

ORDINANCE No. 150180

An Ordinance authorizing an interagency agreement, providing for the terms and conditions of the City's participation in the Emergency Medical Services System with Multnomah County, authorizing the County to enforce Ordinance No. 229, Multnomah County Emergency Medical Services within the city limits and authorizing the City to pay fifty (50) percent of the budgeted costs of operating the system, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That the public health and safety of the citizens of the City are best protected by the implementation of a coordinated City-County emergency medical services system to provide effective response to medical emergencies.
2. That the proposed City-County Emergency Medical Services System, as implemented by Multnomah County Ordinance No. 229 is an effective system to provide such transportation and care in medical emergencies.
3. That the City should enter into an interagency agreement with the County to implement such a system and the City should pay fifty (50) percent of the costs of such a system.

NOW, THEREFORE, the Council directs:

- a. That the City enter into an interagency agreement, similar in form to that attached, with Multnomah County to implement the Emergency Medical Services System described in the attached Multnomah County Ordinance, No. 229. The Commissioner of Public Works is authorized to execute such agreement on behalf of the City.
- b. That the City hereby authorizes, as long as the above interagency agreement remains valid and in effect, Multnomah County to enforce Ordinance No. 229 within the corporate limits of the City.

Section 2. The Council declares that an emergency exists because delay may endanger the public health and safety of the citizens of the City: therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

AUG 6 1980

Attest:

Commissioner Lindberg

KHS/dvlh

Serge Yubovich
Auditor of the City of Portland

July 30, 1980

Calendar No. 2837

ORDINANCE No. 150180

Title

An Ordinance authorizing an interagency agreement, providing for the terms and conditions of the City's participation in the Emergency Medical Services System with Multnomah County, authorizing the County to enforce Ordinance No. 229, Multnomah County Emergency Medical Services within the city limits and authorizing the City to pay fifty (50) percent of the budgeted costs of operating the system, and declaring an emergency.

Emergency

Filed JUL 31 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerovich
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	\	
Jordan	\	
Lindberg	\	
Schwab	\	
McCready	\	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY	
Commissioner Lindberg	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works ML/MS	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
K.H. Scouperdis	July 30, 1980
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	
CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>
NOTED BY	
City Attorney <i>MA</i>	
City Auditor	
City Engineer	

INTERAGENCY AGREEMENT FOR PROVIDING
EMERGENCY MEDICAL SERVICES

THIS AGREEMENT, made and entered into as of the _____ day of _____, 19____, by and between MULTNOMAH COUNTY, a home rule subdivision of the State of Oregon (hereinafter referred to as "County" and the CITY OF PORTLAND, a duly incorporated city in Multnomah County (hereinafter referred to as "City"),

WITNESSETH :

WHEREAS, County has adopted Ordinance No. 229 regulating the provisions of emergency medical services in the unincorporated portions of the county, and providing for enforcement of the ordinance within the boundaries of municipal corporations in the county, upon intergovernmental agreement for such enforcement; and

WHEREAS, pursuant to ORS Chapter 190 the parties wish to enter the following agreement for the performing of the functions described in County's Ordinance No. 229:

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. County Ordinance No. 229, attached hereto as Attachment "A" and fully incorporated herein by this reference, including amendments thereto which may be made from time to time, shall be enforced within the boundaries of City the same as an ordinance of City. County through its appropriate officers and employes is hereby expressly authorized to enforce such ordinance within the boundaries of the City. The term "Multnomah County" appearing in County Ordinance No. 229 shall be deemed to include and refer to City for the purpose of this agreement.

2. The initial term of this agreement shall commence on the date that this agreement is executed by both parties, and expire on June 30, 1981,

subject to earlier termination under paragraph 3 hereof. Upon the expiration of the initial term and any subsequent term, this agreement shall be automatically renewed for a successive one year term, unless written notice of termination is served by one party on the other thirty (30) days or more prior to June 30 of the current year.

3. Either party may terminate this agreement prior to expiration of the agreed upon term by serving written notice on the other, delivered by certified mail or in person, at least thirty (30) days prior to the effective date of such early termination. By mutual written consent of the parties, this agreement may be terminated, effective immediately, or at such time as the parties provide.

4. Any notice provided for in this agreement shall be served upon County by delivery to its Clerk of the Board of Commissioners, Room 606, Multnomah County Courthouse, and upon City delivery to the Auditor, City Hall.

