and remaining in that status.
ii. Transport services provided by a Federal agency originating from a Federal Reservation for purposes of responding to or transporting patients under Federal responsibility;
iii. Transport services operated at the request of local authorities during any state of war emergency, state of emergency, or declared local emergency as defined in the Government Code.

c. Permittee shall assure the operation of ambulance services according to the provisions of this Ordinance, and any rule or regulation adopted pursuant to this ordinance, and any section of the California Vehicle Code, Titles 13 and 22 of the California Code of Regulations, and the statutes, rules and regulations of the Medicare and Medicaid programs and any Federal rules or regulations.

V. CERTIFICATE OF OPERATION

a. No person, entity, or corporation shall operate or cause an ambulance to be operated on the streets or roads of Marin County unless that person, entity, or corporation possesses a valid County of Marin Certificate of Operation.

b. Upon receipt of a complete Certificate of Operation application and supporting documentation, the EMS Agency will review and verify all details of the application. A recommendation to approve or deny the request for issuance of a Certificate of Operation will then be made to the Board of Supervisors. The recommendation will be completed by the EMS Agency within thirty (30) days of verification of a complete application.

c. A Certificate of Operation issued pursuant to this article shall set forth the following:

i. Type of Business
ii. Name and address of Permittee
iii. Name and address of business
iv. Number of vehicles permitted at time of issuance
v. Levels of service provided (BLS, ALS or CCT)
vi. Expiration date of certificate
vii. Amount of fee paid

d. A single Certificate of Operation shall be issued regardless of the levels(s) of service or number of vehicles being permitted.

e. A Certificate of Operation is non-transferable and shall be deemed invalid upon sale, transfer, or change in the use for which the Certificate was issued.
f. A Certificate of Operation must be renewed annually in accordance with the established renewal process.

g. As a condition of being issued a Certificate of Operation, the Permittee shall be required to indemnify and hold harmless the County from any and all claims or actions for property damage, personal injury, sickness, disease, caused by the Permittee's acts or omissions and will pay any and all judgement decrees, costs, attorney's fees which may be rendered against the county, its directors, officers, agents, employees, and volunteers in any and all such actions or proceedings.

h. The requirement for a current Certificate of Operation and vehicle permit may be waived during any state or federally declared disaster for the duration of the emergency response.

VI. GENERAL REQUIREMENTS

a. It is the responsibility of the Permittee to assure compliance with these and other applicable Federal, State, and local regulations, requirements, policies and procedures.

i. The Permittee must maintain a current Marin County or appropriate Marin municipality business license.

ii. Permittee shall send to the EMS Agency on the first of each month, a list of the names and certificates/licenses/permit types and effective dates for those personnel hired in the preceding month. If no changes occur, no report shall be required.

iii. Permittee shall notify the EMS Agency within 72 hours of a dismissal of a certified/licensed, or accredited employee. If the Permittee has reason to believe that the dismissed employee presents or may present a danger to the public health and safety, this information must be included.

iv. Personnel representing the Permittee shall wear a distinctive uniform clearly identifying them as a member of the Permittee agency.

v. Personnel shall clearly display a name tag which specifies the Permittee agency and the employee level of certification/licensure.

b. Each vehicle operating in Marin County and any office from which it operates or is deployed within Marin County, shall be inspected by the EMS Agency at least yearly, more often if deemed necessary, to verify compliance with any and all applicable regulations, requirements, policies or procedures relating to ambulance service operations. Appointments for routine yearly inspections will be scheduled in advance and in writing by the EMS Agency. In addition, vehicles may be subject to random inspections without notice.

i. Vehicles shall be equipped in accordance with the requirements of the California Highway Patrol, state EMS Authority, and EMS Agency equipment requirements.

ii. Service(s) shall be available 24 hours a day, 365 days a year.

iii. Emergency care and transportation services will be provided to all persons requesting service, as medically indicated, without regard to ability to pay, physical or mental status, race, religion, sex, or any other factor.
iv. A current Marin County EMS Policy and Procedure Manual shall be maintained in the Permittee's central office and in each substation. A current Marin County Patient Care Protocol Manual shall be maintained in each permitted vehicle. Electronic versions of these documents are acceptable.

c. Minimum staffing for each vehicle shall be maintained pursuant to Marin County Policies and Procedures according to the level of service provided by that unit.

d. Permittee must provide the EMS Agency with a current and complete schedule of transport rates upon initial application and shall notify the EMS Agency in writing within fourteen (14) days of any change in ambulance transport rates. Rates must include all levels of service, emergency, non-emergency, mileage, standby, specialty care (i.e. Neonatal, Bariatric, etc.)

