

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 652

4 An Ordinance adopting a new Emergency Medical Services
5 Code, repealing MCC Chapter 6.31 and declaring an emergency.

6 Multnomah County ordains as follows:

7 Section 1. Findings.

8 1. Ordinance No. 229 (The Emergency Medical Code, codified
9 as MCC Chapter 6.31) created the EMS Policy Board (EMSPB) and
10 authorized it to adopt an ambulance plan and administrative
11 rules and to hear appeals in matters concerning licensees.

12 2. In December 1986, the EMSPB endorsed a plan
13 establishing a single, county-wide ambulance service area in
14 Multnomah County, to be served by a single provider. However,
15 in December 1987, the Circuit Court ruled, among other things,
16 that the delegation of authority to the EMSPB to adopt a single
17 ambulance area plan violated the Home Rule Charter.

18 3. In response to the portion of the ruling concerning the
19 Home Rule Charter, the Board adopted Ordinance 573 to make the
20 EMSPB advisory, to ratify the rules previously adopted by the
21 EMSPB, and to make other procedural changes to the EMS code.

22 4. Ordinance 573 was followed by Ordinance 589. That
23 ordinance adopted a plan for two ambulance service areas as a
24 means of addressing the circuit court's ruling that state law
25 prohibited a single, county-wide area. A circuit court
26

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1 challenge to Ordinance 589 raised the question whether that
2 ordinance impliedly repealed Ordinance 573. No repeal of
3 Ordinance 573 was intended. The Board deems it prudent to
4 re-enact many of the provisions of Ordinance 573 as a new code
5 so as to remove any doubt as to Board intent.

6 5. While a two ambulance service areas plan has been
7 submitted to the State Health Division for approval, the County
8 is still operating under the four ambulance service areas plan
9 previously approved and will continue to do so until an amended
10 plan is approved.

11 6. In addition, the 1989 legislature enacted certain laws
12 (1989 Oregon Laws Chapter 722) pertaining to ambulance plan
13 adoption procedure. This ordinance is designed to carry out
14 the 1989 legislation.

15 7. The Board also finds it in the public interest to
16 delegate certain responsibilities to the EMS Director while
17 reserving to itself the power to adopt, amend and repeal an
18 ambulance service plan. This ordinance also effectuates this
19 intent.

20
21 Section 2. Adoption of Revised EMS Code.

22 The following is added to the Multnomah County Code as
23 Chapter 6.32:

24
25 6.32.005 Title; area of application. This
26 chapter may be cited as the "Multnomah County

1 Emergency Medical Services Code" and may be so pleaded
2 and referred to.

3
4 6.32.010 Definitions. As used in this chapter,
5 unless the context requires otherwise:

6 (A) "Advanced Life Support Services" means those
7 services which may be provided within the scope of
8 practice by a person certified as an EMT II, III, or
9 IV.

10 (B) "Ambulance" means any vehicle so certified
11 by the State Health Division.

12 (C) "Appeals Hearings Officer" or "Hearings
13 Officer" means the person or persons designated to
14 conduct contested case hearings concerning actions on
15 licenses under this chapter.

16 (D) "Board" means the Board of County
17 Commissioners of Multnomah County, Oregon.

18 (E) "Director" means the Director of the Office
19 of Emergency Medical Services of the Department of
20 Human Services of Multnomah County, or the director's
21 authorized representative.

22 (F) "Do business in Multnomah County" means to
23 provide emergency ambulance service or any other
24 emergency medical services in Multnomah County,
25 provided, however, that transporting patients from
26 outside the county to within the county only shall not

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1 be considered doing business within the county unless
2 the provider is licensed to do business in Multnomah
3 County and the licensee's ambulance is usually
4 stationed in Multnomah County.

5 (G) "Enhanced Basic Life Support Services" means
6 those services provided by a person certified as an
7 EMT I-D.

8 (H) "Emergency" means any non-hospital
9 occurrence or situation involving illness, injury or
10 disability requiring immediate medical or psychiatric
11 services, wherein delay in the provision of such
12 services is likely to aggravate the condition and
13 endanger personal health or safety.