5. The City will pay fifty (50) percent and the County will pay fifty (50) percent of the budgeted costs for the administration of the system. Provided however, that if any other incorporated cities within the county agree to participate in the system and to share in it's budgeted costs, then any funds so received for the administration of the system shall reduce the City's contribution to funding the system on a dollar for dollar basis. The City is not responsible for any such budgeted costs unless prior approval has been obtained from the City's Commissioner in charge of the Fire Bureau.

6. In the event that County shall expend less than the budgeted amount for its Office of Emergency Medical Services in any fiscal year, City shall be proportionately credited with its share, the credit being applied towards City's payment for the following year. In the event that savings occur

in the year of termination of this agreement, City shall be reimbursed its proportionate share.

7. In the event that any tort claim is filed against the City and County or either of them for any act or occurrence arising under the operation of the Emergency Medical Services System, the parties shall establish their respective responsibilities for such claim pursuant to the Oregon Tort Claims Act, ORS 30.260 et seq.

8. No modification of this agreement shall have effect unless and until reduced to writing and signed by the authorized representatives of the parties.

PORTLAND, OREGON

MULTNOMAH COUNTY, OREGON

Commissioner Lindberg
Commissioner of Public Works

Authorized Representative

Date Executed: _____

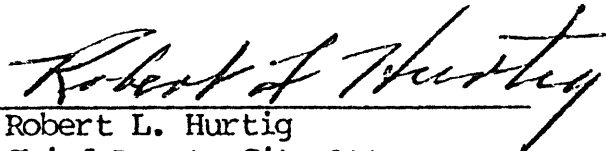
Date Executed: _____

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon

By _____
Laurance Kressel
Deputy County Counsel

CHRISTOPHER P. THOMAS
City Attorney

By 
Robert L. Hurtig
Chief Deputy City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 229

An ordinance regulating emergency medical services in Multnomah County, establishing license fees, delegating authority and responsibility to the Director of the Office of Emergency Medical Services to adopt administrative rules relating to EMT training, treatment protocols, the staffing of emergency vehicles, emergency equipment, the assignment of emergency calls to emergency vehicles, and the operation of a centralized dispatch system; creating a Policy Board, a Hearings Officer to consider appeals of administrative actions on license applications, a Medical Advisory Board, Advisory Council and a Provider Board, prohibiting certain conduct relating to the provision of emergency medical services and repealing MCC Chapter 6.30 in its entirety.

Multnomah County ordains as follows:

Section 1 Adoption.

6.31.005 Title; area of application. This ordinance shall be known as the Multnomah County Emergency Medical Services Ordinance, may be so pleaded and referred to and shall apply only to the unincorporated areas of Multnomah County.

6.31.010 Definitions. As used in this ordinance, unless the context requires otherwise:

(A) "Advanced Life Support Services" means prehospital and interhospital emergency care which encompasses, in addition to basic life support functions, cardiac monitoring, cardiac defibrillation, administration of antiarrhythmic agents, intravenous therapy, administration of medications, drugs, and solutions, use of adjunctive medical devices, and other techniques and procedures, identified by rules adopted under this ordinance.

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

(C) "Appeals Hearings Officer" or "Hearings Officer" means the person or persons designated by the policy board to conduct contested case hearings concerning actions on licenses under this ordinance.

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

(E) "City" means the City of Portland.

(F) "Council" means the Emergency Medical Services Advisory Council established under this ordinance.

(G) "Director" means the Director of the Office of Emergency Medical Services of the Department of Human Services of Multnomah County, or the director's authorized representative.

(H) "Do business in Multnomah County" means to provide emergency ambulance service or any other emergency medical services in Multnomah County, provided, however, that transporting patients from outside the county to within the county only shall not be considered doing business within the county.

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

(J) "Emergency Medical Services" or "EMS" means those pre-hospital functions and services which are required to prepare for and respond to emergencies, including rescue, ambulance, treatment, communications, evaluation and public education. "Emergency Medical Services" does not include services of a fire department which does not provide advanced life support services.

(K) "Emergency Medical Services (EMS) Central Dispatch Office" means the communications center established under this ordinance.

(L) "Emergency Medical Technician" or "EMT" means a person so certified by the State Health Division or the State Board of Medical Examiners.

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

(N) "Employee" means an employe, agent or driver of an ambulance employed by a licensee.

