

ANALYSIS

This ordinance amends Title 7 - Business Licenses, Chapter 7.16, of the Los Angeles County Code, relating to ambulances by:

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MARY WICKHAM
County Counsel

By
EDWARD MORRISSEY
Senior Deputy County Counsel
Health Services Division

ML:bo

9-26-12 (requested)
9-26-12 (revised)

ORDINANCE NO.

An ordinance amending Title 7 – Business Licenses of the Los Angeles County Code, relating to the licensing and regulation of ambulance services.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.16.005 is hereby amended to read as follows:

7.16.005 Legislative intent.

A. It is the board's intent in amending this Chapter 7.16 to undertake the prescribed functions and responsibilities of a local government entity concerning ambulance services as authorized by the state of California pursuant to, among other authority, Health and Safety Code Sections 1443 and 1797, et seq., Welfare and Institutions Code Section 17000, Vehicle Code Section 2512, and case law.

B. It is the board's further intent in enacting this Chapter 7.16 to exercise the full extent available to it under the laws of the state of California its discretion and authority to regulate, set rates, and issue licenses for all ground ambulance services and to issue licenses for all EMS Aircraft, regardless of services level, throughout all the unincorporated areas and incorporated cities of the County of Los Angeles.

C. It is the board's further intent that, within six (6) months of the adoption of Ordinance 2011-0031, all existing ambulance operators conducting business within any incorporated city or unincorporated area of the County which do not currently hold County business licenses apply for all appropriate licenses.

D. No part of this Chapter 7.16 shall apply to a public agency in the provision of ambulance services in response to emergency calls on an emergent or code 3 basis.

E. Enacting this Chapter 7.16 does not preclude an incorporated city from regulating private ground ambulance and EMS Aircraft operators within its jurisdiction if a business license has been issued by the County of Los Angeles. (Ord. 2011-0031 § 1, 2011: Ord. 88-0181 § 5, 1988.)

SECTION 2. Section 7.16.010 is hereby amended to read as follows:

7.16.010 Definitions and interpretations of terms.

For the purpose of this Chapter 7.16, the following terms are defined and shall be construed as set forth in this Section 7.16.010, unless the context clearly indicates otherwise:

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

B. "Ambulance" means a motor vehicle specially constructed, modified, equipped, or arranged for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons, authorized by the state as an emergency vehicle,

and used, or having the potential for being used, in emergency or nonemergency medical service to the public, regardless of level of service. An ambulance includes a ground ambulance and EMS Aircraft.

C. "Ambulance attendant" means any person other than the ambulance driver who is employed to accompany an ambulance driver while transporting any person needing medical attention or services.

D. "Ambulance driver" means any person who drives an ambulance in which any person needing medical attention or services is transported.

E. "Ambulance operator" means any person or entity, that owns, leases or operates an ambulance and transports, or causes to be transported in one or more ambulances one or more persons needing medical attention or services.

F. "Authorized Emergency Vehicle" (AEV) means a vehicle other than an ambulance that has been permitted as an AEV by the California Highway Patrol (CHP) pursuant to Section 2416 of the California Vehicle Code.

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

H. "Change in ownership" means the removal, addition (unless the partnership agreement expressly allows the addition of a partner without dissolution of the partnership and state law governing the partnership allows such result), or

substitution of a partner in a partnership; any transfer of title or property of an unincorporated sole proprietorship; the merger of a corporation into another corporation, or the consolidation of two or more corporations resulting in the creation of a new corporation, or a purchase or other transfer of ownership of 10 percent or more of the assets of any business entity. For a limited liability company (LLC) the same standards as described for a partnership constitute a change of ownership. For all business entities, a change of ownership has occurred anytime a different legal entity becomes the responsible party for the ambulance company.

I. "Code 2" or "non-emergent" means a request for ambulance transport which is urgent and is nonemergency and which cannot be scheduled more than one hour in advance.

J. "Code 3" or "emergent" means the authorized use of red lights and siren during a response or transport.

K. "Critical care transport" or "critical care transport provider" means any transport or person who transports a patient from one health care facility, trauma center, or acute care facility to another where the skill level required in the care of that patient during transport exceeds the basic life-support, Emergency Medical Technician (EMT) and Emergency Medical Technician-Paramedic (Paramedic) level and scope of training.

L. "Director" means the Director of the Los Angeles County Emergency Medical Services (EMS) Agency.

M. "Emergency call" means a request for an ambulance where an individual has a need for immediate medical attention, or where the potential for such need is

perceived by emergency medical personnel or a public safety agency.

N. "Emergency Medical Services" means the services needed to provide immediate medical attention in a condition or situation in which an individual has need for such services or where the potential for such need is perceived by emergency medical personnel. Emergency medical services shall include all such services for all such persons in the incorporated and unincorporated areas of the County.

O. "EMS Agency" or "Agency" means the Division of the Los Angeles County Department of Health Services, designated by the Los Angeles County Board of Supervisors as the "Local EMS" agency pursuant to Health and Safety Code Section 1797.94, et seq.

P. "EMS Aircraft" means any aircraft utilized for the purpose of prehospital emergency patient response and transport services. EMS Aircraft includes air ambulances and all categories of rescue aircraft as defined by state regulations.

Q. "Enforcement Officer" shall mean any County employee or agent designated by the Director to enforce any provision of this Chapter 7.16.

R. "Hearing Officer" shall mean the person appointed by the Director to conduct the administrative hearings provided for in this Chapter 7.16. The hearing officer shall not be the enforcement officer who issued the notice of administrative fine that is the subject of the administrative hearing or his/her immediate supervisor.

S. "Nonemergency call" means a request for an ambulance transport which is neither an emergency call nor a critical care transport.

T. "Operate" means to pick-up and transport any person or persons needing

medical attention from any location in the County to another location inside or outside the County.

U. "Principal" means a person who has controlling authority or is in a leading position of a business or other entity to include, but not be limited to, the business/entity owner, shareholder, director, president, managing partner and/or manager. Principal shall also include any person who is purported to be held out as a principal.

V. "Probation" means the business license of an ambulance operator is placed on a conditional operation status that is supervised and monitored by the EMS Agency for a specified period of time due to violation(s) and/or noncompliance of any applicable provisions, standards or requirements of federal or state statute or regulation, of this Los Angeles County Code, or any Los Angeles County prehospital care policy or procedure.

W. "Public agency" means as defined in Chapter 7.02 of this Title.

X. "Response time" means the interval of time between the moment the basic items of dispatched information have been obtained by an operator to the moment the operator's ground ambulance arrives at the scene of pickup.

Y. "Revocation" means to terminate the business license of an ambulance operator due to violation(s) and/or noncompliance of any applicable provisions, standards or requirements of federal or state statute or regulation, of this Los Angeles County Code, or any Los Angeles County prehospital care policy or procedure.

Z. "Special events" means any situation where a previously announced event or activity creates a need to have one or more ambulances present because of risks of

physical harm to participants in the event or activity, or to others in attendance there, or to both such groups.

AA. "Summary suspension" means to immediately cease operations of a licensed ambulance operator, on a temporary basis pending a public hearing, if requested, when such ambulance operator, its principals or managers, have engaged in acts or omissions that constitute grounds for denial or revocation of the Ambulance Operator Business License and which pose an imminent threat to the public health safety and welfare.

BB. "Suspension" means to cease operations of a licensed ambulance operator for a specified period of time, following a public hearing, if requested, due to violation(s) and/or noncompliance of any applicable provisions, standards or requirements of federal or state statute or regulation, of this Los Angeles County Code, or any Los Angeles County prehospital care policy or procedure.

CC. "Transport" means to place any one or more persons requiring medical care or monitoring in an ambulance for conveyance from one location to another.

SECTION 3. Section 7.16.020 is hereby amended to read as follows:

7.16.020 Rules and regulations.

The department of health services in consultation with any other department, agency or body which the board of supervisors designates, may establish and adopt such rules and regulations on the type of ambulance, the type of equipment used, the condition of vehicles, the allowable special charge rates, and any other aspects of ambulance operations, which the Director finds is necessary for the preservation of the

health and safety of the patients of any ambulance operator and those using the highways.

SECTION 4. Section 7.16.030 is hereby amended to read as follows:

7.16.030 Licenses--Required.

A. Every ambulance operator shall procure and maintain a license and pay an annual license fee in the amount set forth in Section 7.14.010 of this code under the appropriate heading in order to operate in any incorporated city or unincorporated area of the County.

B. Every person having an Ambulance Operator Business License under the provisions of the Chapter 7.16 shall keep such license posted and exhibited while in force in some conspicuous part of said place of business.

C. When it appears to the Treasurer and Tax Collector that an Ambulance Operator Business License, which by the provision of this Chapter 7.16 is to be issued or renewed by the Treasurer and Tax Collector without an order of the EMS Agency, should not be issued or renewed, he shall refuse to issue such license and shall immediately report the facts to the EMS Agency in writing. He shall not thereafter issue such license until so ordered by the EMS Agency.

SECTION 5. Section 7.16.040 is hereby amended to read as follows:

7.16.040 Vehicle licenses – Required.

Every ground ambulance vehicle or EMS aircraft used for transporting any person needing medical attention or services, in which a person entered or was placed in such ambulance at any location, either in an incorporated city or unincorporated area

of the County for either: (1) emergency medical attention or emergency services as a result of a 9-1-1 response or (2) nonemergency transportation services, shall have a business license and conspicuously display a County seal issued by the EMS Agency based on the requirements specified in Sections 7.16.060, 7.16.061 and 7.16.300 of this Chapter 7.16.

SECTION 6. Section 7.16.041 is hereby amended to read as follows:

7.16.041 License exemptions

No ambulance operator and no ambulance vehicle license is required where the ambulance operator is a public agency.