e. Permittee must maintain a minimum of one (1) full-time employee who is trained and fully qualified as an Ambulance Strike Team Leader for every ten (10) vehicles permitted to operate in Marin County by the Permittee. This requirement must be met within twelve (12) months of the most recent issuance of a Certificate of Operation.

f. No Permittee shall announce, advertise, offer, or in any way claim that it is a Permittee of services unless it possesses the appropriate certificate, permit(s) and/or license(s) as required by applicable federal, state, and county laws, codes and/or ordinances.

g. Permittee shall not discriminate against any individual based on race, color, religion, nationality, sex, age or condition of disability.

h. Violation of any of the provisions described in these regulations is subject to fines and/or penalties as outlined in the schedule of fees and fines maintained by the EMS Agency.

i. Fines and/or penalties shall be levied for each violation cited.
   ii. A separate violation shall be deemed committed on each day during or on which a violation occurs or continues.
   iii. Failure to remit amount of fine levied within thirty (30) days of written notice of fine may result in revocation of Certificate of Operation.

VII. STATION AND DISPATCH REQUIREMENTS

a. Permittee shall maintain a physical vehicle deployment station within at least one of the following four (4) counties; Contra Costa, Marin, San Francisco, Sonoma.

i. Ambulance stations within Marin County shall meet the minimum standards in Section 8 of the Federal Housing Authority, and include an EMS bulletin board, provisions for storage, and protection of ambulance(s). Stations shall comply with all applicable zoning, building, and occupational health and safety regulations.
b. Permittee shall maintain an operational and staffed office which shall include a dispatcher whose primary function is to receive requests for transports and dispatch ambulances. This dispatch center shall be open 24 hours per day, 365 days a year.

c. Permittee's dispatch center shall always have the capability of direct landline communication with Marin County EMS Dispatch Center.

d. Each vehicle shall utilize County approved radios and maintain two-way radio communication with the Marin County EMS Dispatch Center when operating within the County.

e. Crews shall maintain two-way communication capabilities with Permittee's dispatch center and with Marin County receiving facilities at a level which complies with all Federal, State, and local requirements.

f. When operating within the County, all crews and vehicles must be available for emergency service and dispatch by the County EMS Dispatch Center.

g. When requested to do so by the County EMS Dispatch Center, the Permittee shall promptly provide availability, location, and status of available emergency vehicles.

h. Permittee is only authorized to handle requests for non-emergency requests unless otherwise directed by the EMS Agency or the County EMS Dispatch Center.

i. Permittee may not accept any direct requests for emergency care/transport. Any such requests must be immediately redirected to the County EMS Dispatch Center.

   i. If a crew arrives on scene of a routine transport request and finds the patient to be in need of emergent ALS care, the crew shall contact the EMS Dispatch Center and follow the guidance provided in Policy.

j. Permittee may provide emergency service to any area within Marin County when requested to do so by the County EMS Dispatch Center.

VIII. VEHICLE REQUIREMENTS

a. At the time of initial application, Permittee shall provide color images if the specific color scheme to be utilized for the vehicles, and upon approval by the EMS Agency, shall apply such color scheme to each ambulance receiving a vehicle permit.

b. Color scheme shall not imitate or conflict with any other color scheme authorized by these regulations in a manner that is misleading or would tend to deceive the public.

c. No sign, letter, color, appliance, or thing of decorative or distinguishing nature shall be attached or applied to any ambulance unless it has first been approved in the color scheme authorized for each vehicle.
d. All permitted vehicles shall have a County vehicle identification number assigned by the County.

e. Each vehicle must carry onboard a current inspection and operation permit issued by the California Highway Patrol.

f. Vehicle maintenance operations located in Marin County shall be secured and not on the public streets of any city, town or unincorporated area.

IX. VEHICLE PERMITS

a. No person, entity, or corporation shall operate or cause an ambulance to be operated on the streets or roads of Marin County unless a vehicle permit has been issued for that ambulance in accordance with these regulations.

b. The Permittee must submit a complete vehicle permit application for each vehicle it intends to operate within the County.

c. A vehicle permit shall be issued for each vehicle operating under a Certificate of Operation.

d. The EMS Agency will review, verify, and inspect each ambulance on an annual basis. A final vehicle permit will be issued or denied by the EMS Agency within thirty (30) days of receipt of a complete application and inspection.

e. A vehicle permit shall be renewed annually providing the renewal requirements are met, the annual renewal fee is paid, and the permit is not otherwise suspended, revoked or terminated for cause.

f. Vehicle permits are non-transferable, and fees paid will not be "pro-rated" if a vehicle is taken out of service and another vehicle placed in service.

