

October 1, 2005

**CHAPTER XVI.
AMBULANCE PERMITS***

Editor's note: Ord. No. NS-300.513, § 1, adopted Feb. 23, 1993, repealed former ch. XVI, arts. 1--10, §§ A18-258--A18-296 in its entirety, which pertained to similar subject matter. Section 2 of said Ord. No. NS-300.513 added a new ch. XVI, arts. 1--10, §§ A18-258--A18-275, A18-277--A18-284, A18-289--A18-295, to read as herein set out.

**ARTICLE 1.
GENERAL PROVISIONS**

Sec. A18-258. Purpose.

The purposes of this chapter are:

- (1) To enact policies and regulations which are necessary for the public health and safety regarding the dispatching and operation of ambulances;
- (2) To enact policies and regulations for permitting and regulating ambulances, including EMS aircraft, which operate within or from any point within Santa Clara County;
- (3) To regulate ambulance personnel and protect the public from the unsafe and unsanitary operation of ambulances;
- (4) To allow for adequate ambulance services in all areas of the county; and
- (5) To allow for the orderly and lawful operation of the emergency medical services system pursuant to the provisions of Division 2.5 of the Health and Safety Code commencing with section 1797 et seq.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-259. Applicability.

Providers of advanced life support operating within the incorporated and unincorporated areas of Santa Clara County must comply with the provisions of this chapter and all regulations adopted to administer such provisions.

All other ambulance service providers must comply with the provisions of this chapter and all regulations adopted to administer such provisions, when operating in the unincorporated areas of Santa Clara County and when operating within the limits of those incorporated cities which have adopted this chapter.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-260. Exemptions.

The provisions of this chapter and regulations enacted pursuant to such provisions shall not apply:

- (1) To vehicles which provide ambulance services or to persons engaged in such transportation, where such services are rendered during any "state of war emergency," or a duly proclaimed "state of emergency," or "local emergency" as defined in the California Emergency Services Act, chapter 7 (commencing with section 8550 of the Government Code), at the request of the state office of emergency services or the EMS agency); or

- (2) During any period (not to exceed thirty (30) consecutive days, but renewable every thirty (30) days) when the EMS Agency has determined in writing that adequate emergency ambulance service will not be available from existing permittees.
 - (3) To ambulances responding to calls for service outside of this county.
 - (4) To ambulances provided by the state or federal government.
 - (5) To ALS ambulance service provided by a municipality or fire district which has been providing such service continuously since June 1, 1980.
- (Ord. No. NS-300.513, § 2, 2-23-93)

ARTICLE 2. DEFINITIONS

Sec. A18-261. Specific terms.

Unless otherwise specifically provided or required by the context, the following terms have the meanings set forth in this article.

(a) Ambulance: "Ambulance" means (1) a vehicle, including aircraft, specially constructed, modified or equipped, or arranged, used or operated for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated person(s) in need of medical care, which operates or may operate with emergency lights and siren or the equivalent; (2) a privately owned EMS Utility Vehicle (EUV) used for prehospital emergency medical response, which operates or may operate with emergency lights and siren or the equivalent; and (3) rescue aircraft, as defined in Title 22, Division 9, of the California Code of Regulations. The meaning includes but is not limited to privately owned ambulances and paramedic units.

(b) Ambulance Service: "Ambulance service" means the activity, business or service for hire, profit or otherwise of (1) transporting one or more persons by ambulance on or in any of the streets, roads, highways, alleys or any public way or place; or (2) utilizing an EUV or rescue aircraft for prehospital emergency medical services.

(c) Advanced Life Support (ALS): "Advanced life support" means special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during interfacility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

(d) Basic Life Support (BLS): "Basic life support" means emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

(e) Attendant: "Attendant" means a trained and/or qualified individual who, regardless of whether he/she also serves as driver, is responsible for the care of patients and who has met all license, certification and other requirements in applicable state laws and

regulations. The term includes Emergency Medical Technicians (EMTs), paramedics, and Authorized Registered Nurses, as those terms are used in Division 2.5 of the Health and Safety Code, section 1797 et seq.

