

ORDINANCE NO. 2014- 03

**ORDINANCE AMENDING THE WASHINGTON COUNTY
AMBULANCE SERVICES AUTHORITY ORDINANCE**

RECITALS

WHEREAS Washington County's citizens demand and deserve the best available emergency medical care; and

WHEREAS Washington County established, by ordinance, the Washington County Ambulance Services Authority on December 17, 2013; and

WHEREAS said ordinance makes provisions for the appointment of a governing board to oversee the ambulance service operations, the membership of which is being amended hereby to allow the Washington County Sheriff to designate the non-voting board member to participate on the Ambulance Services Board, which amendments are found in section IV.(A)(2) herein; and

WHEREAS the ordinance provided for the minimization of competing services so as to better secure the investment of Washington County taxpayers and citizens, but as originally passed, did not provide for the imposition of penalties or any other enforcement mechanism, for which an amendment is made herein to add a new section to provide for such penalties at section VIII(B), with the injunctive provisions of VIII(B) becoming section VIII(C) hereunder.

NOW THEREFORE BE IT ORDAINED that the AMENDEND Ordinance Establishing the Washington County Ambulance Services Authority is adopted as follows:

I. Establishment of Authority.

The Washington County Ambulance Services Authority is hereby established pursuant to Indiana Code §16-31-5-1.

II. Definitions.

A. "Authority" means the newly established Washington County Ambulance Services Authority established by this ordinance.

B. "Ambulance Services Board" means the Washington County Ambulance Services Board established hereunder.

C. "Board of Commissioners" means the Board of Commissioners, County of Washington, Indiana.

D. "Emergency patient" means an individual who is acutely ill, injured, or otherwise incapacitated or helpless and who requires emergency medical services. The term includes an individual who:

- (1) Requires transportation on a litter or cot; or
- (2) Is transported in a vehicle certified by the Indiana EMS Commissions as an ambulance.

E. "Ambulance" means any motorized vehicular conveyance on land, water or air that is used or is intended to be used for the purpose of responding to emergency life-threatening situations and providing emergency transportation service.

F. "Emergency ambulance services" means the transportation of emergency patients by ambulance and the administration of emergency medical care to emergency patients before or during the transportation.

G. "Emergency medical technician" means an individual who is certified by the Indiana EMS Commission to provide emergency medical care at the scene of an accident, illness, or during transport.

H. "Emergency medical service facility" means those facilities that are licensed and operated under Indiana Code § 16-18-2-111 and are equipped, prepared, and staffed to provide medical care for emergency patients.

I. "Person" means any natural person or persons, firm, partnership, corporation, company, association, and the person's legal successors, including any governmental agency or instrumentality other than an agency or instrumentality of the United States.

J. "Emergency medical services" means the provision of emergency ambulance services or other services, including extrication and rescue services, utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

K. "Emergency medical care" means the following:

- (1) Assessment of emergency patients;
- (2) Administration of oxygen;
- (3) Utilization of mechanical breathing devices;
- (4) Application of anti-shock trousers;
- (5) Performance of cardiopulmonary resuscitation;
- (6) Application of dressings and bandage materials;
- (7) Application of splinting and immobilization services;
- (8) Utilization of lifting and moving devices to ensure safe transport;

- (9) Utilization of an automatic or a semi-automatic defibrillator if the defibrillator is used in accordance with training procedures established by the Indiana EMS Commission;
- (10) Other procedures authorized by the Indiana EMS Commission.

The term does not include invasive medical care techniques but does include advanced life support.

L. "Indiana EMS Commission" means the Indiana Emergency Medical Services Commission created by former Indiana Code §16-1-39, now Ind. Code §16-31-2.

III. Establishment of the Washington County Ambulance Services Authority.

There is hereby established a Washington County Ambulance Services Authority within the executive branch of Washington County government for the purpose of establishing, operating, maintaining and regulating emergency ambulance services in Washington County. The County Commissioners and Washington County Ambulance Services Authority Board shall be responsible for the organization, administration and operation of the Authority. An advisory committee may also be utilized for this purpose or any other purpose by the Board of Commissioners.

IV. Washington County Ambulance Services Board Established.

A. There is hereby established a Washington County Ambulance Services Board ("Ambulance Services Board"), which shall consist of six (6) members, three (3) voting, and three (3) non-voting, appointed as follows:

- (1) The three (3) voting members shall consist of the following:
 - (a) two (2) members of the Washington County Council, appointed annually from the membership of the Washington County Council at the first meeting of that body each calendar year; and
 - (b) one (1) member of the Washington County Commissioners, appointed annually from the membership of the Board of County Commissioners at its first annual meeting each calendar year.
- (2) The three (3) non-voting members shall consist of:
 - (a) The Washington County Sheriff, or a designee of the Sheriff, which may include:
 - (i) A Washington County Sheriff's Department Deputy;
 - (ii) The Director of the Washington County Emergency Management Department;
 or (iii) The Director of the Washington County 911 call system;
 - (b) One Washington County medical doctor, and
 - (c) The current Executive Director of the local Emergency Medical Services, created hereby.
- (3) The term of the non-voting medical doctor shall be for one (1) year and shall be appointed by the Washington County Commissioners at the first meeting in January of each year. This person may be removed prior to the end of the annual term for just

cause. The Washington County Sheriff and Executive Director of the local emergency medical services shall serve as non-voting members of the committee as long as each continues to hold their respective office. In the event of the death, resignation, disability, or removal of either from his or her respective position, a vacancy shall exist in such non-voting position until a replacement is made to that position.