SECTION 7. Section 7.16.042 is hereby amended to read as follows:

7.16.042 Waiver by director of licensure conditions under specified circumstances

The Director of the Department of Health Services may waive in writing any one or more of the licensure procedures or conditions defined in Sections 7.16.020, 7.16.120, 7.16.125, 7.16.130, 7.16.140, and 7.16.150 of this Chapter 7.16, and grant a license to an ambulance operator, if the Director finds that adherence to such procedure(s) or condition(s) will either prevent or delay the securing by the County of cost-effective and efficient emergency ambulance services which the Director has determined are immediately needed to serve County residents. As a requirement to the waiver of any such procedure or condition, however, either a County contract for the provision of emergency ambulance services to County residents must be executed by the operator and by the board or the Director must find that the ambulance operator

provides special events services only.

SECTION 8. Section 7.16.043 is hereby added to read as follows:

7.16.043 Ambulance operator – Ambulette operator license not required when.

A licensed ambulance operator may provide service rendered by a ambulette operator without the necessity of an additional operator license provided that the requirements specified in Chapter 7.17 of this Title are met, including the licensure of its wheelchair and/or gurney van vehicles.

SECTION 9. Section 7.16.050 is hereby amended to read as follows:

7.16.050 Ambulance operator – Service requirements.

Every licensed ambulance operator shall comply with the following:

A. Procure and maintain all required business licenses and /or permits for every incorporated city in which it operates.

B. Except for those ambulance operators providing special events or EMS Aircraft services only, every licensed ambulance operator shall meet in 90 percent or more of all ambulance runs during any calendar quarter the following County response time standards:

1. Emergency calls: Maximum response times: Urban: all census tracts with a population density of 100 or more persons per square mile; or census tracts and enumeration districts without census tracts which have a population density of 100 or more persons per square mile: five hundred thirty nine (539) seconds for a “Code 3” response.

Rural: all census tracts with a population density of 10 to 99 persons per square mile; or census tracts and enumeration districts without census tracts which have a population density of 10 to 99 persons per square mile: twelve hundred fifty nine (1259) seconds.

Wilderness: census tracts and enumeration districts without census tracts which have a population density of less than 10 persons per square mile: as quickly as possible.

2. Requests received from a public agency may also include non-emergent responses (“Code 2”) that meet the criteria specified in Subsection B. of this Section 7.16.050 and which are based on the following County response time standards:

- a. Urban area: nine hundred fifty nine (959) seconds.
- b. Rural area: one thousand five hundred (1,500) seconds.
- c. Wilderness area: as soon as possible.

3. The Director may waive in writing one or more of these response time requirements for any operator for a prescribed period. However, any change in the maximum response times as defined herein require a new agreement waiver. In determining whether to grant any such waiver, the Director must find that one or more of the following geographical or other special or unusual conditions for the area for which the waiver is sought prevented the operator from satisfying the response time requirement(s):

- a. Physical isolation of the area;
- b. Extreme weather conditions;
- c. Multiple Casualty Response when at least one (1) other unit

has previously been dispatched and arrived within the required response time to the incident.

3 Critical care transport and nonemergency or scheduled calls:

Maximum response time: five thousand four hundred (5400) seconds from the time of the call or the scheduled time to pick up, whichever applies;

C. Not charge the general public any rates in excess of the general public rates specified in Sections 7.16.080, 7.16.085, and 7.16.090 of this Chapter 7.16.

D. Obtain approval as a Los Angeles County paramedic provider from the EMS Agency prior to staffing any ambulance that picks up patients and/or any person needing medical attention at any location in Los Angeles County at the paramedic advanced life support level of care. Provision of paramedic advanced life support services shall not be advertised until approval for such service level is received.

E. Obtain approval as a Los Angeles County critical care transport (CCT) provider from the EMS Agency prior to staffing any ambulance that picks up patients and/or any person needing medical attention at any location in Los Angeles County at the nurse and/or respiratory care practitioner critical care transport level(s) of care, Provision of CCT services shall not be advertised until approval for such service level(s) is received.

F. Successfully complete a background investigation as determined by the EMS Agency with respect to any new managers since the approval of the Ambulance Operator Business License.

SECTION 10. Section 7.16.051 is hereby amended to read as follows:

7.16.051 Ambulance operator (special events only) – Service requirements.

Every ambulance operator licensed for special events only, shall comply with the following:

A. Notify the Director or his or her designee, at least seven (7) calendar days prior to providing standby services for any special event in Los Angeles County, of the location, staffing level and duration of such services.

B. Procure and maintain all required business licenses and /or permits for every incorporated city in which it operates.

C. Not charge the general public any rates in excess of the general public rates specified in Sections 7.16.080, 7.16.085, and 7.16.090 of this Chapter 7.16.

D. Obtain approval as a Los Angeles County paramedic provider from the EMS Agency prior to staffing any ambulance that picks up patients and/or any person needing medical attention at any location in Los Angeles County at the paramedic advanced life support level of care. Provision of paramedic advanced life support services shall not be advertised until approval for such service level is received.

E. Obtain approval as a Los Angeles County CCT provider from the EMS Agency prior to staffing any special event ambulance that picks up patients and/or any person needing medical attention at any location in Los Angeles County at the nurse critical care transport level(s) of care. Respiratory care practitioners may not provide staffing for special events and provision of nurse staffed CCT services shall not be advertised until approval for such service level(s) is received.

F. Successfully complete a background investigation as determined by the EMS Agency with respect to any new managers since the approval of the Ambulance Operator (special events only) Business License.

SECTION 11. Section 7.16.060 is hereby amended to read as follows:

7.16.060 Ambulance – Mechanical and design requirements.

A. The Director or his or her duly authorized designee shall not grant or issue an ambulance vehicle license for any ground ambulance which at the time of application is more than ten (10) years old as defined by the initial date the vehicle was first put into service, provided that the date is not greater than one year from the date of its manufacture.

B. Ground ambulance design, equipment, and ancillary equipment shall meet Department of Transportation, California Vehicle Code, California Highway Patrol (CHP), and applicable Los Angeles County prehospital care policies and procedures related to equipment and feature specifications.

C. The patient compartment of a ground ambulance shall at a minimum, have:

1. An interior height from floor to ceiling of not less than 60 inches;
2. A distance of not less than twelve (12) inches from the base of the squad bench to the frame of the cot;
3. A distance of not less than twelve (12) inches from the cot to the rear door (measured at floor level);

4. A distance of not less than twelve (12) inches from the face of the attendant seat to the cot;

5. Interior patient length (measured at floor level) of not less than one hundred thirteen (113) inches from the patient compartment partition to the rear door; and

6. A rear loading doorway vertical clearance of not less than 46 inches.

D. Interior storage configuration shall be at the operator's discretion.

E. The crew and patient compartments shall have properly functioning heating and air conditioning.

F. All ground ambulance vehicles shall have a minimum of two (2) forms of portable communication devices per vehicle. At least one (1) of these communication devices must be capable of instant/immediate and direct communication (push to talk) with operator's dispatch center.

G. EMS Aircraft design, equipment, and ancillary equipment shall meet Federal Aviation Administration and EMS Agency equipment and feature specifications.

H. Provided, however, that the Director or his designee may make individual exceptions to these design limitations specified in Subsections B through F of this Section 7.16.060, if a waiver is requested. Granting of a request for waiver would be based on a finding that public convenience and safety requires issuance of the ambulance vehicle license.

SECTION 12. Section 7.16.061 is hereby added to read as follows:

7.16.061 Vehicle – Odometer test.

A. Every ambulance operator making any charges based on mileage shall have the odometer of each ambulance tested and certified annually by the department of agricultural commissioner/weights and measures in accordance with the procedures of that department as defined in County Code Chapter 2.40. In the event that the department of agricultural commissioner/weights and measures does not have the testing equipment available at the time an operator applies for a new or replacement vehicle license, operator shall register the vehicle with the department of agricultural commissioner/weights and measures and may obtain a temporary operating authorization from the EMS Agency pending testing by that department. The operator must, however, provide the EMS Agency with a copy of the device registration certificate issued for that vehicle and a certificate of accuracy from a state certified testing agency. Final license approval will be held pending testing and certification by the department of agricultural commissioner/weights and measures. For renewal licenses, the operator shall have the odometer tested by the department of agricultural commissioner/weights and measures. A copy of the current paid device registration certificate shall be submitted at the time of license renewal.

B. Ambulance operators licensed by the County, whose primary location is outside of Los Angeles County, must comply with the odometer testing requirements of the county of origin, and must provide the EMS Agency with a current copy of that county's certification at time of application for a new ambulance vehicle license, replacement vehicle status or ambulance license renewal. If the county of origin does

not require odometer testing by county, the ambulance operator shall provide a copy of certificate from a state certified agency documenting the accuracy of each vehicle odometer.

C. EMS aircraft-only operators are exempt from the odometer testing requirement.

SECTION 13. Section 7.16.070 is hereby amended to read as follows:

7.16.070 Ambulance – Both driver and attendant required.

No ambulance operator, ambulance driver, or ambulance attendant shall transport any sick, injured, convalescent, infirm, or otherwise incapacitated person in any ground ambulance unless there is present in such ambulance an ambulance driver and an ambulance attendant who are both appropriately licensed and certified in accordance with the requirements of Section 7.16.071.

SECTION 14. Section 7.16.071 is hereby added to read as follows:

7.16.071 Driver's and attendant's certificates and licenses – Required.

A. Every ground ambulance driver shall possess a valid and current California Driver's License, valid and current California Ambulance Driver's Certificate and a valid and current California medical examination card (DL-51).

B. Every ground ambulance driver and every ground ambulance attendant shall possess a valid and current state of California Emergency Medical Technician (EMT) certificate or Paramedic license.

C. The medical flight crew of an EMS Aircraft shall possess valid and current licensure and/or certification as specified in Los Angeles County prehospital care policies and procedures.