(f) County Communications: "County communications" means the County Communications Center, County Communications System.

(g) Critical Care Transport: "Critical Care Transport" (CCT) means the transport of a critical care patient between medical facilities where it has been determined by the patient's treating physician that such transport requires medical supervision by advanced life support providers with critical care training or experience.

(h) Driver: "Driver" means an individual who drives a ground ambulance and who has met all license, certification and other requirements in applicable state laws and regulations.

(i) Ambulance Service Permit: "Ambulance service permit" means written authorization by the county to provide ALS or BLS or CCT ambulance service.

(j) EMS: "EMS" means emergency medical services.

(k) EMS Agency: "EMS agency" has the same meaning as "local EMS agency" in Health and Safety Code section 1797 et seq., of Division 2.5.

(l) EMS Aircraft: "EMS Aircraft" means any aircraft utilized for the purpose of prehospital emergency and interfacility patient response and transport. EMS aircraft includes air ambulances and all categories of rescue aircraft.

(m) Health Officer: "Health officer" means the county health officer.

(n) Permit officer: "Permit officer" means the EMS administrator or other official designated by the health officer.

(o) Response: "Response" means the time interval commencing with the receipt of a request for service by an ambulance service provider to the arrival of an ambulance operated by the service provider at the scene, site or place of the request.

(p) Permit holder: An entity issued an ambulance service permit according to the provisions of this chapter.

(Ord. No. NS-300.513, § 2, 2-23-93)

ARTICLE 3. PERMIT REQUIREMENT

Sec. A18-262. Ambulance permit requirement.

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain or otherwise engage in, or advertise, offer or profess to engage in ambulance service unless he holds (and is entitled to hold) a currently valid ambulance service permit issued by the permit officer for each ambulance owned and operated by a permittee.

Unless exempted, any provider of ALS services must also be a designated contract provider for the County of Santa Clara during the anticipated permit period. ALS ambulance services which (1) are provided by a company for the purpose of responding to the medical needs of the employees at the work site, or (2) are arranged to be performed at a single entertainment event held on a specific date(s) whether public or private, or (3) are performed by utilizing EMS aircraft are exempt from this requirement,

and may be issued a permit upon payment of the required fee. Such ALS service providers under contract with the County of Santa Clara are deemed to have satisfied the permit requirements of this chapter and shall be deemed to be operating under a valid ALS ambulance permit during the period that services are actually provided to the county, upon payment of the required permit fees.
(Ord. No. NS-300.513, § 2, 2-23-93; Ord. No. NS-300.544, § 1, 12-14-93)

Sec. A18-263. Application for permit.

Each application, whether for initial permit or renewal of an ambulance service permit, shall be made on forms and in the manner prescribed by the permit officer.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-264. Permit application required information.

The application for an ambulance service permit shall provide the following information:

- (a) The name(s) and address(es) of the applicant(s) and owner(s) of the ambulance(s) and the business entity's name.
- (b) The applicant's training and experience in the transportation and care of patients.
- (c) The name(s) under which the applicant has engaged, does and proposes to engage in ambulance service.
- (d) A description of each ambulance, including the make, model, year of manufacture, vehicle identification (serial) number, state ambulance license number and motor vehicle registration number and expiration date; and for air ambulances; current Federal Aviation Administration (FAA) registration number of each aircraft, airworthiness certificate number and expiration date.
- (e) The length of time each vehicle has been in use, the miles shown on the odometer, the color scheme, insignia, name(s), monogram and any other distinguishing characteristics of each vehicle.
- (f) A description of each company or firm's program for maintenance of each vehicle.
- (g) A description of each vehicle's radio communications equipment.
- (h) A statement that the applicant has obtained and has all necessary licenses and permits required by federal and state laws and regulations for the type of service proposed.
- (i) The names and qualifications of each attendant employed, or to be employed, in providing ambulance service. The applicant shall provide an up-to-date list of attendants on a regular basis to the EMS agency, as may be required by the permit officer.
- (j) Evidence of a currently valid California Highway Patrol inspection report for each ground ambulance vehicle listed in the application.
- (k) A description of the applicant's training and orientation programs for ambulance attendants, drivers and for dispatchers.
- (l) A description of the applicant's quality management program.
- (m) Evidence of such insurance coverage as may be required by the permit officer.
- (n) Facts relied on by the applicant in asserting that the public health, safety, welfare, convenience and necessity warrant the granting of the ambulance service permit.
- (o) The ability of the applicant to provide ambulance service within established response times for the type of vehicle operated (ground ambulance, aircraft,) twenty-four (24) hours per day, seven (7) days per week, year-round.