14 (I) "Emergency Medical Services" or "EMS" means
15 those pre-hospital functions and services which are
16 required to prepare for and respond to emergencies,
17 including rescue, ambulance, treatment,
18 communications, evaluation and public education or
19 enhanced basic life support services.

20 (J) "Emergency Medical Services (EMS) Central
21 Dispatch" Office means the communications center
22 established under this chapter.

23 (K) "Emergency Medical Technician" or "EMT"
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1 means a person so certified by the State Health
2 Division.

3 (L) "Emergency Medical Technician Trainee" or
4 "EMT Trainee" means a person performing the services
5 described in subsection (K) of this section who
6 possesses a provisional certification under subsection
7 (2) of ORS 485.560.

8 (M) "Employe" means an employe, agent or EMT
9 employed by a licensee.

10 (N) "License" means a nontransferable,
11 nonassignable permit, personal to the person to whom
12 it is issued, issued by the director authorizing the
13 person whose name appears as licensee to do business
14 in Multnomah County.

15 (O) "Licensee" means a person possessing a valid
16 license under this chapter.

17 (P) "Medical Direction (on line)" means
18 instruction, direction, advice, and professional
19 support given to an EMT via radio or telephone
20 communications by personnel at a medical resource
21 hospital, for the purpose of assisting in the
22 provision of pre-hospital on-side and in-transit basic
23 and advanced life support services.

24 (Q) "Medical Advisory Board" means the Emergency
25 Medical Services Medical Advisory Board established
26 under this chapter.

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1 (R) "Medical Resource Hospital" means a medical
2 facility, designated as such under this chapter, from
3 which medical direction may be provided.

4 (S) "Multnomah County" or "county" means the
5 incorporated and unincorporated areas of Multnomah
6 County.

7 (T) "Patient" means an individual who, as a
8 result of illness or injury, needs immediate medical
9 attention.

10 (U) "Person" means an individual, partnership,
11 company, association, corporation or any other legal
12 entity, including any receiver, trustee, assignee or
13 similar representative.

14 (V) "Provider Board" means the EMS Provider
15 Board established under this chapter.

16 (W) "State Health Division" means the Health
17 Division of the Department of Human Resources of the
18 State of Oregon, or its successor.

19 (X) "Vehicle" means an ambulance or fire
20 department rescue unit which is used in the provision
21 of emergency medical services, but does not include a
22 fire engine or ladder truck unless utilized to provide
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1 enhanced basic life support or advanced life support
2 first responder services.

3
4 **6.32.015 Policy and purpose; construction.**

5 (A) The board has determined that it is
6 necessary to regulate providers of emergency medical
7 services to assure that the residents of Multnomah
8 County receive prompt, effective, coordinated and
9 consistently high levels of care before and during
10 transportation to medical facilities in cases of
11 medical emergency.

12 (B) The board has further determined that there
13 exist many providers of emergency services in the
14 county and that these providers offer multiple types
15 and levels of pre-hospital care. There is a need for
16 centralized standards and coordination of services.
17 This ordinance addresses these needs.

18 (C) The board recognizes that ORS Chapter 823
19 and the public health, safety, and welfare require
20 adoption of an ambulance plan to assure efficient and
21 effective ambulance services. This ordinance provides
22 for adoption of such a plan, as well as assuring that
23 emergency ambulance personnel and first responders are
24 properly trained, that emergency ambulances are
25 properly equipped and that emergency medical services
26 are promptly and safely delivered under a system which
is centrally coordinated.

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1 **6.32.020 License and personnel required.**

2 (A) It shall be unlawful for any person to do
3 business in Multnomah County without a license issued
4 under this chapter.

5 (B) It shall be unlawful for any licensee to
6 operate or allow to be operated an emergency vehicle
7 that is not equipped and staffed by the personnel
8 required under this chapter.