SECTION 15. Section 7.16.072 is hereby added to read as follows:

7.16.072 Driver’s and attendant’s license – Exceptions for certain attendants.

Any person who is licensed by the state of California as a physician or registered nurse employed as an ambulance attendant shall not be required to have Emergency Medical Technician certification.

SECTION 16. Section 7.16.080 is hereby added to read as follows:

7.16.080 Rate schedule for ambulances.

A. A ground ambulance operator shall charge no more than the following rates for one patient:

| | | |
|----|--|------------|
| 1. | Response to a non-emergency call with equipment and personnel at an advanced life support (ALS) level | \$1,776.00 |
| 2. | Response to an emergency 9-1-1 call with equipment and personnel at an advanced life support (ALS) level | \$1,900.00 |
| 3. | Response to a non-emergency call with equipment and personnel at a basic life support (BLS) level | \$1,183.00 |
| 4. | Response to an emergency 9-1-1 call with equipment and personnel at a basic life support (BLS) level | \$1,268.00 |

| | | |
|----|--|----------|
| 5. | Mileage Rate. Each mile or fraction thereof | \$18.00 |
| 6. | Waiting Time. For each 30-minute period or fraction thereof after the first 30 minutes of waiting time at the request of the person hiring the ambulance | \$100.00 |
| 7. | Standby Time. The base rate for the prescribed level of service and, in addition, for each 30-minute period or fraction thereof after the first 30 minutes of standby time | \$96.00 |

B. This Section 7.16.080 does not apply to a contract between the ground ambulance operator and the County where different rates or payment mechanisms are specified.

SECTION 17. Section 7.16.085 is hereby amended to read as follows:

7.16.085 – Rates for multiple loads.

A. For multiple loads from the same point of origin to the same destination, a ground ambulance operator shall charge one-half of the base rate and one-half of the mileage rate for each additional patient. The total charges shall then be divided equally among the patients.

B. For multiple loads with either different points of origin or destinations, a ground ambulance operator shall charge one-half the base rate and one-half the mileage rate for each additional patient. The total charges shall be computed and proportionately prorated among the patients.

C. This Section 7.16.085 does not apply to a contract between a ground ambulance operator and the County where different rates or payment mechanisms are

specified.

SECTION 18. Section 7.16.090 is hereby amended to read as follows:

7.16.090 – Special charges.

A. A ground ambulance operator shall charge no more than the following rates for special ancillary services:

| | | |
|----|--|------------|
| 1. | Request for service after 7:00 p.m. and before 7:00 a.m. of the next day will be subject to an additional maximum charge of | \$20.00 |
| 2. | Persons requiring oxygen shall be subject to an additional maximum charge per tank or fraction thereof and oxygen delivery equipment to include nasal cannula and/or oxygen mask, of | \$92.00 |
| 3. | Neonatal transport | \$190.00 |
| 4. | Registered Nurse or Respiratory Therapist Specialty Care Transport with equipment and personnel for up to three (3) hours of transportation time | \$2,137.00 |
| 5. | Registered Nurse and Respiratory Therapist Specialty Care Transport with equipment and personnel for up to three (3) hours of transportation time | \$2,416.00 |
| 6. | Registered Nurse and/or Respiratory Therapist for per hour after the first three hours | \$114 |
| 7. | Volume ventilator | \$176.00 |
| 8. | Disposable Medical Supplies | 27.00 |

B. Ground ambulance helicopter support response: An operator may charge all service and supply charges that would apply if the call was a land based patient

response.

C. Where other special services are requested or needed by any patient or authorized representative thereof, a reasonable charge commensurate with the cost of furnishing such special service may be made, provided that the ambulance operator shall file with the Director a schedule of each special service proposed and the charge therefore, which charge shall be effective unless modified, restricted, or denied by the Director. Special services are defined as services provided to a patient that are unique and individual to a specific patient's needs, and are performed on a limited basis.

D. Charges for special services provided to patients that are new services, but will become an industry standard, must be reviewed and a rate commensurate with the service developed prior to ambulance operators charging such rate to the general public. Such rates shall not be charged to patients until approved by the board of supervisors.

E. This Section 7.16.090 does not apply to a contract between a ground ambulance operator and the County where different rates or payment mechanisms are specified.

SECTION 19. Section 7.16.095 is hereby added to read as follows:

7.16.095 Total charges computation.

The total charges shall be the sum of the appropriate base rate plus the mileage rate applied to the distance actually traveled, plus the time rate applied to requested waiting or standby time, plus any special charges which apply. Ground ambulance operators who choose to use computer-based mileage calculations to provide consistency in mileage billing in lieu of the distance recorded by the ambulance vehicle

driver, shall request authorization from the EMS Agency prior to implementation of such a program. As part of the authorization process, the operator shall provide the EMS Agency with a quality assurance program that details the operator's plan for periodic reviews of both the computer mileage assisted calculations and the data entry process to insure that the patient is not overcharged. The EMS Agency will approve or reject use of a computer-based mileage calculation program within thirty (30) calendar days of receipt of a request for approval. All rates, including computer-based mileage charges, are to be computed from the time the ground ambulance arrives for hire until the ground ambulance transport is completed or terminated by the patient or his or her authorized representative.

SECTION 20. Section 7.16.100 is hereby amended to read as follows:

7.16.100 Modification of rates.

The maximum rates chargeable to the general public as set forth in Sections 7.16.080 and 7.16.090 of this Chapter 7.16 shall be adjusted effective July 1, 1992, and on July 1st of each year thereafter, to reflect changes in the value of the dollar. For each of the one year periods respectively beginning July 1, 1992 and July 1, 1993 such adjustments shall be made by multiplying the base amounts by the percentage change in the transportation portion of the Consumer Price Index for All Urban Consumers, Western Region, as compiled and reported by the Bureau of Labor Statistics for the 12-month period ending with the last day of the prior month of February. Beginning July 1, 1994, and on each July 1 thereafter, such adjustments shall be determined by multiplying the base amounts by the average of the percentage changes of the

transportation portion and of the medical portion of the Consumer Price Index for All Urban Consumers, Western Region, as compiled and reported by the Bureau of Labor Statistics for the 12-month period ending with the last day of the prior month of February. The result so determined shall be rounded to the nearest \$0.25 and added or subtracted, as appropriate, to the rate. Beginning July 1, 2017, and on every July 1, thereafter, such adjustments shall be determined by multiplying seventy-five (75) percent of the base amounts by the percentage change of the minimum wage change in Los Angeles County as defined in County Code Section 8.100.040 - Minimum Wage and by multiplying twenty-five (25) percent of the base amounts by the percentage change of the Medical Care line item of the Consumer Price Index for All Urban Consumers, Western Region, as compiled and reported by the Bureau of Labor Statistics for the 12-month period ending with the last day of the prior month of February, except for the following charges: Registered Nurse/Respiratory Therapist per hour after the first three (3) hours adjustment shall be determined by multiplying the current charge by the percentage change of the minimum wage change in Los Angeles County as defined in County Code Section 8.100.040 - Minimum Wage; mileage adjustment shall be determined by multiplying the current charge by the percentage change of the transportation line item of the Consumer Price Index for All Urban Consumers, Western Region, as compiled and reported by the Bureau of Labor Statistics for the 12-month period ending with the last day of the prior month of February; and Oxygen, Disposable Medical Supplies, and Ventilator adjustments shall be determined by multiplying the current charges by the percentage change of the

Medical Care line item of the Consumer Price Index for All Urban Consumers, Western Region, as compiled and reported by the Bureau of Labor Statistics for the 12-month period ending with the last day of the prior month of February. The result so determined shall be rounded to the nearest whole number and added or subtracted, as appropriate, to the rate. The Director or authorized designee, shall initiate implementation of these rate changes by notifying in writing each licensed private ambulance operator in Los Angeles County thereof, and any other individual or agency requesting such notification from the Director. Such notice shall be sent no later than June 15 of the prior period.

SECTION 21. Section 7.16.105 is hereby amended to read as follows:

7.16.105 –Insurance.

A. Every ambulance operator shall obtain and maintain in full force and effect throughout the term of the license the minimum insurance coverage types and limits listed below. Such insurance shall be primary to and not contributing with any other commercial insurance policies or self-insurance programs maintained by the County. Such insurance shall be provided by insurer(s) satisfactory to the County. The general and auto liability insurance policies shall name the County of Los Angeles as an additional insured. Certificates or other evidence of such insurance shall be attached to the application and shall provide that the EMS Agency be given written notice at least thirty (30) calendar days in advance of the cancellation of any policies.

B. The minimum insurance coverage type and limit requirements for ground ambulance operators are:

1. General liability insurance with limits of not less than one million dollars (\$1,000,000.00) each occurrence and two million dollars (\$2,000,000.00) aggregate.

2. Automobile liability insurance with limits of not less than one million dollars (\$1,000,000.00) of each accident; such insurance shall cover all vehicles used by the operator.

3. Workers' compensation and employers' liability insurance, or an equivalent program of self-insurance coverage which complies with California Labor Code requirements.

4. Professional liability insurance covering operator's errors and omissions with limits of not less than one million dollars (\$1,000,000.00) per each claim and three million dollars (\$3,000,000.00) aggregate

C. The minimum insurance coverage type and limit requirements for EMS Aircraft operators are:

1. Comprehensive aviation liability insurance including bodily injury and property damage liability with a combined single limit of not less than fifty million dollars (\$50,000,000.00) each occurrence and aggregate.

2. General liability insurance with limits of not less than one million dollars (\$1,000,000.00) each occurrence and two million dollars (\$2,000,000.00) aggregate.

3. Workers' compensation and employers' liability insurance, or an equivalent program of self-insurance coverage which complies with California Labor Code requirements.