(p) All service charges and rate structure of the company and any additional charges incidental to the company's services.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-265. Applicant investigation.

Upon receipt of a completed application together with the required fee(s), the permit officer shall make or cause to be made such investigation as deemed necessary to determine if:

- (a) Public health, safety, welfare, convenience and necessity require the issuing of a permit;
- (b) The applicant is a responsible and proper person to conduct, operate and engage in this ambulance service; and
- (c) That the radio(s) in or carried aboard each ambulance is (are) installed pursuant to regulations and policies adopted by the director of county communications, and is (are) in good working order.

(Ord. No. NS-300.513, § 2, 2-23-93)

**ARTICLE 4.
PERMIT ISSUANCE**

Sec. A18-266. Issuance.

The permit officer shall issue an ambulance service permit covering each listed ambulance of the applicant if the permit officer determines that the requirements contained in article 3 have been satisfied.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-267. Appeal from permit denial.

Whenever the permit officer denies an application for an ambulance service permit, the applicant may request a hearing on the denial, at which the applicant will have the burden of proof. The hearing will be scheduled within fifteen (15) days of receipt of the applicant's written request for the hearing by the permit officer.

Hearings shall be conducted before a hearing officer designated by the health service administrator. The applicant and the county shall share equally in the costs of a hearing officer, recorder or certified shorthand reporter.

The hearing officer shall prepare and submit a written summary of the evidence, findings, and a final decision within thirty (30) days after conclusion of the hearing.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-268. Notice.

The permit officer shall provide, by deposit in the U.S. mail, proper postage affixed, notice of the time, date and place of a hearing at least seven (7) days in advance of such hearing to the applicant or permittee.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-269. Term of permit.

Permits issued under this chapter shall be valid for a period of one (1) year unless earlier suspended, revoked or terminated. Nothing in this chapter shall be construed as requiring the granting of a permit upon the expiration of a previous permit, or as creating any vested or property right in the renewal, extension or continuance of any permit after the expiration of its term.

(Ord. No. NS-300.513, § 2, 2-23-93; Ord. No. NS-300.635, § 1, 5-9-00)

Sec. A18-270. Temporary; when issued.

The permit officer may issue a temporary permit for a period of not over ninety (90) days, renewable for cause expressed in writing by the permit officer.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-271. Application; changes.

The applicant and permittee shall report to the permit officer any change in the information required in article 3 within ten (10) days of the effective date of the change.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-272. Termination.

Any change of ownership of a permitted ambulance service terminates the permit immediately.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-273. Transfer of permit.

If, during the permit year, an ambulance must be replaced and is taken entirely out of the business and a new vehicle is to be used as a replacement vehicle, then the permit officer may transfer the permit to the new vehicle for a fee of ten dollars (\$10.00), as long as such replacement is deemed to comply with the provisions of this chapter.

(Ord. No. NS-300.513, § 2, 2-23-93)

**ARTICLE 5.
FEES**

Sec. A18-274. Permit fees.