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

(P) "Licensee" means a person possessing a valid license under this ordinance.

(Q) "Medical Advice" means instruction, direction, advice, and professional support given to an EMT via radio or telephone communications by personnel at a medical resource hospital, for the purpose of assisting in the provision of pre-hospital on-site and in-transit basic and advanced life support services.

(R) "Medical Advisory Board" means the Emergency Medical Services Medical Advisory Board established under this ordinance.

(S) "Medical Resource Hospital" means a medical facility designated as such under rules adopted under this ordinance from which medical advice may be provided.

(T) "Multnomah County" or "county" means the unincorporated areas of Multnomah County.

(TT) "Party" means:

(1) Each person or agency entitled as of right to a hearing.

(2) Each person or agency named by the hearings officer or policy board.

(3) Any person requesting to participate as a party or in a limited party status who is determined either to have an interest in the outcome of the proceeding or represents a public interest in such results.

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

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

(W) "Policy Board" means the Emergency Medical Services Policy Board established under this ordinance.

(X) "Provider Board" means the EMS Provider Board established under this ordinance.

(Y) "State Health Division" means the Health Division of the Department of Human Resources of the State of Oregon, or its successor.

(Z) "Vehicle" means an ambulance or fire department rescue unit which is used in the provision of emergency medical services, but does not include a fire engine or ladder truck.

6.31.015 Policy and purpose; construction.

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

(B) The board has further determined that there exist many providers of emergency services in the county and that these providers offer multiple types and levels of prehospital care with little or no centralized standards or coordination of services. Instances of inefficient and uncoordinated responses to life threatening emergencies in the county have been documented.

(C) The board takes notice that the ordinance represents the joint planning and cooperation of the City of Portland, other incorporated cities in the county, and Multnomah County, that implementation of the ordinance in other jurisdictions is planned to occur by virtue of intergovernmental agreement and that therefore, it is appropriate to establish hereunder a joint policy board to oversee the regulatory program.

(D) The board has therefore determined that the public health, safety and welfare requires adoption of this ordinance to assure that emergency vehicle drivers and attendants are properly trained, that such vehicles are properly equipped and that emergency medical services are promptly and safely delivered under a system which is centrally coordinated.

6.31.020 License and personnel required.

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

(B) It shall be unlawful for any licensee to operate or allow to be operated an emergency vehicle that is not equipped and attended by the personnel required by the rules adopted under this ordinance.

(C) This section shall take effect on October 1, 1980 or upon adoption by the policy board of the rules described in subsections (A) (1) and (2) of MCC 6.31.060, whichever is the last to occur.

6.31.030 Exempt persons and activities. This ordinance shall not apply to:

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

(B) Vehicles being used to render temporary assistance in the case of a public catastrophe or emergency with which ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by a public official at the scene of an accident.

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

(D) Vehicles operated solely for the transportation of lumber industry employees.

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

(F) Any person who by state or federal license is authorized to attend patients, except EMTs and EMT trainees as provided under this ordinance.

(G) Any emergency or medical clinic or physician's office, or any clinic which provides emergency medical services solely to the employees of the person sponsoring the clinic.

6.31.035 Policy Board Created.

(A) There is hereby created an EMS Policy Board which shall consist of one representative from the county, one representative from the City of Portland, and one representative from among the other incorporated cities of the county which agree to enforcement of this ordinance under MCC 6.31.200; provided however, that until such representative is duly chosen, a person appointed by the policy board shall serve as the third member of the policy board.

(B) The representative from the County shall be the County Executive. The representative from the City of Portland shall be the Commissioner in charge of emergency medical services. The representative from the other incorporated cities shall be appointed to two year terms by vote of the mayors of the participating cities. The initial representative shall be determined by vote taken prior to October 1, 1980. In the event that only one city has agreed to participate by October 1, 1980, the mayor of that city shall serve a two year term as the initial third member of the policy board.

(C) The members of the policy board shall serve without compensation.

6.31.037 Powers and Duties. The EMS Policy Board shall have the following powers and duties:

(A) Oversee the operation of the licensing and regulatory system adopted under this ordinance;

(B) Recommend to the City/County Health Officer, the hiring and firing of a Director and such other persons as are necessary to carry out this ordinance;

(C) Report annually to the Board of County Commissioners and City Council concerning the operation of this ordinance and recommend changes as considered necessary;

(D) Take action on rules proposed under this ordinance;

(E) Hear and determine appeals of denial or revocation of licenses by the Director; and

(F) Exercise such other powers and perform such other duties as may be necessary to achieve the purposes of this ordinance stated in MCC 6.31.015.