4. Professional liability insurance covering operator's errors and omissions with limits of not less than one million dollars (\$1,000,000.00) per each claim and three million dollars (\$3,000,000.00) aggregate

D. The Director, at his or her sole option, reserves the right to change these insurance requirements at any time during the license term by giving the operator ninety (90) calendar days advance written notice of any such change.

SECTION 22. Section 7.16.110 is hereby amended to read as follows:

7.16. Insurance – Indemnification

As a condition of the license, the licensee shall indemnify, defend and hold harmless the County, its Special Districts, elected and appointed officers, employees, agents and volunteers (“County Indemnitees”) from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from and/or relating to this license, except for such loss or damage arising from the sole negligence or willful misconduct of the County Indemnitees

SECTION 23. Section 7.16.115 is hereby added to read as follows:

7.16.115 Premises – Restrictions and requirements.

A. A person shall not permit any technology, software or other devices to be

installed or used in conjunction with any business or activity for which this title requires a license so as to interfere or hinder inspection by the EMS Agency.

B. The EMS Agency shall not issue any license to carry on any business at a specific location, except a renewal, until evidence is received that the carrying on of such business at such location is not prohibited by any provision of the zoning ordinance for the area in which the business is located.

C. Every licensee whose place of business is located in an unincorporated area of the County shall make a promise in writing that such person will make a reasonable effort to maintain the premises of the business free from graffiti, as defined in Section 13.12.020 of the County Code.

SECTION 24. Section 7.16.120 is hereby amended to read as follows:

7.16.120 Ambulance operator license – Application.

Every application for an ambulance operator's license shall include the license application fee specified in Section 7.14.010 of this Title, be signed by the applicant and filed with the EMS Agency. The application shall contain the following information:

A. The name and address of the applicant. If the applicant is a business entity which is organized under state law (e.g. a corporation, limited liability company, etc.), the name shall be exactly as set forth in that business entities business entity filings (e.g. Articles of Incorporation, Articles of Organization, etc.) required under applicable state law;

B. If the applicant is a business entity which is organized under state law, the names and addresses of all directors, officers, members and/or partners and the name

of an officer who is duly authorized to accept the service of legal process;

C. If the business is advertised to the public and known by a name or designation other than the name of the applicant, such name or designation; otherwise, a statement that the business is not so advertised or known.

D. The name and address of every stockholder owning not less than ten (10) percent of the stock of the corporation, and the amount thereof; or any other ownership interest of not less than ten (10) percent in any other business entity type, and the amount thereof;

E. The name and address of every person having any right, title or interest in any other business entity type.

F. If applicant is a business entity organized under state law, a current Certificate of Status executed by the Secretary of State, and copies of the required business entities filings, and all subsequent amendments; all such documents shall be certified by the Secretary of State in the State in which they were executed, if applicable.

G. If applicant is planning to operate under a fictitious name or a trademarked name, a copy of the Fictitious Business Name Statement which has been executed and filed in the county of the principal place of business or the Trademark Registration with title and status issued by the United States Patent and Trademark Office.

H. An organizational chart which shows all reporting relationships following approval of the ambulance operator license transfer to include the following:

1. The company name and effective date.

2. The names and titles of all officers, directors and managers.
- I. Evidence of Applicant's Financial Capability.
 1. Financial statements for applicants who have been in operation for more than one (1) year: year-to-date profit and loss statement and current balance sheet for the most recent twelve (12) month period (fiscal or calendar) ending at the time application is filed or for any additional period thereafter at the request of the EMS Agency, shall be provided.
 2. Financial statements for applicants, who have been in business for less than one (1) year: year to date profit and loss statement and current balance sheet for the total month(s) in operation ending at the time application is filed or for any additional period thereafter at the request of the EMS Agency shall be provided.
 3. Financial statements for startup applicants (not in business yet): current balance sheet and pro forma profit and loss statements for a twelve (12) month period shall be provided.
 4. All financial statements submitted as part of the application under this Section 7.16.120, I. 1, I. 2 or I. 3 above, must be reviewed or audited by a certified public accountant with an active license from any state or territory of the United States. The financial statements shall demonstrate that the applicant has the capability to maintain operations for six months after issuance of a business license. The final score to determine if an applicant meets the financial requirements will take into account the applicant's quick ratio, current ratio, expense to income ratio and income ratio.
 5. Copies of complete (showing all account activity) bank/financial

institution statements to verify the assets listed in the applicant's financial statements shall be submitted or any other requested financial documents. Bank/financial institution statements missing any pages shall be considered incomplete.

J. The applicant, except for those operators providing special events or EMS Aircraft services only, must agree to respond to requests for service within the County response time standards specified in Section 7.16.050, Subsection B of this Chapter 7.16.

K. Evidence that the applicant's company has technically qualified management. This evidence shall include a minimum of one (1) manager's resume or curriculum vitae. showing type and duration of transportation experience, including at least five years of increasingly responsible experience in the operation or management of a basic life support or advanced life support transport service and its personnel;

L. The resume or curriculum vitae for all officers, directors and other managers.

M. Applicants dated and signed rate schedule of charges proposed to be made that are applicable to applicant and which are in accordance with the requirements of Sections 7.16.080 and 7.16.090;

N. A description of the premises which are to serve as the "base of operations" and, if applicable, a description of any other "ambulance services facility" operated by the applicant as defined in the Los Angeles County Code Section 22.08.010, Subsection A;

O. The number and type, age, and patient capacity of each ambulance and, if

applicable, wheelchair and/or gurney van proposed to be operated by the applicant and which meet the following requirements:

1. Ambulance design pursuant to Section 7.16.060 of this Chapter 7.16;
 2. Ambulance vehicles which are not greater than ten (10) years old pursuant to Section 7.16.060 of this Chapter 7.16;
 3. Wheelchair and/or gurney van vehicle design pursuant to Chapter 7.17;
- P. The number and vehicle type of AEV(s) that have been authorized by CHP, if any;
- Q. A certificate or other evidence of insurance coverage satisfactory to County confirming that the license applicant carries an insurance policy with coverages and limits that are in accordance with the requirements of Section 7.16.105;
- R. The color scheme and insignia to be used to designate the ambulance(s) of the applicant;
- S. Evidence concerning applicant's adherence to rules and regulations.
1. Successful completion of a background investigation as determined by the EMS Agency with respect to the applicant, the principals of the applicant and the managers.
 2. Identification of all licenses and franchises held by the applicant and the principals of the applicant during past 10 years,
 3. Disclosure of whether the applicant or the principals of the applicant

has/have ever been investigated by any public agency and disclosure of the nature of the investigation,

4. Disclosure of whether any of the principals of the applicant was involved as a principal of any business or other entity within the past ten (10) years, which was investigated by any public agency and disclosure of the nature of the investigation, unless the investigating authority has advised the applicant in writing not to disclose such investigation.

5. Disclosure of whether the applicant or the principals of the applicant has/have ever had licenses revoked or whether any of them has been convicted of any misdemeanor or felony, or whether there are any pending criminal proceedings at the time of application.

6. Disclosure of whether any of the principals of the applicant was involved as a principal in any business or other entity within the past ten (10) years which has ever had a license revoked or has been convicted of any misdemeanor or felony, or whether there are any criminal proceedings for such business or other entity at the time of the application.

7. Applicant must show proof of any current business license issued by any United States jurisdiction, and

8. Applicant must show proof that its business location is properly zoned for the incorporated city or unincorporated area in which it is located.

9. The evidence submitted in accordance with this Subsection S. shall demonstrate that the applicant and its principals have met and continue to meet all

federal, state, and local rules, regulations and laws, including Los Angeles County prehospital care policies and procedures.

T. Affirmation that applicant and its principals will adhere to all applicable federal, state, and local rules, regulations and laws, including Los Angeles County prehospital care policies and procedures.

U. A copy of the CHP emergency ambulance operator's license and results of most recent CHP ambulance operator inspection for applicants currently in business.

V. Dispatch logs for the ninety (90) calendar day period immediately prior to the date of application, which meet the requirements specified in the Los Angeles County prehospital care policies and procedures for applicants currently in business.

W. Dispatch policies and procedures and qualifications for dispatchers, which meet the requirements specified in the Los Angeles County prehospital care policies and procedures.

X. EMS Aircraft applicants shall submit the following additional information:

1. A copy of the Federal Aviation Regulations Part 135 Certificate issued by the Federal Aviation Administration.

2. The level or levels of service which applicant proposes to provide, as identified in Los Angeles County prehospital care policies and procedures.

3. Any such additional information as required in Los Angeles County prehospital care policies and procedures.

Y. Any such further information requested by the Director, County Sheriff, the EMS Agency or other County department to which an application has been referred.

Z. The EMS Agency shall reserve the right to inspect the on-site records and operations of applicant.

SECTION 25. Section 7.16.125 is hereby amended to read as follows:

7.16.125 Ambulance operator license (special events only) – Application.

A. Every application for an ambulance operator's license (special events only) shall meet the requirements of Section 7.16.120, except for Subsections V and W. The application shall be signed by the applicant, filed with the EMS Agency and shall also contain the following information:

1. Written and signed statement that the applicant agrees to provide special event services only;

2. A description of applicants days and hours of operation;

B. A licensed ambulance operator (special events only) must submit a new application in accordance with Section 7.16.120 and receive approval for an Ambulance Operator Business License in order to operate an ambulance for additional services not subject to this Section 7.16.125.

SECTION 26. Section 7.16.126 is hereby deleted in its entirety.

SECTION 27. Section 7.16.127 is hereby deleted in its entirety.

SECTION 28. Section 7.16.128 is hereby deleted in its entirety.

SECTION 29. Section 7.16.129 is hereby deleted in its entirety.