A nonrefundable fee in the form prescribed by the permit officer shall accompany each and every application for an ambulance service permit. The fee for each ambulance service permit shall be established by resolution of the board of supervisors.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-275. Temporary permit.

(a) Amount: A nonrefundable fee in an amount established by resolution of the board of supervisors shall be required to be paid before the permit officer may issue a temporary ambulance service permit.

(b) Credit: If a regular ambulance service permit is issued to a temporary permit holder, the regular permit shall be deemed issued as of the date the temporary permit was

issued and the permittee shall be entitled to a credit for the amount of the temporary permit fee paid.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-276. Reserved.

Sec. A18-277. Payment of fees.

The fees required by this chapter shall be paid to the permit officer at the time of application for a permit and shall be forwarded by the permit officer to the county controller.

(Ord. No. NS-300.513, § 2, 2-23-93)

**ARTICLE 6.
CONSUMER COMPLAINTS**

Sec. A18-278. Procedure.

(a) Any complaint filed against any permittee shall be written on a form prescribed and provided by the EMS agency.

(b) Any user of a permitted ambulance service contending that he/she received unsatisfactory service(s) may file a written complaint with the permit officer. Such written complaint shall set forth the allegations. The permit officer shall notify the particular ambulance service of the complaint and provide the ambulance service permittee with a copy of the consumer complaint. Complaints based on the amount of a fee charge shall not be investigated.

(c) The permit officer shall conduct an investigation of the allegation(s) in the written complaint to determine the validity of said allegation(s). If the allegation(s) are found to be valid, the permit officer shall take reasonable and proper actions to secure compliance with the provisions of this chapter and any established ambulance regulations.

(Ord. No. NS-300.513, § 2, 2-23-93)

**ARTICLE 7.
ENFORCEMENT RESPONSIBILITIES**

Sec. A18-279. Adoption of regulations.

The permit officer may, after public hearing, recommend the adoption of reasonable regulations concerning ambulance personnel, equipment, vehicles, communications, training, or any other matter which the permit officer determines necessary for the public health and safety regarding the operation of ambulances and to effectuate the provisions of this chapter. Notice of public hearing shall be given.

(a) Notice: The permit officer shall give notice of the time and place of the public hearing at least fourteen (14) days in advance by:

(1) Mailing notice to all persons requesting notice, to all persons holding an ambulance service permit(s); and

(2) Posting notice in the lobby of the county administration building.

The permit officer's recommendation shall be forwarded to the board of supervisors for review and final adoption of regulations.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-280. Investigations.

(a) Scope: Whenever in this chapter the permit officer is required to make, or cause to be made, such investigation as the permit officer deems necessary to determine if certain fact(s) or condition(s) exist, the permit officer may accept a written statement as evidence from any person (including but not limited to a county officer or employee of any law enforcement or fire protection agency acting within the course and scope of their official duties or employment) that such fact(s) or condition(s) do or do not exist.
(b) Time: Whenever in this chapter the permit officer is required to make, or cause to be made, an investigation with regard to an application for an ambulance service permit, the permit officer shall complete the investigation and either approve or deny the application, in whole or in part, within ninety (90) days of the date of application.
(Ord. No. NS-300.513, § 2, 2-23-93)

**ARTICLE 8.
SUSPENSION, REVOCATION AND/OR PROBATION**

Sec. A18-281. Authority.

The permit officer may suspend, revoke, or place on probation an ambulance service permit holder for failure to comply with and maintain compliance with, or for violation of, any applicable provisions, standards or requirements of state or local law, or of any regulations promulgated hereunder. Suspension or probation is not a condition precedent to revocation.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-282. Procedure.

The permit officer shall follow, as closely as possible, all procedures outlined in Title 22, California Code of Regulations, Chapter 6, with respect to the suspension or revocation of a permit, or the placement of a permit holder on probation.
All references in Chapter 6 to Health and Safety Code section 1798.200 shall be deleted for purposes of this article.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-283. Substitution of terms.