6.31.040 Administration; powers of director.

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

(B) The director shall have the authority to propose and recommend action by the policy board on rules and to take action concerning licenses in accord with this ordinance.

(C) The director, or persons designated by the director in writing, shall have the authority to do the following:

(1) Administer oaths;

(2) Audit records in order to assure conformance with this ordinance;

(3) Certify official acts;

(4) Subpoena and require attendance of witnesses at meetings or hearings to determine compliance with this ordinance;

(5) Require the production of relevant documents;

(6) Swear witnesses;

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

(8) Perform all other acts necessary to enforce the provisions of this ordinance.

(D) The director shall enter into a written agreement with each licensee describing the procedures to be followed in assigning emergency calls to the licensee and maintaining contact between the licensee's vehicles and the EMS Central Dispatch office; provided, however, that any such agreement or amendment thereof shall first be approved by the Policy Board. The terms of any such agreement shall be consistent with the rules adopted under this ordinance. In the event of a conflict between a rule and any provision in such an agreement, the rule shall govern.

(E) Prior to entering into the agreement referred to in subsection (D) of this section, the director shall, with the approval of the Policy Board, inform the licensee of the following, in writing:

(1) The method by which the licensee will be provided with reports of calls dispatched to the licensee by the EMS Central Dispatch office and the content of those reports;

(2) The procedure to be followed in converting from the dispatch system operated by the licensee to the system operated by the EMS Central Dispatch office; and

(3) The training program and job requirements for dispatchers in the EMS Central Dispatch office.

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

6.31.050 Notices. All notices shall be in writing and, if mailed, postpaid by certified mail, return receipt requested, to the addressee's last known address and shall be considered given at the date of mailing.

6.31.053 EMS Advisory Council Created.

(A) There is hereby created an EMS Advisory Council which shall consist of at least the following members:

(1) Two members who reside in Multnomah County, one of whom represents the interests of EMS consumers in Multnomah County;

(2) Two members who reside in the City of Portland, one of whom represents the interests of EMS consumers in the City of Portland, the nominees to be referred by the member of the policy board representing the City of Portland.

(3) The Mayor of the City of Gresham or a person representing the Mayor;

zations: (4) One representative from each of the following organi-

- medics.
- (a) The Multnomah County Medical Society.
 - (b) The Emergency Department Nurses Association.
 - (c) An organization representing EMT's and para-
 - (d) The Northwest Oregon Council of Hospitals.
 - (e) The University of Oregon Health Sciences Center.
 - (f) The Portland Police Department.
 - (g) The Multnomah County Sheriff's Department.
 - (h) AA Ambulance Company.
 - (i) Buck Ambulance Company.
 - (j) Care Ambulance Company.
 - (k) The Tualatin Valley Ambulance Company.
 - (l) The Portland Fire Bureau.
 - (m) Fire District No. 10.
 - (n) The Emergency Communications Operations Center.
 - (o) The American College of Emergency Physicians.
 - (p) The Medical Advisory Board (Ex officio).

(B) The members of the EMS Advisory Council shall be appointed in accordance with the County Charter and shall serve without compensation.

6.31.054 Role of EMS Advisory Council. The EMS Advisory Council shall advise the Director on matters relating to this ordinance.

6.31.055 Medical Advisory Board created.

(A) There is hereby created an EMS Medical Advisory Board which shall consist of four licensed physicians interested and involved in prehospital emergency care, a registered nurse specializing in emergency care and an emergency medical technician.

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

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

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

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

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

(C) The persons appointed to serve on the Medical Advisory Board by the City/County Health Officer in August 1978 shall constitute the initial board and shall continue to serve until a new board is appointed in accordance with subsection (B) of this section.

(D) In order to maintain continuity on the board, the initial physicians serving on the board shall serve terms staggered as follows: one physician shall serve a one year term, two physicians shall serve two year terms and one physician shall serve a three year term. The initial physicians shall draw lots for the one and two year terms, but the three year term shall be served by the physician representing the Medical Resource Hospital. Should a member resign before completing his term of office, his replacement shall serve the remaining portion of the unexpired term.