SECTION 30. Section 7.16.130 is hereby amended to read as follows:

7.16.130 Ambulance operator license (change in ownership) – Application.

A. The Director shall be notified in writing by the licensed ambulance operator of any change in ownership a minimum of sixty (60) calendar days prior to the proposed effective date of such change. Such notification shall include the following:

1. The full name(s) of all persons or the business entities acquiring an ownership interest in the licensee's company or other entities with ownership interest in the licensee's company;

2. The mailing address of the person(s) or business entities identified in Subsection A. 1. of this Section 7.16.130;

3. A detailed description of the proposed ownership change(s) occurring with the currently licensed ambulance operator, and

4. The proposed date by which the changes will be completed;

B. Within fifteen (15) calendar days of receipt by the EMS Agency of the notification of a proposed change in ownership, the EMS Agency shall send written notification to the proposed and current owners, of the requirement of payment of a fee as specified in Section 7.14.010 of this Title and that an application be submitted as follows:

1. New owner(s) who do not currently hold a Los Angeles County Ambulance Operator's Business License, shall:

a. Submit an application that meets the requirements of Section 7.16.120, except for Subsection V. The application shall be filed with the EMS Agency within thirty (30) calendar days of the EMS Agency's notification as set forth in Subsection B of this Section 7.16.130;

b. If there are no proposed changes to the current licensee's business facility location(s), the vehicle color scheme and insignia or the dispatch policies and procedures and qualifications for dispatchers, written and signed statement(s) attesting to this may be submitted as part of the application in lieu of resubmitting the existing documentation;

c. Resume(s) or curriculum vitae(s) are required for each owner, director, manager, officer and/or partner;

d. The approval of an application for a proposed change in ownership to a person, or business entity which does not currently hold a Los Angeles County Ambulance Operator's Business License may only be granted after the director or his or her designee holds a public hearing, with notice of the time and place of the hearing announced as provided in Section 7.16.165 of this Chapter 7.16.

2. New owner(s) who currently hold(s) a Los Angeles County Ambulance Operator's Business License under another business name shall:

a. Submit an application that meets the requirements of Section 7.16.120, except for Subsection V. The application shall be filed with the EMS Agency within thirty (30) calendar days of the EMS Agency's notification as set forth in Subsection B of this Section 7.16.130;

b. If there are no proposed changes to the current licensee's business facility location(s), the vehicle color scheme and insignia or the dispatch policies and procedures and qualifications for dispatchers, written and signed statement(s) attesting to this may be submitted in lieu of resubmitting the existing

documentation;

c. Resume(s) or curriculum vitae(s) are required for each new owner, director, manager, officer and/or partner;

d. The approval of an application for a proposed change in ownership to a person or business entity which currently holds a Los Angeles County Ambulance Operator's Business License may be granted by the Director pending approval of the application. Such licensure approval is exempt from the public hearing requirements specified in Section 7.16.150

C. Failure to notify the Director of a proposed change in ownership and to obtain approval of an application for change in ownership shall render the license invalid as to the change of ownership.

SECTION 31. Section 7.16.135 is hereby added to read as follows:

7.16.135 – Application – Fees – Receipt for fee – Refunds

A. The EMS Agency shall collect the license fees as specified in Chapter 7.14 of this Title and which are covered under this Chapter 7.16 when an application for a new ambulance operator, a new ambulance vehicle, EMS aircraft or a new ambulette vehicle license is received; such fees shall then be forwarded to the Treasurer and Tax Collector.

B. The Treasurer and Tax Collector shall collect the license fees and penalties under this Title when he receives the application for renewal of an ambulance operator, ambulance vehicle, EMS aircraft or ambulette.

C. Upon receipt of a new ambulance operator, ambulance vehicle, EMS

aircraft or ambulette business license application fee, the EMS Agency shall:

1. Issue a dated receipt to the applicant showing the location and business for a license for which application has been made;
2. Transmit copies of the Business License Application Referral form to the Treasurer and Tax Collector and to any other officers and departments that may be designated by the board.

D. If an application for an Ambulance Operator Business License is withdrawn before it is has been completely processed by the EMS Agency and, pending action upon such application, the applicant has not engaged in the business or activity for which the license is required, the tax collector shall refund to the applicant 50 percent of the license fee (excluding penalties). No refunds shall be granted when the application has been completely processed or denied.

SECTION 32. Section 7.16.140 is hereby amended to read as follows:

7.16.140 - Licenses -- Application referred for review -- Ambulance operator.

A. Every application for an ambulance operator's license may be referred to the Sheriff, Department of Agricultural Commissioner/Weights and Measures, Department of Auditor Controller, Chief Executive Office and any other officer, department, or agency of a federal, state or other local government, as determined by the Director or his or her designee.

B. Every officer and department to which an application for a license is referred may require such additional information and the filing of such additional forms as deemed necessary by such officer or department.

C. Every officer and department to which an application is referred shall, in writing, advise the EMS Agency of all material facts necessary to determine whether the license should be granted, granted subject to conditions, or denied, and their approval or disapproval of the application.

D. If any officers or departments to which an application is referred advises the EMS Agency that the license should be denied, the EMS Agency shall so notify the applicant and the Director of the Department of Health Services or designee at least five (5) calendar days prior to the public hearing required pursuant to Section 7.16.150 of this Chapter 7.16; the Director of the Department of Health Services or designee shall make the final decision whether to grant, grant with conditions or deny an Ambulance Operator Business License pursuant to Section 7.16.160 of this Chapter 7.16.

E. If no officer or department to which an application is referred recommends that the license be denied, but one or more officers or departments recommend that the license be granted subject to conditions, the EMS Agency shall so notify the applicant and the Director of the Department of Health Services or designee at least five (5) calendar days prior to the public hearing required pursuant to Section 7.16.150 of this Chapter 7.16; the Director of the Department of Health Services or designee shall make the final decision whether to grant, grant with conditions or deny an Ambulance Operator Business License pursuant to Section 7.16.160 of this Chapter 7.16

SECTION 33. Section 7.16.150 is hereby amended to read as follows:

Ambulance operator--Hearing required.

A license required of an ambulance operator shall not be granted, revoked or suspended (except with respect to a summary suspension as referenced in Section 7.16.370 of this Chapter 7.16) until the Director of the Department of Health Services or designee holds a public hearing, notice of the time and place of which shall be given to the applicant or licensee as provided in Section 7.16.165 of this Chapter 7.16. Notice of the time and place of the public hearing shall be sent to all licensed ambulance operators.

SECTION 34. Section 7.16.160 is hereby amended to read as follows:

7.16.160 Ambulance licensing hearing officer authority.

A. The Director of the Department Health Services or designee shall serve as the Ambulance Licensing Hearing Officer and except on appeal, shall hold all hearings, as required for a decision as set forth in Section 7.16.200 of this Chapter 7.16 to determine whether to grant, grant with conditions, deny or modify an Ambulance Operator Business License.

B. The Director or the Director of the Department of Health Services shall designate an impartial hearing officer who is not an employee of the Department to hold all hearings as required for a decision as set forth in Section 7.16.370 of this Chapter 7.16 to determine whether to suspend or revoke an ambulance operator business license.

SECTION 35. Section 7.16.165 is hereby added to read as follows:

Section 7.16.165 – Ambulance operator hearings – Time for notice –

Contents required.

A. Whenever a public hearing is required pursuant to Section 7.16.150 of this Chapter 7.16 and notice of the hearing is to be given to any applicant or licensee, such notice shall be given not less than five (5) calendar days before such hearing, either by registered or certified mail, postage prepaid, hand delivery, or in the manner required for the service of summons in civil actions to the business address as listed on the application or business license.

B. All notices required by this Section 7.16.165 shall state the date, time and place of the hearing.

C. Notices for initial licensing hearings shall also state: "Any person having objections to the granting of the license may at any time prior to the date above named, file with the Director of the Department of Health Services or designee his/her objections in writing giving his reasons therefor, and he may appear at the time and place of the hearing and be heard relative thereto."

D. Notices for suspension or revocation hearings shall be substantially in the following form, but may include other information: "You are hereby notified that a hearing will be held before a designated hearing officer at _____, on the _____ day of _____, 19____, at the hour of _____, upon the charges made in the accusation served upon you. You may be present at the hearing, may be, but need not, represented by counsel, and may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the

issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Director of the Department of Health Services or designee." The Director of the Department of Health Services or designee shall determine the time and place of hearing.

SECTION 36. Section 7.16.170 is hereby amended to read as follows:

7.16.170 - Conduct of hearing – Evidence – Rules and procedures applicable.

A. At the time set for the hearing or at the date to which the hearing may be continued by the Director of the Department of Health Services or designee or other body having jurisdiction, shall hear the applicant or licensee, who may present any facts to show why the license should be granted or not suspended or revoked, and shall hear also, testimony and other statements from other persons who may attend the hearing and present facts to show why the license should or should not be granted or revoked. The Director of the Department of Health Services or designee, or such other body, may place any witness, including the applicant or licensee, under oath.

B. At hearings conducted pursuant to Section 7.16.370 of this Chapter 7.16, the Director or the Director of the Department of Health Services or designee has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the licensee.

C. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation, and each party shall have the right to call and examine witnesses, to introduce exhibits, to

cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination, to impeach any witness regardless of which party called him to testify, and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

D. The designated hearing officer shall receive and consider all competent evidence, if such evidence tends to prove a valid ground for denying, suspending or revoking a license, imposing conditions thereon or refusing to remove conditions therefrom, even if such ground is not within the accusation or statement of issues, and may consider such ground.

E. At every hearing the Director of the Department of Health Services or designee, or any other person or body having jurisdiction, by stenotype, recording device, or otherwise, shall keep a full, true and correct record of all oral testimony at such hearing.

F. Hearings in accordance with Section 7.16.205, Subsection D of this Chapter 7.16 will be conducted utilizing the rules and regulations set forth in Sections 7.16.160, 7.16.170 and 7.16.200 of this Chapter 7.16, as applicable.

SECTION 37. Section 7.16.180 is hereby amended to read as follows:

7.16.180 – Grounds for Denial.

