

ORDINANCE NO. 456**EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE**

456

BE IT ORDAINED BY THE BONNER COUNTY BOARD OF COMMISSIONERS, THAT THIS ORDINANCE IS ENACTED FOR THE PURPOSE OF ESTABLISHING A BASIC FRAMEWORK TO ADMINISTER, OVERSEE, AND REGULATE THE PROVISION OF EMERGENCY MEDICAL SERVICES WITHIN BONNER COUNTY. THROUGH ADOPTION OF THIS ORDINANCE, IT IS THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF BONNER COUNTY TO DEFINE THE STRUCTURE OF BONNER COUNTY'S COMMITMENT TO EMERGENCY MEDICAL SERVICES; TO DETERMINE WORKING RELATIONSHIPS BETWEEN BONNER COUNTY AND EMERGENCY MEDICAL SERVICE PROVIDERS; TO SET FORTH RULES, REGULATIONS, POLICIES, TERMS AND CONDITIONS UPON WHICH SERVICES WILL BE PROVIDED; ESTABLISH FEES TO BE COLLECTED; AND, COMPENSATION TO BE PROVIDED TO MEET THE MISSION, GOALS AND OBJECTIVES AS SET BY THE BOARD. ABOVE ALL, THE PURPOSE OF THE PROVISIONS OF THIS ORDINANCE IS TO PROVIDE OPPORTUNITIES FOR COOPERATION AND COORDINATION IN ORDER TO ACHIEVE THE MOST COST-EFFECTIVE AND HIGHEST QUALITY EMERGENCY MEDICAL SERVICES POSSIBLE IN BONNER COUNTY.

I. AUTHORITY TO ENACT THE ORDINANCE

- A. The provision of ambulance service is a governmental function; the Board of County Commissioners of Bonner County has determined that regulation of emergency medical services within Bonner County is necessary to provide reasonable, adequate and professional services to the citizens and visitors of Bonner County, and
- B. The Board of County Commissioners of Bonner County is authorized to establish ambulance service under Title 31, Chapter 39 Idaho Code, and pursuant to the authority granted by Article 12, Section 2 of the Idaho Constitution; Idaho Code Title 31, Idaho Code §§ 31-714, 31-828, and 31-866. This authority is subject to the provisions contained in Idaho Code §§ 56-1011 through 56-1018B, and any valid regulations enacted pursuant thereto. Through these grants of authority, the Board of County Commissioners in its capacity as the governing board of the Bonner County Ambulance Service District has the authority to establish a Bonner County Emergency Medical Services (herein after referred to as BCEMS) department, to administer, oversee and

regulate the provision of emergency medical services by service providers within Bonner County; to assist service providers by levying taxes and supplying funds as are necessary and available to enable provision of such essential services; and, to provide for safety and promote the health and welfare of the citizens of, and visitors to, Bonner County by whatever additional means the Board of County Commissioners may deem appropriate.

C. There is hereby established under the Board of County Commissioners (hereinafter referred to as the Board) a department known as Bonner County Emergency Medical Services (hereinafter referred to as BCEMS).

II. DEFINITIONS

Agency: any individual, firm, partnership, public or private association, public entity, public or private corporation which offers or provides pre-hospital emergency medical services, out-of-hospital medical care or health related transportation services to the public.

Emergency Medical Service(s) or EMS: direct patient care provided by non-transport or transport agencies or service providers to any person experiencing a medical emergency, and direct patient care provided for out of hospital medical transport services. Expressly excluded from the definition are the operation of medical offices by licensed physicians and the operation of licensed health care facilities.

Service Provider(s): any individual, firm, partnership, public or private association, public entity, public or private corporation that is properly licensed, assents to a master agreement and provides EMS in Bonner County under the jurisdiction of this ordinance.

III. GENERAL PROVISIONS

A. The Board will establish and adopt rules and regulations for all emergency medical services in Bonner County and such rules and regulations or amendments thereto as adopted shall be considered a part of this ordinance and shall be enforceable as if included fully herein.

- B. These rules and regulations shall include, but not limited to:
1. The certification/licensing, by BCEMS, of all EMS providers within the County.
 2. The classification and clinical capabilities required of all EMS providers by the Idaho Department of Health and Welfare and this Ordinance.
 3. The requirement for 24 hour/seven day service by all EMS providers.
 4. The establishment of defined primary response areas for each service provider.
 5. A system for response and treatment data collection from service providers.

C. The Board shall cause certain policies to be developed and implemented as necessary to provide direction and focus to the service providers, and a mutual aid system that insures the availability of services to all of Bonner County.

D. The Board may enter into agreements with other counties and/or service providers within and outside the State of Idaho concerning inter-county and interstate provision of services, including but not limited to the method by which inter-county or interstate services may be provided, service areas, and payments between counties to equitably compensate counties and service providers for the provision of inter-county or interstate services.