- (4) In the event of the death, resignation, disability, or removal from office of a voting council person or commissioner, the president of each respective body shall make an immediate appointment of an interim from its membership until the entire body can meet and appoint a replacement. Should any voting member's term as an elected official end, his or her duties shall continue until a replacement is made at the first meeting of January the following year of each body.

B. The members of the Ambulance Services Board shall as soon as possible after the last initial appointment is made, meet and elect one (1) member as Chairman and another member as Vice Chairman and shall appoint a Secretary Treasurer who need not be a member of the Board. The officers of the Ambulance Services Board shall be elected by the Ambulance Services Board and serve for one (1) year terms, concurrent with the calendar year; however, such office shall carry over until replacement is made at the first meeting of the ensuing calendar year.

C. For the purposes of transacting business, a majority of the voting membership of the Ambulance Services Board constitutes a quorum. A vacancy in the membership does not impair the right of the quorum to transact business.

D. Duties of the Washington County Ambulance Services Board:

- (1) The Ambulance Services Board shall actively oversee the operation of the Washington County Ambulance Services Authority.
- (2) The Ambulance Services Board shall establish, operate, maintain and regulate emergency ambulance services in Washington County (subject to adequate funding);
- (3) No later than March 15 of each calendar year, the Ambulance Services Board shall make a written annual report to the Board of County Commissioners and County Council concerning: (a) an accounting of all receipts and expenditures for the previous calendar year; (b) any proposed capital expenditures for the coming year; (c) an evaluation of the effectiveness of the provision of ambulance services in Washington County; (d) any recommendations concerning improvement, modification, and continuance or discontinuance of such program. In addition, the Ambulance Services Board shall provide interim updates on those same topics at least quarterly to both entities.
- (4) The Ambulance Services Board shall prepare minutes, or memoranda, of the business conducted at all meetings and may adopt By-Laws or Rules of Procedure for the conduct of its own business. Any such By-Laws or Rules of Procedure shall be

submitted to the Washington County Board of Commissioners, and it shall keep the Board of Commissioners informed of any amendments to said document.

- (5) The Ambulance Services Board shall adopt and distribute to all employees a Washington County Ambulance Services Personnel Policy, which document shall set forth the all matters governing the Authority's employment practices, including, but not limited to: hiring, discipline, termination, pay and benefit policies, etc. This Personnel Policy shall be given to all new employees prior to the start of their employment.
- (6) The Ambulance Services Board may maintain an office, and employ an Executive Director and other employees that may be required for an effective operation of the Authority. The Ambulance Services Board may employ attorneys, accountants, and other professionals to assist them in operating the Authority.
- (7) The Ambulance Services Board shall establish the qualifications required for the Executive Director.
- (8) The Ambulance Services Board shall meet at least once quarterly; however, the time and place of such meetings shall be determined by the Ambulance Services Board.
- (9) The Ambulance Services Board shall prepare an annual budget for the Authority. The Washington County Council may appropriate such funds as it may deem necessary for funding the activities of the Authority.
- (10) The Ambulance Services Board may establish the necessary accounting and billing procedures to be used for billing and collecting for ambulance services. All money received by the Authority shall be remitted to the Washington County Auditor not later than ten (10) days after the end of the month in which the money is received.

E. Notwithstanding any other provision of this Section, no compensated position may be established within the Washington County Ambulance Services Authority without the prior approval of the Board of Commissioners and without the authorization of the Washington County Council and the making of sufficient appropriations to pay such compensation. This provision does not give the Washington County Council any power of approval over the candidates for any positions and adopting schedules of compensation. In addition, it is the intent of this section that any compensated positions under the Washington County Ambulance Services Authority shall be county employees and shall work under the provisions of the Washington County Ambulance Service Personnel Policy as shall be established by the Washington County Ambulance Services Board.

F. The Ambulance Services Board is a "Public Agency" as defined in Title 5, Article 14 of the Indiana Code relating to public meetings and access to public records. However, medical records of patients shall not be considered public records; their disclosure being specifically exempted under said law as a violation of Federal privacy laws.

V. Executive Director: Qualifications and Tenure.

A. The Executive Director of the Authority shall be appointed by the Ambulance Services Board. Qualifications for the Executive Director will be determined by the Ambulance Services Board. The Executive Director may hold no other local, state or federal office.

B. The appointment of the Executive Director shall be at-will of the Executive Director and the Ambulance Services Board. The person appointed to the position shall be subject to an annual performance review, which shall take place within thirty (30) days prior to the end of each calendar year.