X. Quality Management Program

a. To ensure that the Permittee is operating in the best interest of the health and safety of the public, and that the Permittee is utilizing properly trained staff, each Permittee will be required to have a quality management program that:

   i. Utilizes a physician, RN, or paramedic with experience in quality management to direct and coordinate quality improvement activities
   ii. Reviews patient care provided by their employees.
   iii. Meets the requirements of the State Emergency Medical Services Authority's Quality Improvement Program contained in the California Code of Regulations, Title 22, Division 9.
   iv. Identifies problems or issues regarding patient care and proposes solutions for corrective action.
   v. Participates in the LEMSA's collection of data regarding quality of patient care.
   vi. Includes disciplinary procedures to be used when appropriate
vii. Ensures that all drivers have completed a recognized Emergency Vehicle Operation Course (EVOC) driver training course, or its equivalent.

viii. Requires the use of the LEMSA’s approved Unusual Occurrence form, and/or other approved reports that include all required data elements for all emergency medical and those runs and refusal of service against medical advice.

ix. Requires staff to attend, at no expense to the county, EMS Orientation, and other education and training programs as may be reasonably requested by the LEMSA.

x. Is consistent with the LEMSA’s Quality Assurance/Quality Improvement Plan.

xi. Actively participates in any committees, at the request of the LEMSA, to provide for continued system performance.

xii. Submits documentation outlining the quality management program to the county as part of Certificate of Operation application process

b. Permittee shall provide detailed, organized reports to the EMS Agency on a monthly basis including, but not limited to:

i. Total transport requests into and out of Marin County to include the following details:
   a. total transport requests originating or terminating in Marin County
   b. requesting party
   c. level of service
   d. sending facility
   e. receiving facility
   f. disposition of request (accepted, declined, cancelled)
   g. Response time performance by facility
   h. Code 3 response/upgrade events
   i. Ensure 100% audit of all Marin 911 system responses by the Permittee

XI. LIABILITY INSURANCE

a. Permittee shall maintain insurance coverage in minimum amounts as detailed in Attachment A.

b. Lack of coverage as required at any time shall automatically suspend the Certificate of Operation. Failure of the Permittee to notify the EMS Agency of lack of coverage for any reason shall be deemed a violation of regulation subject to fine.

c. Permittee shall furnish satisfactory evidence to the EMS Agency that the required insurance is in full force and effect at all times.

i. A fine and/or penalty shall be levied for each day that insurance is not maintained.

ii. Fine shall be levied for the Certificate of Operation and for each vehicle permitted that is thereby uninsured.
iii. Failure to remit amount of fine(s) levied within thirty days of written notice of fine may result in revocation of Certificate of Operation.

XII. ENFORCEMENT

a. Notwithstanding other items in this section, if provisions of this ordinance or these regulations are violated in a manner that presents a possible or potential danger to the health and safety of the public, the EMS Administrator or designee shall notify the Permittee or Permittee’s representative of the violation by telephone and in writing with a copy of the notification sent to the Board of Supervisors. If the Permittee fails to correct the violation within three (3) days of receipt of telephone notice, the EMS Administrator may suspend the Certificate of Operation and/or vehicle permit until such violation has been corrected.

i. Permittee may appeal the suspension before the Board of Supervisors, presenting evidence as to why the suspension should not be continued. Suspension will remain in effect during the appeal process.

ii. Suspension may be for a period of no more than thirty (30) days. If violation continues past the thirty-day suspension, the EMS Administrator may revoke the Certificate of Operation and/or vehicle permit as appropriate.

b. If provisions of this ordinance or these regulations are violated, or the permittee fails to comply with any of the provisions of this ordinance or these regulations, the EMS Administrator or designee shall notify the Permittee or Permittee’s representative of the violation by telephone and in writing with a copy of the notification sent to the Board of Supervisors. If the permittee fails to correct the violation within thirty (30) days of receipt of written notice, the EMS Administrator may suspend the Certificate of Operation and/or vehicle permit(s) until such violation has been corrected.

i. Permittee may appeal the suspension before the Board of Supervisors, presenting evidence as to why the suspension should not be continued. Suspension will remain in effect during the appeal process.