A. The Director of the Department of Health Services or designee or other appropriate officer or body may examine under oath any applicant or licensee to determine who is the real party in interest in the business for which a license is sought. If the Director of the Department of Health Services or other body having jurisdiction is satisfied that the application is not in the interest of the person in whose name the application is made, he or she may deny the license. If the Director of the Department of Health Services or designee or such other body finds that the application is in the interest of one whose license has been revoked or who has been refused a license, it may treat the application as though made by the real party in interest, and the application shall have the same effect against any future applications as if it had been made in the name of the real party in interest.

B. In addition to Subsection A of this Section 7.16.180 and in addition to the grounds set forth for revocation in Section 7.16.370 of this Chapter 7.16, the Director of the Department of Health Services or designee may deny, an application for an Ambulance Operator Business License if any of the following is found:

1. Failure to meet one or more of the requirements set forth in an application for an Ambulance Operator Business License pursuant to Sections 7.16.120, 7.16.125 and 7.16.130 of this Chapter 7.16.

2. The business is prohibited by any local or state law, statute, rule or regulation or prohibited in the particular location by any local or state law, statute, rule or regulation; or

3. The applicant, his agent or employee, or any person connected

with the applicant as partner, director, officer, stockholder, associate or manager has knowing made any false, misleading or fraudulent statement of material fact in the application for an Ambulance Operator Business license or in any report or record required by this Chapter 7.16 ; or

4. The business has been or is a public nuisance; or

5. The applicant is unfit to be trusted with the privileges granted by such license, or is of bad moral character, intemperate habits, or of having a bad reputation for truth, honesty or integrity; or

6. The applicant, his agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has committed, or aided or abetted in the commission of any act or act of omission which, if committed by a licensee, would be a ground for disciplinary action under this Chapter 7.16; or

7. The applicant, his agent or employee, or any person connected with the applicant as partner, director, officer, stockholder, associate or manager, has been refused a license or had a license revoked by the County or by any other public agency as defined in Section 7.02.280 of this Title on any ground on which the County could deny such a license, except Subsection A (1) of this Section 7.16.180; or

8. The establishment or business will in any way be detrimental to the public interest; or

9. The applicant, his agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or

manager, has been convicted of a felony or any crime involving theft, embezzlement or moral turpitude; or

10. The applicant, his agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has committed any act constituting dishonesty or fraud.

SECTION 38. Section 7.16.190 is hereby amended to read as follows:

7.16.190 –Denial – Waiting period for new license.

If a license has been denied, the EMS Agency shall not accept a new application by the same legal entity less than one year after such denial for an Ambulance Operator Business License unless that application affirmatively shows, and the EMS Agency finds, that the grounds upon which the first application was denied no longer exist.

SECTION 40. Section 7.16.200 is hereby added to read as follows:

Section 7.16.200 – Decision after hearing – Order and notice to applicant or licensee.

A. At the close of a hearing on the application for licensure or at any time within thirty (30) calendar days thereafter, the Director of the Department of Health Services or designee shall determine from the facts produced at the hearing, and from any other facts in its possession, one of the following decisions:

1. Granting of the license;
2. Denial of the license;
3. Granting of the license on condition that, within up to one hundred

twenty (120) calendar days, the applicant demonstrates to the satisfaction of the

Director of the Department of Health Services or designee that it has met one or more of the outstanding requirements under this Chapter 7.16 as necessary for licensure;

4. Granting of the license, with conditions imposed on license affecting use and operation of the ambulance operator;

5. Continuance of the matter for one (1) additional hearing. The Director of the Department of Health Services or designee shall render a decision on the additional hearing in accordance with this Section 7.16.200 (this Subsection 5. Excluded).

B. Upon reaching a decision regarding the application for licensure, the applicant shall be notified in writing and the opportunity to appeal in accordance with Section 7.16.450 of this Chapter 7.16.

C. Within thirty (30) calendar days of the conclusion of a hearing on a proposed suspension or revocation of an Ambulance Operator Business License, the designated hearing officer shall prepare a written summary of the evidence and proposed findings, conclusions, and recommendations for consideration by the Director or the Director of the Department of Health Services. The Director or the Director of the Department of Health Services, shall issue a written decision within thirty (30) calendar days after receiving the written summary of the evidence and proposed findings and conclusions pursuant to Subsection E of this Section 7.16.200.

D. In reaching a decision on a proposed suspension or revocation of an Ambulance Operator Business License, official notice may be taken, either before or

after submission of the case for decision of any fact which may be judicially noticed by the courts of this state.

E. Hearing decision notices shall be delivered to the applicant or licensee, as applicable, by first class registered mail, postage prepaid, return receipt requested to the business address as listed on the application or business license.

F. The granting or renewal of a license is not to be considered approval or condonation of any act, conduct or condition of the applicant committed or existing prior thereto.

SECTION 41. Section 7.16.201 is hereby added to read as follows:

Section 7.16.201 Decision – Effective date.

The decision shall become effective fifteen (15) calendar days after such decision is announced at the conclusion of the hearing or it is delivered or mailed to respondent unless a reconsideration is ordered within that time, or the board or commission orders that the decision shall become effective sooner, or a stay of execution is granted.

SECTION 42. Section 7.16.205 is hereby added to read as follows:

Section 7.16.205 – Right to impose or change conditions – Notice and application to change.

A. If at any time it appears to the Director of Health Services or designee that there are grounds for the imposition of conditions to an Ambulance Operator Business License due to limitations of the ambulance operator, but that such limitations could be addressed by the imposition of conditions, or amendment of, or addition to, existing

conditions to such license, the Director of the Department of Health Services or designee may notify the licensee in writing of the intent to impose, or amend, or add to existing conditions.

B. Upon receipt of a notice to impose, amend or add conditions to an Ambulance Operator Business License, the licensee may, within five (5) calendar days after receipt of such notice, request in writing a hearing.

C. If, after receipt of notice pursuant to Subsection A of this Section 7.16.205, the licensee does not request a hearing, or, if after a hearing the Director of the Department of Health Services or designee finds facts as specified in such notice, new conditions may be imposed or existing conditions amended as justified by the facts found.

D. If a licensee applies in writing to the Director of the Department of Health Services for a change in the condition(s) imposed on a license affecting use and operation of the ambulance operator, the Director of the Department of Health Services may grant such application if the circumstances and findings that existed at the time the condition(s) were imposed no longer exist or upon such other findings by the Director of the Department of Health Services. At the discretion of the Director of the Department of Health Services, a hearing may be conducted for the consideration of such request.

SECTION 43. Section 7.16.210 is hereby amended to read as follows:

7.16.210 Licenses – Issuance to business entities and persons operating under fictitious names.

A. A license may be issued pursuant to this Chapter 7.16 to a business entity (e.g., a corporation, limited liability company, etc.) duly authorized to transact business in this state, to a person operating under a fictitious name who has executed and filed in

the county of the principal place of business, a Fictitious Business Name Statement, or a fictitious business name under a Trademark Registration with title and status issued by the United States Patent and Trademark Office. Otherwise, all such licenses shall be issued in the true name of the individual or individuals applying therefore. Except as above provided, no business so licensed may operate under any false or fictitious name.

B. A license issued to a business entity shall designate such business entity by the exact name which appears in the business entity's business entity filing (e.g. Articles of Incorporation, Articles of Organization) required under applicable state law.

SECTION 44. Section 7.16.215 is hereby amended to read as follows:

7.16.215 Term of license – Beginning date.

If the date specified in Subsections A, B or C of this Section 7.16.115 is the first of a calendar month, the period of the license shall begin on such date. Otherwise, the period of the license shall begin on the first of the calendar month which first follows the date specified in Subsection A or B below. The said dates are:

A. In the case of a new Ambulance Operator Business License, the date on which the license is actually granted by the Director of the Department of Health Services or designee;

B. In the case of a new ambulance vehicle or ambulette license, the date on which the EMS Agency determines that all requirements specified in Section 7.16.300 have been met.

C. In the case of renewals, the expiration of the license renewed.

SECTION 45. Section 7.16.220 is hereby amended to read as follows:

7.16.220 Transfers – Restrictions and conditions.

A. Unless otherwise specifically allowed in either Subsection B or Subsection C of this Section 7.16.220, no license issued pursuant to this Chapter 7.16 may be transferred from one person or business entity to another person or business entity, or from one ambulance or ambulette vehicle to another ambulance or ambulette vehicle.

B. An Ambulance Operator Business License may be transferred for the licensee to do business at another site upon a minimum advance notice of thirty (30) calendar days and payment to the EMS Agency of a fee in the amount set forth in Section 7.14.010 of this Title, under the appropriate heading, and submission of an application to the EMS Agency. Approval of such license transfer shall not be approved until verification by the EMS Agency that the new site is in compliance with Section 7.16.115 of this Chapter 7.16.

C. The annual ambulance or ambulette vehicle license purchased under the provisions of this Chapter 7.16 is transferable to a new vehicle in the ambulance operator's fleet if the new vehicle replaces an old vehicle, no longer in service, for which the license was originally issued. If the new ambulance or ambulette vehicle is an addition to the operator's existing fleet, then a new license for the vehicle must be purchased.

SECTION 46. Section 7.16.225 is hereby amended to read as follows:

7.16.225 False statements in documents deemed misdemeanor.

Every person who makes any false statement(s), verbally or in writing, in any application for an Ambulance Operator Business License, or in any log, report, patient care record or other writing required by this Chapter 7.16 or the Los Angeles County Prehospital Care Manual, is guilty of a misdemeanor.

SECTION 47. Section 7.16.230 is hereby added to read as follows:

7.16.230 Operating without license – Injunctive relief.

Any person violating Section 7.16.030 may be enjoined from such violation by any court of competent jurisdiction. The remedy provided by this Section is cumulative to any other remedy provided by law.