9
10 **6.32.030 Exempt persons and activities.**

11 This chapter shall not apply to:

12 (A) Vehicles owned by or operated under the
13 control of the United States government.

14 (B) Vehicles being used to render temporary
15 assistance in the case of a public catastrophe or
16 emergency with which ambulance services of the
17 surrounding locality are unable to cope.

18 (C) Vehicles operated solely on private property
19 or within the confines of institutional grounds,
20 whether or not the incidental crossing of any public
21 street, road or highway serving the property or
22 grounds is involved.

23 (D) Vehicles operated solely for the
24 transportation of lumber industry employes.

25 (E) Any person who drives or who attends a
26 patient transported in a vehicle under subsections (A)
through (D) of this section.

1 **6.32.038 Plan adoption by Board of County**
2 **Commissioners.**

3 (A) The Board of County Commissioners shall
4 adopt and may amend an ambulance plan as required by
5 state law. Plan adoption, amendment or repeal shall
6 be by non-emergency ordinance.

7 (B) Prior to adopting or amending a plan, the
8 Board shall give notice to and consult with persons,
9 cities and rural fire protection districts that
10 provide or desire to provide ambulance service. The
11 duty to provide notice and consultation shall apply
12 only to those persons, cities and districts that
13 request consultation in writing to the director.

14 (C) As used in the preceding subsection,
15 "notice" means mailed notice. "Consult" means to seek
16 advice or comment concerning the plan and the
17 boundaries of any service areas established under the
18 plan.

19 (D) Any provisions of an adopted plan which are
20 in conflict with or inconsistent with provisions of
21 this chapter take precedence over this chapter and are
22 amendments to it.

23
24 **6.32.039 Ratification of rules previously**
25 **adopted by Policy Board.**

26 (A) The rules adopted by the EMS Policy Board
are hereby ratified.

1 (B) A two ambulance service area plan was
2 adopted by Ordinance No. 589.

3 (C) Until the plan adopted by Ordinance 589 has
4 been approved by the State Health Division, the
5 ambulance service areas authorized by EMS Rule
6 631-320E shall remain in force.

7
8 **6.32.040 Administration; powers of director.**

9 (A) The director shall serve at the pleasure of
10 the city/county Health Officer and shall be
11 responsible and is hereby delegated authority for the
12 enforcement of this chapter.

13 (B) The director shall have authority to propose
14 and recommend action by the Board of Commissioners on:

15 (1) An ambulance service area plan;

16 (2) Rates of reimbursement for members of
17 the EMS Medical Advisory Board; and

18 (3) Penalties for violation of
19 administrative rules and procedures for appeals from
20 the imposition of penalties.

21 (C) The director may also take action concerning
22 licenses in accord with this chapter.

23 (D) The director may, with the approval of the
24 Medical Advisory Board, adopt, amend and repeal
25 standards and requirements related to ambulances, EMTs
26 and medical matters, for example:

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1 (1) Minimum ambulance and equipment
2 standards;

3 (2) Minimum levels of training, including
4 continuing education and training for EMTs employed by
5 licensees, consistent with the various functions
6 performed by such EMTs;

7 (3) Procedures and pre-hospital treatment
8 protocols for the various types of emergencies to
9 which licensees respond;

10 (4) Procedures for monitoring performance
11 of EMTs and response times of licensees; including
12 procedures for submission by licensees of regular
13 reports concerning pre-hospital care of patients;

14 (5) Procedures for submission and review of
15 citizen complaints concerning pre-hospital patient
16 care provided by licensees;

17 (6) Standards for designation of one or
18 more medical resource hospitals and designation of
19 such hospital(s) in accordance with the standards;

20 (E) The director, or persons designated by the
21 director in writing, shall have the authority to do
22 the following:

23 (1) Administer oaths;

24 (2) Audit records in order to assure
25 conformance with this chapter;

26 (3) Certify official acts;

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1 (4) Subpoena and require attendance of
2 witnesses at meetings or hearings to determine
3 compliance with this chapter;

4 (5) Require the production of relevant
5 documents;

6 (6) Swear witnesses;

7 (7) Take testimony of any person by
8 deposition; and

9 (8) Perform all other acts necessary to
10 enforce the provisions of this chapter.