VI. Executive Director: General Powers and Duties.

A. The Executive Director, subject to the directions and control of the Ambulance Services Board shall be the executive head of the Authority and shall have responsibility for the day-to-day administration and operation of the Authority, including the following specific powers and duties:

- (1) The Executive Director shall be responsible for the public relations, information and education concerning ambulance services in Washington County.
- (2) The Executive Director shall coordinate within Washington County all activities concerning providing ambulance services and shall maintain liaison and coordinate with all other affected agencies, public and private.
- (3) The Executive Director shall coordinate the recruitment and training of all personnel of the Authority and shall oversee employee scheduling, dispute resolution, and disciplinary matters of employees of the Authority.
- (4) The Executive Director may seek, negotiate and enter into (with the approval or ratification of the Board Commissioners) mutual aid agreements with other public and private agencies concerned with providing ambulance services to residents of Washington County, and ambulances from Washington County providing services outside the county.
- (5) On behalf of the County, the Executive Director may seek and accept from any person, firm, or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds or privileges to use real estate or other premises for ambulance service purposes.
- (6) The Executive Director shall issue proper identification and papers to Authority personnel and other people directly concerned with providing ambulance services in Washington County.
- (7) The Executive Director shall annually prepare and present a proposed budget for the next fiscal year to the Washington County Ambulance Services Board at least twenty-

one (21) days prior to the announced annual due date for initial budget submissions to the Washington County Auditor.

- (8) The Executive Director shall comply with all state laws and regulations concerning ambulance service providers and shall monitor and maintain issues of vehicular and facilities and equipment maintenance.
- (9) The Executive Director, with prior approval of the Ambulance Services Board, shall establish fees to be charged for emergency ambulance services provided by the Authority.

VII. Establishment of Ambulance Services Authority Fund.

A. There is hereby established a non-reverting fund known as the “Washington County Ambulance Services Authority Fund”, to be maintained by the Washington County Auditor.

B. Revenues for this fund shall consist of profits from services rendered. All such funds received by the Authority shall be remitted to the Washington County Auditor and shall be deposited in said fund.

C. This fund shall be invested as other public monies are invested. The fund and all earnings thereon shall be used solely for the purposes of providing ambulance services and paying expenses incurred by the Authority.

D. Any money remaining in this fund at the end of the year shall not revert to any other fund.

E. The Washington County Auditor shall handle disbursements from this fund in the same fashion as other funds are handled.

VIII. Restriction on Emergency Ambulance Service Providers.

A. After February 1, 2013, a person may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency ambulance services or non-emergent convalescent transport services in Washington County, either paid or voluntary, unless such person is specifically authorized to do so by the Ambulance Services Board, or unless:

- (1) The Washington County Ambulance Services Board specifically authorizes or requests the provision of such services from a particular provider.
- (2) There is a mutual aid agreement established between the Washington County Ambulance Services Authority and another such provider, subject to the terms of the mutual aid agreement, which shall not include regular, ongoing operations.
- (3) The provider is authorized to provide emergency ambulance services in any part of another county and

- (a) is traveling through Washington County on a run that did not originate in Washington County; or
- (b) encounters an emergency while passing through Washington County and is under a professional obligation to render services under the Laws of the State of Indiana;

or

- (4) In the case of an emergency 911 call, the original emergency 911 call was first routed to that outside provider rather than to the Washington County Ambulance Services Authority.

B. The Ambulance Services Board may penalize a provider or person who violates this section up to \$500.00 per occurrence for each violation that shall be established. A civil penalty may be imposed only after a hearing on the imposition of the penalty has been held by the Executive Director or his designee. Notice of this hearing must be mailed ten (10) days before the date set for the hearing. A provider or person who is penalized under this chapter is entitled to:

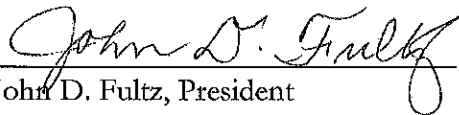
- (1) Be represented by an attorney;
- (2) Present evidence on that person's behalf; and
- (3) Cross examine witnesses.


C. The Ambulance Services Board may seek injunctions through the Court system against persons who violate this section.

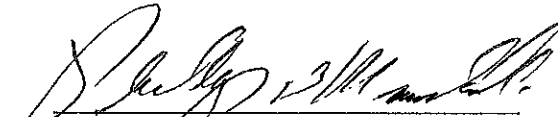
[Signatures on Next Page]

ALL OF WHICH IS ORDAINED BY THE WASHINGTON COUNTY BOARD OF COMMISSIONERS THIS 7th DAY OF JANUARY 2013 AND SHALL BECOME EFFECTIVE UPON THE PUBLICATION OF THIS ORDINANCE FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN WASHINGTON COUNTY, INDIANA.


BOARD OF COMMISSIONERS, COUNTY OF WASHINGTON, INDIANA


John D. Fultz, President


David Brown


Phillip Marshall

ATTEST:


Sarah Bachman, Auditor