SECTION 48. Section 7.16.240 is hereby amended to read as follows:

7.16.240 Violations of injunction – Civil penalty.

Any person who intentionally violates any injunction issued pursuant to Section 7.16.230 shall be liable for a civil penalty payable to the EMS Agency of \$1000.00 for each violation. The penalty imposed by this Section shall be in addition to any other penalties imposed by law.

SECTION 49. Section 7.16.250 is hereby added to read as follows:

7.16.250 Continuing violations.

When the conduct consisting of a violation of Section 7.16.030 and 7.16.240 is of a continuing nature, each day of such conduct is a separate and distinct violation.

SECTION 50. Section 7.16.260 is hereby added to read as follows:

7.16.260 Operating without a license – Order to cease operations.

A. For any business operating in violation of Section 7.16.030 of this Chapter

7.16, if the Treasurer and Tax Collector, the Sheriff, the Director of the Department of Health Services, the Director of the Regional Planning Commission or any other County official, that official may do the following:

1. Post on the premises of the business and serve upon the business owner or other person who is present at the business location and engaged in its operation a notice indicating that the business is operating in violation of this title and that it must immediately cease all operations; and

2. If the business has not ceased all operations within 48 hours of the posting and service of such notice, take such steps as may be necessary to immediately halt the operation of such business, including, but not limited to the locking and sealing of the building housing the business.

B. Imposition of any of the penalties set forth in this Chapter 7.16 shall not be made dependent upon the taking of action under this Section 7.16.260.

SECTION 51. Section 7.16.280 is hereby amended to read as follows:

7.16.280 License – Consent to right of entry when.

If the EMS Agency finds that to enforce the provisions of this title unannounced frequent inspections are necessary and that obtaining an inspection warrant would frustrate the governmental purpose behind the inspection, it may, pursuant to Section 7.16.205, impose as a condition that the applicant or licensee consent to entry at all reasonable times of applicant's or licensee's place of business by the EMS Agency, the Treasurer and Tax Collector, Sheriff Department or any of their deputies, any peace officer, and any other officer whose duty it is to inspect any place of applicant's or

licensee's business or occupation. Upon presentation of proper credentials by any such officer, such applicant or licensee shall comply with the condition imposed.

SECTION 52. Section 7.16.290 is hereby amended to read as follows:

7.16.290 Access to books and records.

A. Every ambulance operator applicant and licensee shall provide the Director or his or her designee with reasonable access to the operator's books and records including, but not limited to financial, dispatch, patient care records and personnel records, for the purpose of determining whether the applicant/operator and its personnel are in compliance with this Chapter 7.16.

B. Every report and record made by the licensee, employee or agent, as required by the terms of this title, shall be written or printed, or be made available in writing, entirely in the English language in a clear and legible manner.

C. Every person completing any report or record required by the terms of this Chapter 7.16, or the Los Angeles County Prehospital Care Manual, or any copy thereof, shall sign his true name and give the true name and correct address of the licensee.

SECTION 53. Section 7.16.300 is hereby added to read as follows:

7.16.300 Ambulance – Inspection and licensure.

A. The Director shall not issue any ambulance license for a ground ambulance until it has verified with the CHP that the ambulance has been inspected and that it complies with all applicable regulations and requirements under Title 22 of the California Code of Regulations (CCRs), Title 13 of the CCRs, Los Angeles County Department of Health Services prehospital care policies and procedures and the rules

and regulations of the State Department of Motor Vehicles, the CHP, and the Los Angeles County Department of Agricultural Commissioner/Weights and Measures and. The Director of the Department of Health Services shall be further assured that the ambulance meets all pertinent requirements imposed by this title before issuing a license for the vehicle.

B. In addition to providing such documentation for initial licensure and renewal of an ambulance vehicle license, ambulance vehicles are also required to carry the following documents:

1. Original or copy of California Department of Motor Vehicles Registration;
2. Insurance identification card;
3. Original or copy of current County business license or temporary authorization;
4. Copy of the most recent CHP inspection sheet; and
5. Original or copy of valid CHP ambulance identification certificate.

For new fleet vehicles, a copy of the CHP inspection sheet shall serve as the temporary operating authorization for thirty (30) calendar days following the date of inspection by the CHP.

C. Whenever under the provisions of this Chapter 7.16 a license is issued for the use of a vehicle, the EMS Agency shall also issue a uniquely numbered sticker bearing the County seal; such sticker shall be affixed to the bottom left corner of the left rear window of each licensed vehicle.

D. Every EMS Aircraft used for transporting any person needing medical attention or services, in which a person entered or was placed at any location either in an incorporated city or unincorporated area of the County for either: (1) emergency medical attention or emergency services as a result of a 9-1-1 response or (2) nonemergency transportation services, shall have and conspicuously display on the vehicle, in a manner which does not obscure the pilot's vision, a uniquely numbered sticker bearing the County seal issued by the EMS Agency for each EMS aircraft licensed, in addition to any other required documents as specified in Los Angeles County prehospital care policies and procedures.

E. Failure to provide current vehicle documentation upon request to EMS Agency representatives shall result in the ambulance or EMS aircraft immediately being taken out of service at the conclusion of the call until such time as current documentation is placed in the ambulance. Company shall provide documentation of current information to the EMS Agency no later than 5:00 p.m. the next business day.

F. The Director or his or her designee(s) shall have the right, at any time, to conduct vehicular inspections of any and all ambulances operated by any licensed ambulance operator to determine compliance with this Chapter 7.16 and all applicable Los Angeles County prehospital care policies and procedures.

G. Ground ambulances or EMS aircraft that have been licensed and subsequently removed from service permanently, shall no longer be licensed by the County and the numbered sticker bearing the County seal shall be removed and returned to the EMS Agency within ten (10) calendar days.

SECTION 54. Section 7.16.310 is hereby amended to read as follows:

7.16.310 Driver’s and attendant’s certificates and licenses – Carrying for inspection.

A. Every ground ambulance driver and every ground ambulance attendant shall carry and produce such documents for inspection upon request by the Director, or his or her designee, during ambulance service working hours, the following documents:

1. Current California driver's license (driver);
2. Current California ambulance driver's certificate (driver);
3. Current California medical examination card (DL-51)-(driver);
4. Current state of California Emergency Medical Technician (EMT)

certification card or current Paramedic license (both driver and attendant);

5. Current Paramedic Los Angeles County accreditation—

Paramedics only.

B. Every medical flight crew member of an EMS Aircraft shall carry and produce for inspection upon request by the Director, or his or her designee, during ambulance service working hours, his or her applicable licensure and/or certification documents, as specified in Los Angeles County prehospital care policies and procedures.

C. Every ambulance operator shall be responsible for promulgating and enforcing employee rules to ensure compliance with this Section 7.16.310.

SECTION 55. Section 7.16.320 is hereby added to read as follows:

7.16.320 Ambulance operator – Prohibited acts.

- A. No person shall provide ambulance services without an ambulance operator's license as required by Section 7.16.030 of this Chapter 7.16.
- B. No ambulance operator shall:
1. Fail to dispatch an ambulance within a reasonable time in response to an emergency call from a public agency that responds to 9-1-1 calls or authorized emergency transportation operator for that geographical area, unless such entity is immediately advised of a delay in responding to a call;
 2. Fail, neglect, or refuse to disclose to any entity requesting an emergency response that an ambulance is not available, if indeed an ambulance or appropriate staffing therefore is not then available;
 3. Fail, neglect, or delay to provide transportation of the patient to the most accessible and/or appropriate medical facility in accordance with state law and the Los Angeles County Prehospital Care Manual in an emergency transport;
 4. Use a scanner or radio monitoring device for the purpose of responding to an emergency call when not authorized or requested to respond to that call by the appropriate public agency that responds to 9-1-1 medical calls or authorized emergency transportation operator for that geographical area;
 5. Use a red light and siren (i.e., "Code 3" or "emergent") for response or transport of calls that are non-emergent;
 6. Permit the operation of an ambulance in any manner contrary to the provisions of this title or any rule or regulation adopted pursuant thereto and any Section of the California Vehicle Code, Titles 13 and 22 of the California Code of

Regulations, the Federal Aviation Regulations, and the statutes, rules, and regulations of the Medicare and Medi-Cal programs;

7. Perform the services of a paramedic advanced life support or critical care transport provider unless that operator has first been approved for the provision of such services by the EMS Agency;

8. Fail to respond to emergency and nonemergency calls within the time parameters set forth in Section 7.16.050 of this Chapter 7.16, except as may otherwise be specified either in a County contract with the operator or in other Sections of this Chapter 7.16;

9. Provide paramedic advanced life support transport services to any person or institution under any circumstances without a contract with the County for the provision of such services; and

10. Respond to any emergency call that would normally be considered an emergency 9-1-1 call for a public agency that responds to 9-1-1 calls or the authorized emergency transportation operator for that geographical area, unless the call is from either a 9-1-1 public agency or such authorized emergency transportation operator requesting backup services. If, upon arrival at the scene of pickup in response to a call for nonemergency services, and after assessment of the patient it is determined that a higher level of prehospital care intervention is needed, the appropriate 9-1-1 dispatching agency shall be notified immediately.

11. Permit the use of a red light and siren (i.e., "Code 3" or "emergent") by an AEV unless such ambulance operator is the authorized emergency transportation

operator for the geographical area in which the response occurs or unless the call is from either a public agency that responds to 9-1-1 calls or such authorized emergency transportation operator requesting backup services.

C. The commission of any prohibited act, as set forth in this Section 7.16.320, by an operator or operator's employee or agent shall subject the operator to the imposition of administrative fines pursuant to Section 7.16.345, et seq., of this Chapter 7.16 in addition to any other applicable administrative, civil, or criminal remedy.