11 (F) There shall be established by the director
12 an EMS Central Dispatch Office within the Bureau of
13 Emergency Communications. The office shall receive
14 emergency calls in the county and promptly dispatch
15 the appropriate ambulance(s) nearest the location of
16 the person in need of emergency aid.

17
18 **6.32.055 Medical Advisory Board Created.**

19 (A) There is hereby created an EMS Medical
20 Advisory Board which shall consist of four licensed
21 physicians interested and involved in pre-hospital
22 emergency care, a registered nurse specializing in
23 emergency care and two emergency medical technicians.

24 (B) The members of the Medical Advisory Board
25 shall be appointed in accordance with the County
26 Charter. They shall serve three year terms. The
members shall be selected as follows:

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1 (1) One physician shall be appointed from
2 each of the following organizations: The Multnomah
3 County Medical Society, the American College of
4 Emergency Physicians, and the Medical Resource
5 Hospital established under this chapter; each
6 organization shall submit two or more nominees;

7 (2) A fourth physician shall be appointed
8 as an at-large member;

9 (3) The nurse shall be appointed from
10 nominees submitted by the Emergency Department Nurses
11 Association;

12 (4) The EMTs shall be appointed from
13 nominees submitted by organizations representing EMTs.

14 (C) Should a member resign before completing a
15 term of office, a replacement shall be appointed in
16 accord with the charter to complete the unexpired term.

17 (D) The members of the Medical Advisory Board
18 shall be reimbursed for authorized expenditures.

19
20 **6.32.057 Powers and duties.** The EMS Medical
21 Advisory Board shall have the following powers and
22 duties:

23 (A) Approve proposed actions by the director
24 relating to protocols for pre-hospital patient care,
25 emergency equipment, EMT Training, and medications
26 required to be carried on vehicles operated by

1 licensees. The Medical Advisory Board shall consult
2 with the physician-advisors to the providers of
3 emergency medical services, the medical resource
4 hospital, the Multnomah County Medical Society,
5 American College of Emergency Physicians, the
6 Emergency Department Nurses Association, organizations
7 representing EMTs and other affected organizations
8 concerning these actions.

9 (B) Consult with appropriate persons,
10 departments, agencies and organizations and advise the
11 director on matters concerning the subject matter of
12 this chapter; and

13 (C) Periodically review the policies and
14 procedures of the Medical Resource Hospital and report
15 its findings and recommendations to the director.

16
17 **6.32.058 Provider Board.**

18 (A) There is hereby created an EMS Provider
19 Board which shall consist of a representative from
20 each licensee under this chapter.

21 (B) The members of the Provider Board shall be
22 appointed in accordance with the county charter and
23 shall serve without compensation.

24
25 **6.32.059 Role of Provider Board.** The Provider
26 Board shall advise the director on policies concerning
the assignment of emergency calls to EMS vehicles.

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1 **6.32.060 Continuation of terms of office of**
2 **Board Members.**

3 The members of the Medical Advisory Board and the
4 Provider Board serving on the effective date of this
5 ordinance shall continue in office until expiration of
6 their terms. New members shall thereafter be
7 appointed in accord with this ordinance.

8
9 **6.32.062 Prerequisites to action by director;**
10 **emergency adoption of temporary standards and**
11 **requirements affecting emergency medical services.**

12 (A) Prior to action under MCC 6.32.040(C), the
13 director shall give notice of a director's hearing:

14 (1) By publication in a newspaper of
15 general circulation in Multnomah County at least 10
16 days prior to the date of hearing;

17 (2) By mail to persons who have requested
18 notice pursuant to subsection (E) of this section at
19 least 10 days prior to the date of hearing. Mail
20 shall be sent to the addressee's last known address.
21 Date of mailing is the date of notice.

22 (3) Failure of any person to receive a
23 mailed notice shall not prevent action.