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

6.31.057 Powers and duties. The EMS Medical Advisory Board shall have the following powers and duties:

(A) Approve in writing proposed rules submitted by the director relating to protocols for prehospital patient care, emergency equipment, EMT Training, and medications required to be carried on vehicles operated by licensees. The Medical Advisory Board shall consult with the physician-advisors to the providers of emergency medical services, the medical resource hospital(s), the Multnomah County Medical Society, American College of Emergency Physicians, the Emergency Department Nurses Association, organizations representing EMTs and other affected organizations concerning these rules.

(B) Consult with appropriate persons, departments, agencies and organizations and advise the director on matters concerning the subject matter of this ordinance; and

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

6.31.058 Provider Board Created.

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

(B) The members of the Provider Board shall be appointed in accordance with the County Charter and shall serve without compensation.

(C) Prior to the effective date of MCC 6.31.020 the provider board shall be composed of those fire departments providing advanced life support and each ambulance service in Multnomah County.

6.31.059 Role of Provider Board. The Provider Board shall advise the director on policies concerning the assignment of emergency calls to EMS vehicles.

6.31.060 Adoption of Rules.

(A) The director may recommend to the policy board adoption, amendment, or repeal of administrative rules deemed necessary to achieve the purposes of this ordinance. Such rules shall be adopted by the policy board in accordance with MCC 6.31.062 to 6.31.069 and shall establish:

(1) Minimum ambulance and equipment standards;

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

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

(4) Procedures for monitoring performance of EMTs and response times of licensees; including procedures for submission by licensees of regular reports concerning prehospital care of patients;

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

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

(7) Rates of reimbursement for members of the EMS Medical Advisory Board; and

(8) Penalties for violation of administrative rules and procedures for appeals from the imposition of penalties.

(B) In promulgating these rules, the director shall consult with the Emergency Medical Services Advisory Council, each of the providers of emergency medical services in Multnomah County, the City/County Health Officer and other appropriate persons and agencies

(C) No rule relating to protocols for pre-hospital patient care or to equipment or drugs required to be carried on vehicles operated by licensees shall be adopted unless the rule is first approved in writing by the Medical Advisory Board.

6.31.062 Prerequisites to adoption of rules; emergency adoption of temporary rule; application; substantial compliance required.

(A) Prior to the adoption, amendment or repeal of any rule by the policy board, notice of the proposed adoption, amendment or repeal shall be given:

(1) In the manner established by rule which provides a reasonable opportunity for interested persons to be notified of the proposed action;

(2) By publication in a daily newspaper having general circulation in excess of 50,000 in Multnomah County at least 15 days prior to the date of intended action;

(3) By mail to persons who have requested notice pursuant to subsection (F) of this section to the EMS Advisory Council at least 15 days prior to the date of intended action.

(B) The notice required by subsection (A) of this section shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that his interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action. The notice and the statement required by subsection (G) of this section, including the full text of any material cited in the statement, shall be available for public inspection during regular business hours at the main office of the director.

(C) (1) When the director proposes to recommend that the policy board adopt, amend or repeal a rule, he shall give interested persons reasonable opportunity to submit data or views, which may include the submission of statements describing the financial impact of the rule. The director shall consult with persons directly affected by the proposed action and each of the ambulance companies and fire departments operating EMS vehicles as well as an organization representing hospitals and shall fully consider every submission.

(2) Opportunity for oral hearing shall be granted upon request received from 10 individuals or an organization having not less than 10 employees or an association having not less than 10 members within 15 days after the notice referred to in subsection (A)(2) of this section. The director or a person designated by the policy board shall conduct the hearing in accordance with the Attorney General's Model Rules of Procedures, Rule 137-01-030 (Dec. 1979), and shall thereafter make available to the policy board written minutes or other record of the proceedings, the documentary material received, and a report and recommendation concerning the rule. Notice of the hearing shall be given ten days in advance by publication in a daily newspaper having general circulation in excess of 50,000 in Multnomah County and by mail to persons requesting the hearing.

(3) Upon receipt of the report and recommendation, the policy board shall conduct a public hearing thereon and may adopt, amend or repeal the rule.

(D) Upon the request of an interested person, received within 15 days after the policy board's notice pursuant to subsection (A) of this section, the policy board shall postpone the date of intended action no less than 15 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude the director from adopting a temporary rule pursuant to subsection (E) of this section.

