

**BEFORE THE BOARD OF COMMISSIONERS
OF THE STATE OF OREGON IN AND FOR THE COUNTY OF
MORROW**

**IN THE MATTER OF ENACTING
MORROW COUNTY'S AMBULANCE
SERVICE ORDINANCE AND REPEALING
ORDINANCE MC-C-4-98**

**THE BOARD OF COMMISSIONERS OF MORROW COUNTY OREGON DOES
ORDAIN AS FOLLOWS:**

Section 1. Title.

This Ordinance shall be known as the 2023 Morrow County Ambulance Service Ordinance and may be so cited and pled.

Section 2. Authority.

This Ordinance is enacted pursuant to ORS [203.035](#), [682.031](#) and [682.062](#) and OAR [333-260-0000](#) to [333-260-0070](#).

Section 3. Policy and Purpose.

- A. Morrow County is currently operating under a 1998 Ordinance Regulating Ambulance Services (the "1998 Ordinance").
- B. It is the intent of this Ordinance to update and amend the 1998 Ordinance to ensure compliance with the statutes and administrative rules pertaining to county ambulance service area plans and best practices for the efficient and effective delivery of emergency and nonemergency ambulance services.
- C. Pursuant to ORS Ch. 682, OAR 333-260-0040 and OAR 333-260-0070, Morrow County is solely responsible to develop and adopt a plan for the county relating to the need for a coordination of emergency ambulance services, to establish Ambulance Service Area Boundaries ("ASA's"), for the administration of the plan, for the designation and administration of the process of selection of ambulance providers, and for the designation of the emergency and non-emergency ambulance providers for each ASA.
- D. Prior to adopting or amending the 1998 Ordinance, the County has notified each person, city or rural fire protection district within the county that provides or desires to provide ambulance services and has notified the county in writing if the person, city, or district wants to

be consulted prior to the adoption or amendment of a county plan for ambulance services. The county Board has consulted with and sought advice from such persons,

Section 4. Adoption of Morrow County Ambulance Service Plan.

This Ordinance, together with the document known as the Morrow County Ambulance Service Area Plan, which is attached hereto as Appendix #1 and incorporated herein by this reference, make up the complete plan for ambulance services in Morrow County (the “Morrow County ASA Plan”)

Section 5. Definitions

The words and phrases in this Ordinance shall have the meaning provided in ORS Chapter [682](#) and OAR Chapter [333](#), Division [260](#), unless specifically defined herein or in the attached Morrow County Ambulance Service Area Plan to have a different meaning.

Other specific definitions include:

“Board” means the Board of Commissioners for Morrow County, Oregon.

“EMS Advisory Committee” means the committee created pursuant to this Ordinance to review standards and make recommendations to the Board for all matters regarding ambulance services under the Morrow County ASA Plan.

“Public Health Director” means the Morrow County Public Health Director or designee.

Section 6. Exemptions

This Ordinance shall not apply to:

1. Ambulances owned by or operated, and emergency medical service providers who operate, under the control of the United States Government;
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 to render temporary assistance by an official at the scene of an accident;
3. Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved;
4. Vehicles operated by lumber industries solely for the transportation of lumber industry employees;

5. Any person who drives or attends a patient, if the patient is transported in a vehicle described section (2) to (4) of this section;
6. Any person who otherwise by license is authorized to attend patients; and
7. 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.

Section 7. Administration.

The Board, with the assistance of the Morrow County Public Health Director and EMS Advisory Committee, shall be responsible for the Administration of the Morrow County ASA Plan. To carry out the duties imposed by this Ordinance, the Public Health Director, or persons authorized by the Public Health Director, are hereby authorized to enter on the premises of any person or entity designated as an emergency ambulance service provider, and to have access to records pertaining to ambulance service operations of any provider regulated by this Ordinance. These records shall be made available within five working days to the Coordinator at the provider's place of business, or copies made and provided as requested by the Coordinator.

The Board may from time to time, by order, adopt fees to defray the actual reasonable costs incurred by Morrow County in administering this Ordinance.

Section 8. ASA and ASA Plan advisory committee.