24 (B) The notice required by subsection (A) of
25 this section shall state the subject matter and
26 purpose of the intended action in sufficient detail to

1 inform a person that his interests may be affected,
2 and the time, place and manner in which interested
3 persons may present their views on the intended
4 action.

5 (C) Notwithstanding any other provision in this
6 chapter, if the director finds that his failure to act
7 promptly will result in serious prejudice to the
8 public interest or the interest of the parties
9 concerned, and sets forth in writing the specific
10 reason for his findings, he may proceed upon the
11 approval of the City/County Health Officer to adopt,
12 amend or suspend a standard or requirement affecting
13 emergency medical services without notice or hearing
14 or upon any abbreviated notice and hearing deemed
15 practicable. Such a standard or requirement is
16 temporary and shall be effective upon filing with the
17 Clerk of the Board for a period of not longer than 180
18 days. The director shall immediately notify, in
19 writing, all licensees of the temporary standards and
20 requirements and shall take appropriate measures to
21 make temporary standards and requirements known to the
22 other persons who may be affected by them. The
23 director shall also notify the Board of Commissioners
24 of the adoption of a temporary measure.

25 (D) Any person may request in writing that the
26 director mail the person copies of notices of intended

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1 action. Upon receipt of any request the director
2 shall acknowledge the request, establish a mailing
3 list and maintain a record of all mailings made
4 pursuant to the request. The director may establish
5 fees necessary to defray the costs of mailing notices.

6
7 **6.32.067 Publication of standards and**
8 **requirements affecting emergency medical services.**

9 (A) The director shall compile and index all
10 standards and requirements. The compilation shall be
11 supplemented or revised as often as necessary. Such
12 compilation supersedes any prior compilation.

13 (B) The director shall, upon request, supply
14 copies of the standards and requirements or designated
15 parts of such standards and requirements, collecting
16 fees therefor.

17
18 **6.32.100 Application for license; fee.**

19 (A) Applications for licenses issued under this
20 chapter shall be made upon forms provided by the
21 director and shall contain such information as the
22 director finds reasonably necessary to achieve the
23 purposes of this chapter, including the schedule of
24 rates to be charged for various services.

25 (B) The initial application to the director
26 shall be accompanied by a fee of \$50 plus \$25 for each
vehicle owned or operated by the applicant.

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1 (C) Payment of the application fee shall cover
2 the license fee only for the balance of the first
3 license period and shall not be prorated except as may
4 be provided in any agreement between the county and a
5 city in the county having similar licensing
6 requirements.

7 (D) The application and license renewal fees
8 required under this chapter shall not apply to any
9 rural fire protection district, volunteer ambulance
10 company or any other non-profit or governmentally
11 operated provider of emergency medical service.

12
13 **6.32.110 Investigation and inspection by**
14 **director.**

15 (A) Within 30 days after receipt of any
16 application, the director shall inspect and test all
17 vehicles and equipment and inspect all proposed
18 vehicle location sites.

19 (B) Inspection and tests of all vehicles and
20 equipment procured by the licensee after issuance of a
21 license may be made from time to time as may
22 reasonably be determined by the director for the
23 purpose of determining continued compliance with this
24 chapter.

25
26 **6.32.120 Licensee requirements.** Each licensee
shall:

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1 (A) Maintain vehicles and equipment which
2 conform with the standards, requirements and
3 maintenance provisions stated in State Statutes, the
4 rules adopted by the State Health Division and the
5 requirements established under this chapter;

6 (B) Maintain and make available, upon request of
7 the director, patient care records on forms approved
8 by the director and the information required pursuant
9 to this chapter;

10 (C) Prohibit the performance of EMT or EMT
11 trainee activities by an EMT or EMT trainee who
12 suffers a suspension revocation or termination of
13 certificate by the State Health Division;

14 (D) File a copy of any state accident report
15 with the director for any vehicle of the licensee
16 involved in an accident within 72 hours of the
17 accident;

18 (E) Identify vehicles in accordance with rules
19 adopted by the director;