(E) Notwithstanding subsections (A) through (D) of this section, if the director finds that his failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned, and sets forth in writing the specific reason for his findings, he may proceed upon the approval of the City/County Health Officer to adopt, amend or suspend a rule without notice or hearing or upon any abbreviated notice and hearing deemed practicable. Such rule is temporary and shall be effective upon filing with the Clerk of the Board pursuant to MCC 6.31.065 for a period of not longer than 180 days. The subsequent adoption by the policy board of an identical rule under subsections (A) through (D) of this section is not precluded. Within 10 days following the date of adoption of a temporary rule, the director shall prepare the complete statement required by subsection (G) of this section. The statement shall be available for public inspection during regular business hours at the main office of the director. A rule temporarily suspended shall gain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed pursuant to subsections (A) to (D) of this section.

(F) Any person may request in writing that the director mail him copies of notices of intended action given pursuant to subsection (A) of this section. Upon receipt of any request the director shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. The director may establish procedures for establishing and maintaining the mailing lists current and, by rule, establish fees necessary to defray the costs of mailing and maintenance of the lists.

(G) The policy board shall cause to be prepared a brief written statement of intended action, including:

(1) The legal authority relied upon and bearing upon the promulgation of the rule;

(2) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and

(3) The citation of applicable portions of the principal documents, reports or studies, if any, prepared by or relied upon in considering the need for and in preparing the rule and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list.

(H) This section does not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

(I) No rule is valid unless adopted in substantial compliance with the provisions of this section in effect on the date the rule is adopted, provided that the policy board may correct a failure to substantially comply with the requirements of subsections (B) and (E) of this section in adoption of a rule by an amended filing, so long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule.

(J) Unless otherwise provided by law, the adoption, amendment or repeal of a rule need not be based upon or supported by an evidentiary record.

6.31.065 Filing and taking effect of rules; copies.

(A) The director shall file in the office of the Clerk of the Board a certified copy of each rule adopted under this ordinance.

(B) Each rule is effective upon filing as required by subsection (A) of this section except that:

(1) If a later effective date is specified in the rule, the later date is the effective date;

(2) A temporary rule becomes effective upon filing with the Clerk of the Board or at a designated later date prior to publication only if the director finds the rule is necessary for the public interest or the interest of the parties concerned and the statement of the reasons therefor is filed with the rule. The director shall immediately notify, in writing, all licensees of the temporary rule and shall take appropriate measures to make temporary rules known to the other persons who may be affected by them.

(C) When a rule is amended or repealed the director shall file a true copy of the amendment or notice of repeal with the Clerk of the Board.

(D) No rule of which a true copy is required to be filed shall be valid or effective against any persons or party until a certified copy is filed in accordance with this section.

(E) The director shall, upon request, supply copies of rules, or orders or designated parts of rules or orders, making and collecting fees therefor.

6.31.067 Publication of rules. The director shall compile and index all rules. The compilation shall be supplemented or revised as often as necessary. Such compilation supersedes any other rules.

6.31.069 Petitions requesting adoption of rules. An interested person may petition the policy board requesting the promulgation, amendment or repeal of a rule. Not later than 30 days after the date of submission of a petition, the policy board either shall deny the petition in writing or shall initiate rulemaking proceedings. The form of the petition and the procedures for consideration of the petition shall be in conformity with the Attorney General's Model Rules of Procedure, Rule 137-01-070 (Dec. 1979).

6.31.100 Application for license; fee.

(A) Applications for licenses issued under this ordinance shall be made upon forms provided by the director and shall contain such information as the director shall find reasonably necessary to effectuate the purposes of this ordinance, including the schedule of rates to be charged for various services.

(B) The initial application to the director shall be accompanied by a fee of \$50 plus \$25 for each vehicle owned or operated by the applicant. Payment of these fees shall exempt the licensee from any other fees levied by rules under this ordinance.

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

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

6.31.110 Investigation and inspection by director.

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

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

6.31.120 Licensee requirements. Each licensee shall:

(A) Maintain vehicles and equipment which conform with the standards, requirements and maintenance provisions stated in the rules adopted by the State Health Division and under this ordinance;

(B) Maintain and make available, upon request of the director, patient care records on forms approved by the director and the information required by rules pursuant to this ordinance.