- A. There is hereby created an ASA and ASA Plan advisory committee (the "EMS Advisory Committee").
 1. Membership on the Advisory Committee shall represent a cross-section of ambulance service provider entities including but not limited to public, private, rural, and urban. Additional members from various stakeholder groups such as healthcare consumers, hospital/health systems, health professionals, and 9-1-1 centers may be sought for appointment from time to time as the EMS Advisory Committee identifies a need. It is the intent that geographical representation from across Morrow County will be reflected in membership. The EMS Advisory Committee shall be comprised of no more than twelve (12) members, who shall be appointed by the Board and serve at the pleasure of the Board.
 2. The Public Health Director and other Morrow County staff as the Board deems appropriate shall be ex officio members of the EMS Advisory Committee.
- B. Morrow County's Public Health Official shall be chair of the EMS Advisory Committee. The EMS Advisory Committee shall meet at such times as it deems necessary or as called by the Chair. The chair or any three members of the Advisory Committee may call a special meeting with five days' notice to other members of the committee; provided, however, that members may waive such notice.

C. The majority of the appointed membership will constitute a quorum for the transaction of all Committee business.

D. The purpose of the Advisory Committee is to review and make recommendations to the Board regarding the development and assignments of ASAs, and the administration of the Morrow County Ambulance Service Plan.

Section 9. Regulations of ambulance service.

Upon its own motion or upon a recommendation of the Advisory Committee, the Board may adopt ordinances, resolutions or orders regulating emergency and nonemergency ambulance service and implementing this Ordinance; provided, however, that such regulations shall not conflict with ORS Chapter [682](#) and the administrative rules promulgated pursuant thereto by the Oregon Health Authority.

Section 10. Initial responder.

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an emergency ambulance service provider.

Section 11. Sanctions.

If, in the judgment of the Board, there is sufficient evidence to constitute a violation of applicable state or federal law, this Ordinance, the Morrow County Ambulance Services Area Plan, ORS Ch. 682 or the rules promulgated thereunder, by a Provider, person or entity, or, if a Provider has materially misrepresented facts or information given in the application to become a Provider, the Board, after hearing if requested, may impose a fine or equitable relief on a Provider, person or entity, or, in addition to a fine, suspend, revoke, condition, or modify a Provider's authority to provide Ambulance Service.

Prior to imposing sanctions, the Board shall provide thirty (30) days prior written notice of the violation(s), by certified mail, return receipt requested, or by personal service as provided by law for the service of summons. If the Provider, person, or entity does not request a hearing within the 30-day period, the Board may impose sanctions. If a hearing is requested, the Board shall cause notice of a hearing to be given not less than ten (10) days prior to such hearing. The burden of proof is upon the Provider, person, or entity, by a preponderance of the evidence. The Board, the Board's designee, which may be an administrative hearing judge, will conduct the hearing and provide findings and recommendations to the Board. Upon consideration of the findings and recommendations the Board may impose sanctions.

The Board may impose a fine of not more than five hundred (\$500) dollars for a non-continuing offense, i.e., an offense not spanning more than two (2) or more consecutive calendar days. In the case of a continuing offense, a fine of not more than five hundred (\$500) dollars per day up to a maximum of \$5,000.

Should a Provider, person, or entity fail to comply with a Board Order, the Board may take any

steps authorized by law to enforce the Order. All decisions of the Board under this Ordinance shall be reviewable by the Circuit Court of the State of Oregon for Morrow County.

Section 12. Amendments, construction, effective date, and enforcement.

A. 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.

B. Upon recommendation of the EMS Advisory Committee or upon its own motion, the Board may from time to time amend the provisions of this Ordinance.

C. This Ordinance shall take effect upon its adoption, and all previous orders, resolutions or ordinances setting fees or conflicting with the provisions of this Ordinance are hereby repealed and will be of no further force and effect.

D. The Board will employ formal sanctions and litigation to enforce the provisions of the Morrow County ASA Plan when voluntary compliance cannot be obtained.

PRESENTED AND PASSED the first reading this _____ day of _____, 2023.

PASSED the second reading this _____ day of _____, 2023.

EFFECTIVE DATE: _____, 2023.

[ADD SIGNATURE LINES]