20 (F) Not change an approved location or establish
21 a location without first obtaining an amended license
22 under MCC 6.32.110;

23 (G) Report to the director, not more than 48
24 hours after receiving the claim or complaint, any
25 claim or complaint of loss or disappearance of
26 personal property occurring during the course of
transportation in a vehicle;

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1 (H) Report to the director, not more than 10
2 days from the entry of final judgment or decree, any
3 final judgment or decree entered against it, or any of
4 its employes, relating to the loss or disappearance of
5 personal property occurring during the course of
6 transportation in a vehicle; and

7 (I) Furnish proof satisfactory to the director
8 not more than 60 days after entry, of the entry of
9 satisfaction or performance of any judgment or decree
10 under subsection (H) of this section.

11
12 6.32.130 Issuance of license. The director
13 shall issue a license upon finding, as a result of the
14 investigation and inspection, that:

15 (A) An accurate and complete application has
16 been filed and all fees paid;

17 (B) Insurance policies as required by state law
18 have been procured;

19 (C) Vehicles, equipment and personnel meet all
20 requirements of state law and this chapter;

21 (D) All EMTs and EMT trainees possess
22 appropriate certificates issued by the State Health
23 Division;

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1 (E) The applicant has made provision for the
2 prompt transfer of emergency medical calls to the
3 emergency medical services central dispatch office;

4 (F) Any location of applicant's vehicles
5 conforms to applicable land use ordinances and rules,
6 including those concerning off-street parking
7 requirements;

8 (G) All requirements of this chapter and other
9 governing laws and rules have been met.

10
11 6.32.140 Denial of application; appeal or
12 amendment.

13 (A) In the event the director denies an
14 application or refuses to renew a license on the basis
15 that the finding required by MCC 6.32.130 cannot be
16 made, or revokes or suspends a license as provided for
17 under MCC 6.32.160, the director shall give the
18 applicant or licensee written notice of the denial or
19 revocation, stating clearly and succinctly the facts
20 and the conclusions and ordinance or rule provisions
21 upon which the action is based and advising the
22 applicant of the right to appeal, and the time within
23 which an appeal must be filed. The applicant or
24 licensee may then appeal under MCC 6.32.180 or submit
25 an amended application without additional fee,
26 notwithstanding subsection (C) of MCC 6.32.160.

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1 (B) During a license year an application upon
2 which a license has been issued may be amended without
3 payment of additional fee, except as provided in MCC
4 6.32.170 and an amended license may be issued for the
5 balance of the original or renewed license period if
6 MCC 6.32.130 is satisfied.

7
8 **6.32.150 License term; renewal.**

9 (A) The first license shall be for a period to
10 terminate simultaneously with the conclusion of the
11 fiscal year of Multnomah County. Renewed licenses
12 shall be for twelve month periods.

13 (B) An application for renewal of a license
14 shall be made no less than 30 days prior to expiration
15 of the current license.

16 (C) Inspection and tests of all vehicles and
17 equipment shall be made as provided by MCC 6.32.110
18 prior to annual renewal of a license and a fee of \$50
19 plus \$25 per vehicle owned or operated by the
20 applicant shall be charged and shall be submitted at
21 the time application is made for license renewal.

22 (D) Where a licensee has made timely application
23 for renewal, such license shall not be deemed to
24 expire, despite any stated expiration date thereon,
25 until the director has issued a formal order granting
26 or denying renewal.

1 **6.32.160 Denial or revocation of license.**

2 (A) The director may deny, revoke, or suspend a
3 license upon finding that an applicant or a licensee
4 fails to meet the requirements of this chapter or is
5 doing business in violation of this chapter, or
6 applicable federal, state, municipal or county laws,
7 ordinances, or standards and requirements affecting
8 emergency medical services.

9 (B) Any person whose license has been denied or
10 revoked may, after 30 days from the date of denial or
11 revocation, apply for a license upon the paying of a
12 \$25 application fee, which shall not be credited to
13 the applicant's annual license fee.