ii. Suspension may be for a period of no more than thirty (30) days. If violation continues past the thirty-day suspension, the EMS Agency may revoke the Certificate of Operation and/or Vehicle Permit as appropriate.

c. Fines may be issued by the EMS Agency for any of the following, including but not limited to:

i. Violating any provision, regulation, law, including local, State or Federal standards or ordinances; or

ii. Failure to make and retain records showing its operations in any area covered by this ordinance, including but not limited to dispatching, response, personnel, vehicles, medical treatment or billing, or failure to make such records available for inspection by the county; or

iii. Accepting an emergency request without proper authorization; or

iv. Failure to pay any fine issued pursuant to this section within thirty business days: or
v. Failure to provide required clinical or operational reports, including dispatch records; or
vi. Failure to comply with requirements for personnel, equipment, and/or vehicles; or
vii. Failure to comply with any other section of this ordinance or any regulation adopted pursuant to this ordinance.

d. Violations or failure to comply with the ordinance and regulations as described in either section "VIIL.a" or "VIIL.b" above will result in fines and/or penalties as follows:
i. Fine shall be levied for each violation cited;
ii. A separate violation shall be deemed committed on each day during or on which a violation occurs or continues.
iii. Failure to remit the amount of fine levied within thirty days of written notice of fine or within thirty days of resolution of appeal to Board of Supervisors, may result in revocation of Certificate of Operation.

e. Repeated violations or failure to comply with the ordinance and regulations as described above may result in a recommendation to the Board of Supervisors that the Certificate of Operation be revoked, or the renewal denied.

f. Unless otherwise provided for above, Permittee may appeal any action taken against the Certificate of Operation or vehicle permit(s) to the Director of Health and Human Services.

i. The decision of the Director of Health and Human Services may be appealed to the Board of Supervisors within ten (10) working days of Permittee's receipt of written decision from the Director of Health and Human Services.

ii. The decision of the Board of Supervisors is final.

XIII. MODIFICATIONS

a. The following may be modified by the Marin County Board of Supervisors following recommendation for same by the EMS Agency or the Department of Health and Human Services:

i. Certificate of Operation.

ii. Vehicle Permit.

b. The following may be modified by the Marin County Board of Supervisors following review by County Counsel and/or other designated risk management personnel and recommendation for same by the EMS Agency or Department of Health and Human Services:

i. Insurance Requirements.

c. The following may be modified by the EMS Agency or Department of Health and Human Services as deemed appropriate:

i. Fines, Fees, and Ambulance Supply and Equipment Requirements.
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 15th day of September 2020, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Judy Arnold, Damon Connolly, Kathrin Sears
       Katie Rice

NOES: NONE

ABSENT: NONE

ATTEST:

CLERK

PRESIDENT, BOARD OF SUPERVISORS
Attachment A
INSURANCE REQUIREMENTS

I. Minimum Scope of insurance

a. Coverage shall be at least as broad as the following:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001)
2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

II. Minimum Limits of Insurance

a. Permittee shall maintain limits not less than:

1. General Liability: $1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this requirement or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: $1,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: $1,000,000 per accident for bodily injury or disease.

III. Deductibles and Self-Insured Retentions

a. Any deductibles or self-insured retentions must be declared to and approved by the County of Marin. At the option of the County of Marin, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County of Marin or the Permittee shall provide a financial guarantee satisfactory to the County of Marin guaranteeing payment of losses and related investigations, claim administration and defense expenses.

IV. Other Insurance Provisions

a. The liability policies are to contain, or be endorsed to contain, the following provisions:

1. The County of Marin, its officials, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of automobiles owned, leased, hired, or borrowed by or on behalf of the Permittee, and with respect to liability arising out of work or operations performed by or on behalf of the Permittee including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance, or as a separate Owners and Contractors Protective (OCP) policy.
2. For any claims related to the project, Permittee's insurance coverage shall be primary insurance as respects the County of Marin, its officials, employees and volunteers. Any insurance or self-insurance maintained by the County of Marin shall be excess of the Permittee's insurance and shall not contribute with it.

3. Each insurance policy required by this Attachment shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the County of Marin.

V. Acceptability of Insurance

a. Insurance is to be placed with insurers with a current A.M. Best's rating of not less than A-VII.

VI. Verification of Coverage

a. Permittee shall furnish the County of Marin with original certificates and amendatory endorsements effecting coverage required by this Attachment. The endorsements must be on forms acceptable to the County of Marin. All certificates and endorsements are to be received and approved by the County of Marin before work commences. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.