(C) Prohibit the performance of EMT or EMT trainee activities by any EMT or EMT trainee who suffers a suspension revocation or termination of certificate by the State Health Division;

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

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

(F) Not change an approved location or establish a location without first obtaining an amended license under MCC 6.31.110;

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

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

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

6.31.130 Issuance of license. The director shall issue a license upon finding, as a result of the investigation and inspection, that:

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

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

(C) Vehicles, equipment and personnel meet the requirements of state law, this ordinance and rules adopted under this ordinance and state law;

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

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

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

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

(H) The applicant has entered into the written agreement described in MCC 6.31.040(D).

6.31.140 Denial of application; appeal or amendment.

(A) In the event the director denies an application or refuses to renew a license on the basis that the finding required by MCC 6.31.130 cannot be made, or revokes or suspends a license as provided for under MCC 6.31.160, the director shall give the applicant or licensee written notice of the denial or revocation, stating clearly and succinctly the facts and the conclusions and ordinance or rule provisions upon which the action is based and advising the applicant of the right to appeal, and the time within which an appeal must be filed. The applicant or licensee may then appeal under MCC 6.31.180 or submit an amended application without additional fee, notwithstanding subsection (C) of MCC 6.31.160.

(B) During a license year an application upon which a license has been issued may be amended without payment of additional fee, except as provided in MCC 6.31.170 and an amended license may be issued for the balance of the original or renewed license period if MCC 6.31.130 is satisfied.

6.31.150 License term; renewal.

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

(B) An application for renewal of a license shall be made no

less than 30 days prior to expiration of the current license.

(C) Inspection and tests of all vehicles and equipment shall be made as provided by MCC 6.31.110 prior to annual renewal of a license and a fee of \$50 plus \$25 per vehicle owned or operated by the applicant shall be charged and shall be submitted at the time application is made for license renewal.

(D) Where licensee has made timely application for renewal, such license shall not be deemed to expire, despite any stated expiration date thereon, until the director has issued a formal order of grant or denial of such renewal.

6.31.160 Denial or revocation of license.

(A) The director may revoke or suspend a license upon finding that a licensee fails to meet the requirements of this ordinance or is doing business in violation of this ordinance, the agreement referred to in MCC 6.31.040(D), or applicable federal, state, municipal or county laws, ordinances, rules or regulation.

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

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

6.31.165 Abatement of violations.

(A) The director shall, upon finding that a violation of this ordinance or applicable federal, state, municipal or county laws, ordinances, rules or regulations has occurred, provide written notice to the licensee of the violation, and shall demand that the violation be corrected within not more than 30 days from the date of the notice, subject to the director's power to immediately suspend or revoke a license under subsection (B) of MCC 6.31.180. The notice shall describe with reasonable certainty the violation and the action necessary to correct the violation.

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

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

(2) If a licensee fails to take corrective action in the time required, the director may notify the licensee that the license is revoked or suspended, subject to the right to appeal under MCC 6.31.180.

6.31.170 Notification of change of circumstances. If the status of any licensee under this ordinance changes in regard to the number of vehicles owned or operated, new or discontinued drivers, EMTs or EMT trainees, personal qualification of EMTs under this ordinance, the sale or discontinuance of the business being conducted or anything substantially changing the information contained in the initial application, the licensee must immediately file with the director a statement setting forth the changes.

6.31.180 Appeals and hearings; review.

(A) A person receiving a notice from the director of a denial, refusal to renew, suspension, revocation or violation as provided in this ordinance may request a hearing by filing a written request with the director within 60 days of receipt of the notice, setting forth reasons for the hearing and the issues to be heard. The director may prescribe forms for the filing of an appeal.

(B) Filing of a hearing request shall abate any further proceeding by the director, provided, however, that in any case where the director finds a serious danger to the public health or safety and sets forth specific reasons for such findings, the director may suspend or refuse to renew a license without hearing, but if the licensee demands a hearing with 90 days after the date of notice to the licensee of such suspension or refusal to renew, then a hearing must be granted to the licensee as soon as practicable after such demand, and the policy board shall issue an order pursuant to such hearing confirming, altering, or revoking the director's earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination by any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee.

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

(D) The hearings officer shall notify the parties of the date, time and place of a hearing. The contents of the notice shall conform to MCC 6.31.140.

(E) The hearing shall be conducted by the hearings officer in accordance with the Attorney General's Model Rules of Procedure, Rule 137-03-030 through 137-03-050 (Dec. 1979).

(F) Disclosure of ex parte communications shall be made by the hearings officer and policy board in accordance with the Attorney General's Model Rules of Procedure, Rules 137-03-062 through 137-03-064 (Dec. 1979).