14 (C) Any person whose license has been denied,
15 revoked or suspended two times within one year, or who
16 has had a total of four denials, suspensions or
17 revocations in any period shall be disqualified from
18 applying for a license for a period of two years from
19 the date of the last denial or revocation.

20
21 **6.32.165 Abatement of violations.**

22 (A) The director shall, upon finding that a
23 violation of this chapter or applicable federal,
24 state, municipal or county laws, ordinances, or
25 standards and requirements affecting emergency medical
26 services has occurred, provide written notice to the

1 licensee of the violation, and shall demand that the
2 violation be corrected within not more than 30 days
3 from the date of the notice, subject to the director's
4 power to immediately suspend or revoke a license under
5 subsection (B) of MCC 6.32.180. The notice shall
6 describe with reasonable certainty the violation and
7 the action necessary to correct the violation, if any.

8 (B) In the event of a notice under subsection
9 (A) of this section:

10 (1) The licensee shall notify the director
11 when corrective action, if required, has been taken
12 and the director shall then make an inspection, if
13 necessary.

14 (2) If a licensee fails to take required
15 corrective action in the time required, the director
16 may notify the licensee that the license is revoked or
17 suspended, subject to the right to appeal under MCC
18 6.32.180.

19 (3) Notices required under this section
20 shall be in writing. Mailed notices shall be given to
21 the addressee's last known address and shall be
22 considered given at the date of mailing.

23
24 **6.32.170 Notification of change of circumstances.**

25 (A) If the status of any licensee under this
26 chapter changes in regard to the number of vehicles

1 owned or operated, new or discontinued drivers, EMTs
2 or EMT trainees, personal qualification of EMTs under
3 this chapter, the sale or discontinuance of the
4 business being conducted or anything substantially
5 changing the information contained in the initial
6 application, the licensee must immediately file with
7 the director a statement setting forth the changes.

8
9 **6.32.180 Appeals and hearings; review.**

10 (A) A person receiving a notice from the
11 director of a denial, refusal to renew, suspension,
12 revocation or violation as provided in this chapter
13 may request a hearing by an appeals hearing officer by
14 filing a written request with the director within 60
15 days of mailing of the notice, setting forth reasons
16 for the hearing and the issues to be heard. The
17 director shall prescribe forms for the filing of an
18 appeal.

19 (B) The director shall, upon receipt of a timely
20 request for hearing, promptly notify the appeals
21 hearings officer, and said officer shall, within five
22 business days, set a time and place for hearing, which
23 shall be not more than 30 days from the date of
24 receipt of request for hearing.

25 (C) The hearings officer shall notify the
26 parties of the date, time and place of a hearing. The
contents of the notice shall conform to MCC 6.32.140.

1 (D) The hearing shall be conducted by the
2 hearings officer in accordance with the most recently
3 published Attorney General's Model Rules of Procedure.

4 (E) The hearings officer shall issue a final
5 order within 30 days after the termination of the
6 hearing and shall mail a copy of the order to the
7 parties. A final order shall conform to the most
8 recently published Attorney General's Model Rules of
9 Procedure.

10 (F) Appeal of a final order shall be filed
11 within 10 days with the Clerk of the Board of County
12 Commissioners, who shall schedule a hearing on the
13 appeal and notify the parties of the date of hearing.
14 If a timely appeal is not filed, the decision of the
15 hearings officer shall be final.

16 (G) The Board of County Commissioners shall
17 consider the record of the proceeding, argument by the
18 parties and shall thereafter issue a final order in
19 conformance with the most recently published Attorney
20 General's Model Rules of Procedure. No transcript of
21 the proceeding before the hearings officer shall be
22 required for appeals; but audio tapes shall be made
23 available to the Board by the clerk prior to each
24 appeal hearing.

25 (H) The Board of County Commissioners may affirm
26 the hearing officer's final order, modify it or reject

1 it and prepare, or cause a person designated by it to
2 prepare a new final order. Final orders shall be
3 signed by the presiding officer, filed with the Clerk
4 of the Board, and mailed to the parties.