E. Service providers rendering emergency medical care to a patient at the scene of an emergency to which they have been dispatched or summoned shall be deemed to have complete medical authority, to their level of certification, until the patient is released to another appropriate level of service provider or treatment facility. This section is intended to apply only to EMS and shall not affect authority at the scene of an emergency concerning law enforcement, fire suppression, or other non-EMS activities undertaken by legally responsible public agencies.

F. It shall be unlawful for any person, either as owner, agent, or otherwise to furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to be engaged in the business or service of providing emergency care or the transportation of patients upon the streets, alleys, or any public or private way or place of Bonner County, unless they are in compliance with this ordinance, Idaho Code and IDAPA Rules.

G. Failure of an agency or service provider to comply with, to maintain compliance with, or an agency or service provider which violates any applicable provisions, standards, or requirements of this ordinance or any regulation or policy promulgated hereunder, or any other applicable federal or state laws or state administrative rules shall be grounds to deny, suspend, revoke, or terminate an agency's or service provider's participation as a service provider in Bonner County. Should the Board suspend, revoke, deny or terminate any agency's or service provider's participation, the Board will make immediate written notification to the State of Idaho, and any other state where the agency may be licensed, indicating the date of the action and the reason for the action. Further the agency or service provider that is suspended, revoked, denied or terminated will immediately cease EMS operations in Bonner County

IV. BONNER COUNTY MEDICAL DIRECTOR AND MEDICAL CONTROL

A. The Board may by written agreement, contract with an Idaho licensed physician according to the requirements of Idaho Code and IDAPA rules whose title shall be the Bonner County Medical Director and who will be the Medical Director for all service providers.

B. The agreement shall describe the duties and function of the Medical Director, including but not limited to: quality control and service improvement, training, standards of care, development of standing written orders or protocols, medical review, emergency medical dispatch medical direction, on line and off line medical control and such other activities and services as are deemed appropriate by the Board.

C. Until a medical director is provided by BCEMS pursuant to this section, each agency or service provider licensed by Bonner County under this ordinance will utilize a medical director who is a qualified physician as defined in Idaho Code or IDAPA rules.

V. **BONNER COUNTY ADVISORY COUNCIL**

A. The Board shall establish an advisory council of no less than five (5) members to be known as the Bonner County Emergency Medical Services Advisory Council, whose primary functions shall be advisory to BCEMS and the Board on matters pertaining to the provision of services within the County.

VI. **FEEES**

A. Fees for emergency medical transport services rendered to patients may include but are not limited to, treatment, transportation to a hospital or other treatment facility, and supplies used in the course of such treatment and/or transportation. Fees for service in Bonner County shall be charged according to fee schedules approved by the Board.

B. The Board shall comply with the requirements of Idaho Code § 63-1311A, including the requirement to hold a public hearing, prior to approval of any proposed fees whenever any new fee is to be charged or whenever any fee is to be increased by five percent (5%) or greater.

C. All such fees may at the direction of the Board be collected, accounted for and paid to the county treasurer for deposit in the ambulance district fund, and shall be used to pay expenses as incurred in the maintenance and operation of ambulance service.

D. Bonner County shall assess, collect, budget and manage the county Ambulance District tax levy and any monies received directly by Bonner County from any state, federal, or other source.

VII. **MASTER AGREEMENT**

A. Service providers and their relationship to BCEMS shall be governed by a master agreement authorized by the Board and signed by all service providers who desire to participate as a contracting party and which assent to the terms of the master agreement. The Board may also enter into separate agreements with other service providers for the provision of services on such terms as are mutually agreeable. If no master agreement is in force at any time, the provisions of the previous master agreement shall govern, except as may otherwise be agreed to by the contracting parties.

VIII. **ORDINANCE PROVISIONS**

A. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

1/4/2005

B. The adoption of this Ordinance shall not in any manner, affect the prosecution for violation of any other ordinance of Bonner County. This Ordinance shall not be construed as a waiver of any license or penalty due under any other ordinance or in any manner affect the validity of any action heretofore taken by the Bonner County Board of Commissioners.

C. Any person violating, or failing to comply with, any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding three hundred dollars (\$300.00) or be imprisoned for a period not exceeding sixty (60) days, or be both so fined and imprisoned for each offense. Each day that any violation of or failure to comply with, this ordinance is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder; provided however, that the court may, in appropriate cases, stay the accumulation of penalties.

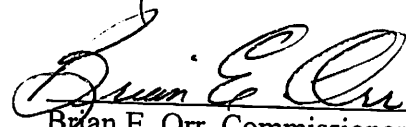
This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in a local newspaper.

Enacted this 4th day of January, 2005


Bonner County Board of Commissioners



Marcia Phillips, Chairperson



Brian E. Orr, Commissioner

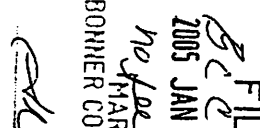


Jerry Clemons, Commissioner

Attest: Marie Scott, Clerk

By: 

Becky Witte, Deputy Clerk

FILED BY

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no fee
MARIE SCOTT
BONNER COUNTY RECORDER
DEPUTY

