

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the)
Yamhill County Ambulance Service Ordinance,)
Ordinances 723 and 751, to Include Non-emergency)
Ambulance Services and Inter-facility Ambulance) ORDINANCE No. 836
Transfers as Franchised Services Offered by)
Emergency Ambulance Service Providers within)
Ambulance Service Areas; Declaring an)
Emergency; Effective September 23, 2009.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on September 23, 2009, Commissioners Leslie Lewis, Kathy George and Mary P. Stern participating.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. On March 6, 2003, the Board adopted Ordinance 723 as the Yamhill County Ambulance Service Ordinance. On December 21, 2004 the Board adopted Ordinance 751 to amend Ordinance 723 and to adopt the Ambulance Service Area (ASA) Plan. Ordinances 723 and 751 are collectively referred to as the ASA Ordinance.

B. Franchised ASA Emergency Ambulance Service Providers in Yamhill County are the Newberg Fire Department (ASA #1), the McMinnville Fire Department (ASA #2), the Sheridan Fire District (ASA #3) and the West Valley Fire District (ASA #4).

C. The ASA Ordinance regulates emergency ambulance services, but not non-emergency ambulance services and inter-facility ambulance transports. Section 7(11) of the ASA Plan adopted by Ordinance 751 provided as follows:

11. **Non-emergency Transfers.** The Board of Commissioners recognizes that the county may designate one or more non-emergency ambulance providers in each ASA pursuant to OAR 333-260-0070(3). However, the Board has determined to designate only emergency ambulance providers for each ASA. Non-emergency ambulance providers are not governed by this ASA plan, but emergency ambulance providers are authorized to provide non-emergency ambulance services.

D. OAR 333-260-0070(3) provides as follows:

(3) The county shall designate one emergency ambulance provider for each ASA. The county may designate one or more non-emergency ambulance provider for each ASA.

E. On September 16, 2009 the Board held a public hearing in Room 32 of the county courthouse to consider whether to grant ASA providers the right of first refusal for non-emergency ambulance services and inter-facility ambulance services within their franchise areas.

F. The Board finds that the ability to exclusively provide non-emergency and inter-facility ambulance services by ASA providers within ASA areas helps offset the costs associated with providing emergency ambulance services and is an important component to their financial stability, clinical and operational performance, and the prevention of system degradation.

G. Therefore, based on the recommendation of the ASA Advisory Committee, it is appropriate to designate current ASA providers as the sole designated provider of non-emergency ambulance services within their respective franchises. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1 **AUTHORITY** This Ordinance is enacted pursuant to ORS 682.205, 682.275 and ORS 203.035 and OAR Chapter 333, Division 260.

Section 2 **DEFINITIONS**

1. The term “franchise” in Section 4 of the ASA Ordinance is amended to read as follows:

“‘Franchise’ means an **exclusive** franchise to provide emergency & non-emergency ambulance service issued by the Board pursuant to this Ordinance.

2. The following phrase is added to Section 4 of the ASA Ordinance and Section 3 of the ASA Plan and given the following meaning.

“‘Non-emergency ambulance service’ means pre-arranged or non-emergency ambulance transfers and inter-facility ambulance transfers provided by a licensed ambulance service when the person being transported needs the availability of medical assistance. It does not include

stretcher cars, secure transport or medical taxis that do not provide medical services.”

Section 3 **DUTIES** The first sentence of Section 19(3) of the ASA Ordinance is amended to read as follows

“Shall not respond to a medical emergency **or a request for a pre-arranged, non-emergency medical transport originating** outside its assigned ASA except: . . .”

Section 4 **SYSTEM ELEMENTS** Section 7(11) of the ASA Plan adopted by Ordinance 751 is deleted and replaced with the following language:

“11. Non-emergency Transfers. All pre-arranged, non-emergency ambulance services and inter-facility ambulance transfers originating within Yamhill County shall be included within the franchise rights and ambulance service area boundaries granted to ambulance service providers as identified in this plan. This does not apply to ambulances and vehicles that are exempt from the ASA Ordinance, including but not limited to: specialty transport teams, ambulances owned or operated under the control of the United States government, vehicles operated solely on facility grounds, transportation of clients from outside of the county to a health care facility within the county, or ambulances or vehicles which are passing through without destination in the county. In addition, non-emergency ambulance services do not include stretcher cars, secure transport or medical taxis that do not provide medical services.

“The assigned ASA provider has the right to first refuse requests for non-emergency ambulance services or inter-facility ambulance transfers originating within their assigned service areas; provided, however, that an ASA provider’s right to first refuse such requests does not apply to person who is not an assigned ASA provider if such person had an existing written contract prior to July 1, 2009 with a health care provider located in Yamhill County for non-emergency ambulance services or inter-facility ambulance transfers. In any case, if the assigned ASA provider refuses a non-emergency ambulance service or inter-facility ambulance transfer, a person who is not an assigned ASA provider may provide the service.

“Non-emergency ambulance services and inter-facility ambulance transfers are excluded from response time reporting requirements, but may be subject to future reporting requirements established by the ASA Committee or the Board. All other rules, requirements and customer service expectations

relating to the provision of emergency ambulance services shall apply to the provision of non-emergency and inter-facility ambulance transfers.”

Section 5 SEVERABILITY CLAUSE Any judgment or declaration by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other portion of this Ordinance.

Section 6 EFFECTIVE DATE; EMERGENCY CLAUSE. The first and second readings of this ordinance were made September 23, 2009. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect September 23, 2009.

AYES: Commissioners Lewis, George and Stern.

NAYS: None.

DONE at McMinnville, Oregon on September 23, 2009.

ATTEST
YAMHILL COUNTY
BOARD OF COMMISSIONERS

REBEKAH STERN DON
County Clerk

Leslie A. Lewis

Chair
LESLIE LEWIS

By *Anne Brath*
Deputy ANNE BRATH

Kathy George
Commissioner

KATHY GEORGE

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Legal Counsel

Mary P. Stern
Commissioner MARY P. STERN

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