5 (I) A licensee who unsuccessfully appeals a
6 hearing's officer's final order shall reimburse the
7 County for the fee paid to the hearings officer.

8
9 6.32.181 Filing of a hearing request shall abate
10 any further proceeding by the director, provided,
11 however, that in any case where the director, with the
12 approval of the City/County Health Officer, finds a
13 serious danger to the public health or safety and sets
14 forth specific reasons for such findings, the director
15 may suspend or refuse to renew a license without
16 hearing, but if the licensee demands a hearing within
17 90 days after the date of notice to the licensee of
18 such suspension or refusal to renew, then a hearing
19 must be granted to the licensee as soon as practicable
20 after such demand, and the Board of County
21 Commissioners shall issue an order pursuant to such
22 hearing confirming, altering, or revoking the
23 director's earlier order. Such a hearing need not be
24 held where the order of suspension or refusal to renew
25 is accompanied by or is pursuant to, a citation for
26 violation by which is subject to judicial

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1 determination by any court of this state, and the
2 order by its terms will terminate in case of final
3 judgment in favor of the licensee.

4
5 6.32.190 Prohibited activities. No applicant or
6 licensee, applicant's or licensee's employe or any
7 other person doing business as defined hereunder shall:

8 (A) Make a false statement of a material fact,
9 or omit disclosure of a material fact, in an
10 application for a license;

11 (B) Monitor or intercept police or other radio
12 dispatch or transmission for profit or gain;

13 (C) Solicit information as to accident locations
14 by payment of any form of gratuity;

15 (D) Charge for services not performed, make
16 duplicate charges for the same service, or charge
17 rates exceeding those on file with the director;

18 (E) Perform services of an EMT or EMT trainee
19 unless authorized by state law, this chapter and the
20 requirements adopted hereunder;

21 (F) Fail or refuse to promptly advise the
22 Emergency Medical Services Central Dispatch Office of
23 receipt of a request for emergency medical assistance
24 or when a licensee's ambulance becomes available or
25 non-available to respond to dispatch orders;

26 (G) Respond by ambulance to an emergency call
unless so authorized by the Emergency Medical Services

1 Central Dispatch Office or under a provision of this
2 chapter or requirement hereunder;

3 (H) Contact by radio or telephone, for the
4 purpose of receiving medical advice, a hospital which
5 has not been approved as a medical resource hospital.
6 Nothing in this chapter shall prevent an EMT from
7 contacting the patient's private physician or the
8 licensee physician advisor;

9 (I) Fail or refuse to respond to a dispatch
10 order from the EMS Central Dispatch Office when the
11 ambulance subject to the call is available for service;

12 (J) Falsify, deface or obliterate any license or
13 certificate required under this chapter; or

14 (K) Transport an emergency patient in any
15 vehicle other than an ambulance.

16
17 **6.32.990 Penalty; additional remedies.**

18 (A) Violation of this chapter shall be a county
19 offense under ORS 203.810 and shall be punished by a
20 civil penalty of not more than \$10,000.

21 (B) The provisions of this section are in
22 addition to and not in lieu of other procedures and
23 remedies provided by law.

24
25 Section 3. Repeal.

26 MCC Chapter 6.31 is repealed.

1 Section 4. Adoption.

2 This ordinance, being necessary for the health, safety, and
3 general welfare of the people of Multnomah County, an emergency
4 is declared and the Ordinance shall take effect upon its
5 execution by the County Chair, pursuant to Section 5.50 of the
6 Charter of Multnomah County.

7 ADOPTED this 31st day of May,
8 1990, being the date of its second reading before the Board
9 of County Commissioners of Multnomah County.



10
11
12 By Gladys McCoy
13 Gladys McCoy, Chair
Multnomah County, Oregon

14 REVIEWED:

15
16 Sandra Duffy
17 Laurence Kressel, County Counsel
of Multnomah County, Oregon

18 05/24/90:8

19 1ATTY.110/ac