(G) The hearings officer shall issue a proposed final order as soon as is practicable after the termination of the hearing

and shall mail a copy of the proposed order to the policy board and the parties. A proposed final order shall conform to the Attorney General's Model Rules of Procedures, Rule 137-03-07 (Dec. 1979).

(H) The policy board shall notify the parties of the date when written exceptions to the proposed order must be filed to be considered by the policy board and the date when oral argument may be made to the policy board.

(I) The policy board shall consider the recommendation of the hearings officer, the entire record of the proceeding, oral argument, and the written exceptions filed by the parties and shall thereafter issue a final order in conformance with the Attorney General's Model Rules of Procedure, Rule 137-03-07 (Dec. 1979).

(J) The policy board may accept the proposed final order, modify it or reject it and prepare, or cause a person designated by it to prepare a final order. Final orders shall be properly signed by the presiding officer of the policy board, filed with the Clerk of the Board, and mailed to the parties.

6.31.182 Order when no hearing requested or on failure to appear.

(A) When a party has been given an opportunity and fails to request a hearing within the time limit allowed hereunder or, having requested a hearing fails to appear, the policy board shall cause to be entered an order which supports the intended action.

(B) The order supporting the action shall set forth the material on which the action is based or the material shall be attached to and made a part of the order.

6.31.184 Reconsideration; Judicial review.

(A) The policy board may reconsider a final order upon the filing of a petition for reconsideration within 15 days after issuance of the order. If no action is taken by the policy board within 15 days after the petition is filed, the petition shall be deemed denied. If the petition is allowed by vote of the policy board, a hearing on the reconsideration shall be held and an amended order shall be issued. Only those policy board members who voted in the original hearing on the appeal may vote on whether to allow a petition for reconsideration.

(B) Review of the action of the EMS policy board shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 to 34.100.

6.31.190 Prohibited activities. No applicant or licensee, applicant's or licensee's employe or any other person doing business as defined hereunder shall:

- (A) Make a false statement of a material fact, or omit disclosure of a material fact, in an application for a license;
- (B) Monitor or intercept police or other radio dispatch or transmission for profit or gain;
- (C) Solicit information as to accident locations by payment of any form of gratuity;
- (D) Charge for services not performed, make duplicate charges for the same service, or charge rates exceeding those on file with the director;
- (E) Perform services of an EMT or EMT trainee unless authorized by state law, this ordinance and the rules adopted hereunder;
- (F) Fail or refuse to promptly advise the Emergency Medical Services Central Dispatch Office of receipt of a request for emergency medical assistance or when a licensee's ambulance becomes available or non-available to respond to dispatch orders;
- (G) Respond by ambulance to an emergency call unless so authorized by the Emergency Medical Services Central Dispatch Office or under a provision of this ordinance or rule adopted hereunder.
- (H) Contact by radio or telephone, for the purpose of receiving medical advice, a hospital which has not been approved as a medical resource hospital under the rules adopted in this ordinance. Nothing in this ordinance shall prevent an EMT from contacting the patient's private physician or the licensee's physician advisor.
- (I) Fail or refuse to respond to a dispatch order from the EMS Central Dispatch Office when the ambulance subject to the call is available for service.
- (J) Falsify, deface or obliterate any license or certificate required under this ordinance; or
- (K) Transport an emergency patient in any vehicle other than an ambulance.

6.31.200 Intergovernmental agreements. The board may enter into agreements with municipal corporations in the county permitting enforcement of this ordinance within those municipal corporations.

6.31.210 Other laws apply. This ordinance shall not eliminate the necessity of conforming to any and all federal, state, county and municipal laws, ordinances, rules and regulations, which now or in the future relate to the activities regulated by this ordinance.

6.31.990 Penalty; additional remedies.

(A) Violation of this ordinance shall be a county offense under ORS 203.810 and shall be punished by a fine of not more than \$1,000.

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

Section 2 Repeal.

MCC Chapter 6.30 is repealed in its entirety.

ADOPTED this 5th day of June, 1980, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

BY Dennis Buchanan (BA)
Presiding Officer

Authenticated by the County Executive on the 9th day of June, 1980.

Donald S. Clark
County Executive for
Multnomah County, Oregon

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon

BY Laurence Kressel
Laurence Kressel
Deputy County Counsel