For the purpose of adapting the procedures outlined in Title 22, California Code of Regulations, Chapter 6 for use in this chapter, the following substitution of terms is acknowledged:

- (1) "Permit officer" shall replace all references to "medical director."
- (2) "Permit" shall replace all references to "certificate," "certification," or "prehospital emergency medical care certificate."
- (3) "Permit holder" shall replace all references to "certificate holder," "prehospital emergency medical care certificate holder," "individual" or "person."

(4) Reference to any level of EMT shall refer to the permit holder.
(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-284. Notification of action.

When a permit is suspended or revoked, the permit officer shall notify all public safety agencies, hospitals and other interested parties in the county of this fact, specifying the name(s) of the permittee(s), the ambulance service and the action taken.
(Ord. No. NS-300.513, § 2, 2-23-93)

Secs. A18-285--A18-288. Reserved.

**ARTICLE 9.
PERSONNEL**

Sec. A18-289. Ambulance service dispatchers and personnel.

(a) Each person providing ambulance services subject to permit under this chapter shall assign at least one (1) person at all times to be responsible for receiving calls or inquiries for ambulance service and the dispatching of ambulances owned and/or operated by that person.

(b) Persons holding an ambulance permit, except those persons who have received a waiver from the permit officer by reason of their provision of services pursuant to written agreement with the county, shall provide such dispatch services on a twenty-four-hour-per-day basis and shall adequately train the dispatcher(s) in radio operation and procedures, operational protocols, and county regulations, policies and procedures before said dispatcher begins dispatching calls.
(Ord. No. NS-300.513, § 2, 2-23-93)

**ARTICLE 10.
MISCELLANEOUS PROVISIONS**

Sec. A18-290. Dispatching ambulance availability.

(a) If a permittee has no ambulance immediately available to make a direct run to the address or place given, he/she shall immediately advise the requesting party of this fact.

(b) Upon receiving a call for ambulance service, the permittee shall promptly dispatch or schedule for dispatch at a time acceptable to the caller an ambulance to the address or place given; and the ambulance shall promptly, or at the time scheduled, start a direct run to that address or place and shall complete that run.

(c) Ambulance diverted: If an ambulance is dispatched to make a direct run to an address, place or location and is thereafter diverted for any reason, the permittee shall immediately notify the caller of this fact.

(d) Unauthorized response: No ambulance service permittee under this chapter shall cause or allow its ambulance(s) to respond to a location without receiving specific request for such service at that location.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-291. Availability of books and records of permittee.

Ambulance service permittees shall cooperate with the permit officer or his/her designees in any investigations of possible violations of this chapter and shall make any and all ambulance and other related records available for inspection and/or copying at reasonable times at the permittee's regular place of business.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-292. Advertising prohibited.

A business, service or individual who does not hold a current permit under this chapter may not advertise itself or himself as a provider of ambulance service in this county.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-293. Violations prohibited.

No person shall do anything forbidden by this chapter or regulations issued hereunder, nor do anything regulated thereunder in any way contrary to such regulation.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-294. Violations.

(a) Any person who violates section A18-262 shall be guilty of an infraction, punishable by:

(1) A fine not exceeding one hundred dollars (\$100.00) for a first violation.

(2) A fine not exceeding two hundred dollars (\$200.00) for a second violation.

(3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year.

(b) A "violation" is defined as each day or portion thereof that an ambulance operated without a valid permit.

(c) The county executive or his/her designee is hereby authorized to institute and pursue, in the name of the county, pursuant to the provisions of section 25132 of the Government Code, civil actions for the recovery of fines for violations of this chapter.

(Ord. No. NS-300.513, § 2, 2-23-93)

Sec. A18-295. Separability.

If any section, subsection, sentence, clause, phrase or portion of this chapter or the ambulance regulations are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof.

(Ord. No. NS-300.513, § 2, 2-23-93)

Secs. A18-296--A18-299. Reserved.