SECTION 56. Section 7.16.330 is hereby deleted in its entirety:

SECTION 57. Section 7.16.340 is hereby amended to read as follows:

7.16.340 Adoption of rules and regulations – Violations of chapter – Notice of violation.

A. The EMS Agency may adopt such rules and regulations as it finds are necessary and expedient to enforce the provisions of this Chapter 7.16. Such rules and regulations shall be such as may be proper and necessary for the maintenance of public order, the orderly conduct within establishments, the better enforcements of the provisions of this Chapter 7.16 or to assure that the business and activities will comport with the public welfare.

B. Whenever an enforcement officer determines that a violation of any provision of this Chapter 7.16 has occurred, the enforcement officer is authorized to issue a notice of violation to the operator, and to any attendant or driver in those cases where it is determined that such attendant or driver has violated any provision in this Chapter 7.16. The notice of violation may specify a correction period if, in the judgment

of the enforcement officer, a correction period is warranted.

SECTION 58. Section 7.16.341 is hereby deleted in its entirety.

SECTION 59. Section 7.16.345 is hereby amended to read as follows:

7.16.345 – Administrative fines - Procedure for notice and imposition.

A. Whenever the enforcement officer determines that a violation has occurred, the Director may issue an administrative fine to the operator or person.

B. Except as provided in this Section 7.16.345 and Section 7.16.310, C. of this Chapter 7.16, any violation of any Section of this Chapter 7.16 shall subject any operator or person to an administrative fine in an amount up to five thousand dollars (\$5,000.00) per occurrence.

C. Failure to provide an enforcement officer current licenses and certification, as listed in Section 7.16.310, Subsection (A) or Subsection (B) of this Chapter 7.16, to a EMS Agency representative or designated enforcement officer upon request shall be deemed a violation of this code and shall subject any driver and/or attendant, and applicable medical flight crew member, to an administrative fine in an amount up to two hundred fifty dollars (\$250.00) per occurrence in addition to the applicable provisions of this Chapter 7.16. The operator shall also be notified by telephone. The employee shall be removed from service until he or she has all current licenses and certifications in his or her possession. The operator or the employee shall provide documentation of the employee's current certifications to the EMS Agency within five (5) calendar days of the issuance date of the citation.

D. Failure to promulgate or to enforce employee rules to ensure compliance

pursuant to Section 7.16.310 of this Chapter 7.16 shall be deemed a violation of this Code and subject any ambulance operator to an administrative fine in an amount up to five thousand dollars (\$5,000.00) per occurrence as well as the appropriate penalties and fines defined in Chapter 7.04.

E. Any person providing ambulance services in violation of Section 7.16.030 may be charged with a misdemeanor pursuant to Chapter 1.24 of this code in addition to an administrative fine of five thousand dollars (\$5000.00) per occurrence.

F. Any administrative fine imposed under this Chapter 7.16 may be issued in addition to any other remedy available to the EMS Agency, including license and/or certification revocation, suspension, probation, or referral for criminal prosecution.

G. Each notice of administrative fine shall contain the following information:

1. A statement that an administrative fine is being imposed on the operator pursuant to this Chapter 7.16 of the code;
2. The name of the operator or person;
3. The Section violated;
4. The address of location where the code violation occurred;
5. A description of the code violation;
6. The name of the enforcement officer issuing the violation;
7. The amount of the administrative fine and the procedure for paying the fine; and
8. The procedure for requesting an administrative hearing to contest the imposition of the administrative fine.

H. Unless the operator or person requests an administrative hearing to contest the imposition of the fine, pursuant to Section 7.16.350 of this Chapter 7.16, the notice of administrative fine shall constitute the final administrative order of the County with respect to said administrative fine, and the fine shall be due and payable to the EMS Agency within thirty (30) calendar days following service of the notice of administrative fine.

I. The Director shall serve a notice of administrative fine by either of the following methods:

1. By personal delivery to the operator or person or operator's employee or agent. Service shall be deemed effective at the time of the personal delivery; or

2. By first class mail to operator at operator's place of business as identified on the business license or for an unlicensed ambulance operator, or for an unlicensed company, as identified on the CHP Ambulance Company roster. Service shall be deemed effective five (5) calendar days after the date of mailing.

3. By first class mail to the person's home address as listed in the EMS Agency certification files or as listed in the operator's records or to the operator employing the person. Service shall be deemed effective five (5) calendar days after the date of mailing.

J. Payment of the administrative fine shall not excuse the operator or person from correcting the violation, when applicable.

SECTION 60. Section 7.16.350 is hereby added to read as follows:

7.16.350 - Request for administrative hearing.

A. Any operator or person served with a notice of administrative fine or person subject to an administrative fine under this Chapter 7.16, may request an administrative hearing before a hearing officer to contest the imposition and/or amount of the administrative fine. The request must be in writing and be filed with the Director within ten (10) calendar days following service of the notice of administrative fine and shall include a statement indicating the basis on which the operator contests the imposition of the administrative fine, together with any evidence the operator would like the hearing officer to consider.

B. The written request for administrative hearing must be accompanied by a deposit equal to the full amount of the administrative fine(s) specified in the notice of administrative fine. Failure to deposit this amount concurrently with the request for administrative hearing shall constitute a waiver of the operator or person's entitlement to the administrative hearing. The hearing request and fee deposit shall be deemed filed on the date received by the local EMS Agency.

C. After receiving a timely hearing request and the full amount of fine deposit, the local EMS Agency shall schedule an administrative hearing. The operator or person shall be given not less than ten (10) calendar days prior written notice of the date, time, and location of the administrative hearing and the name of the hearing officer who will conduct the administrative hearing.

D. Every operator or person who requests an administrative hearing to contest the imposition of the fine, pursuant to this Section 7.16.350, the notice of

administrative fine shall constitute the final administrative order of the County with respect to said administrative fine, and the fine shall be due and payable to the EMS Agency within thirty (30) calendar days following service of the notice of administrative fine.

SECTION 61. Section 7.16.360 is hereby added to read as follows:

7.16.360 Administrative hearing procedures.

- A. The hearing officer shall be appointed by the Director.
- B. Hearings shall be conducted by the hearing officer on the date, time and place specified in the notice provided for in Section 7.16.350 of this Chapter 7.16. The hearing officer may, in his or her discretion, grant a continuance of the hearing date upon written request and a showing of good cause. The request must be received by the hearing officer at least two (2) business days prior to the hearing. In no event shall the continuance be longer than forty-five (45) calendar days from the originally scheduled hearing date.
- C. At the hearing, the operator or person shall have the opportunity to present information, in written form or by testimony, relevant to the hearing officer's determination of the matter. The normal rules of evidence do not apply, including the inadmissibility of hearsay testimony.
- D. The notice of violation, notice of administrative fine, and any other reports prepared by or for the enforcement officer concerning the code violation, shall be accepted by the hearing officer as prima facie evidence of the code violation and the facts stated in those documents.

E. After considering all the information and testimony submitted at the hearing and within ten (10) calendar days after the close of the hearing, the hearing officer shall issue a written decision that confirms or cancels the administrative fine. The written decision shall include a statement of the reasons for the decision and shall be served personally or by first-class mail. The hearing officer's written decision shall constitute the final administrative decision of the County.

F. If the hearing confirms the imposition of the full amount of the administrative fine, the EMS Agency shall keep the funds deposited with the hearing request.

G. If the hearing officer cancels an administrative fine, the EMS Agency shall refund the funds deposited with respect to such fine within twenty (20) calendar days from the date of the written decision.

H. The failure of the operator or person to appear at the administrative hearing shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies to judicially challenge the imposition of the administrative fine. If the administrative hearing is abandoned, the issuing department shall keep the funds deposited with the hearing request.

SECTION 62. Section 7.16.370 is hereby added to read as follow:

7.16.370 License probation, suspension or revocation.

A. The Director may place on probation, or suspend the business license of an ambulance operator, or the Director of the Department of Health Services may summarily suspend on a temporary basis or revoke the business license of an

ambulance operator, for violation of any federal or state statute or regulation, or the Los Angeles County Code, or any Los Angeles County prehospital care policy or procedure. Probation or suspension of a license is not a condition precedent to revocation of a license.

B. The Director may place an ambulance operator's business license on probation for the following reasons:

1. Violations of any federal or state statute or regulations, the Los Angeles County Code or Los Angeles County prehospital care policies and procedures,
2. Failure to create, maintain or provide upon request any records or documents required by this Chapter 7.16 (including records of current CHP inspections and licenses),
3. Use of unlicensed ambulance or, if applicable, wheelchair and/or gurney van vehicles or any other vehicle, to provide emergency or non-emergency medical services,
4. Use of noncertified Emergency Medical Technicians (EMTs) or other unlicensed medical personnel, and
5. Failure to pay required fees or fines within thirty (30) calendar days of due date;

C. Before placing an ambulance operator's business license on probation, the Director shall provide written notice to the licensee. Said notice shall:

1. Specify the reason(s) for which the probation action is to be taken,
2. Set forth the term of the probation period which is not to exceed

one hundred twenty (120) calendar days; the term of the probation may be extended once at the discretion of the Director.

3. Request a corrective action plan that addresses the measures to be taken to eliminate or mitigate the violation(s) that have been identified with such plan to be approved by the Director, and

4. The written notice shall be served on the licensee, either by mail or hand delivery to its business address as listed on the business license or to its designated agent for service of such notices, if any.

D. The Director may suspend an ambulance operator's business license for the following reasons:

1. Any violations of any federal or state statute or regulations, the Los Angeles County Code or Los Angeles County prehospital care policies and procedures; or,

2. Failure to maintain insurance coverage as defined in Section 7.16.180; or

3. Greater than three (3) upheld administrative fines issued to an ambulance operator or its principals within a twelve (12) month period that were not canceled following an administrative hearing; or

4. Conviction of two (2) or more misdemeanor offenses by an ambulance operator, its principals or managers; or

5. The licensee, his agent, or employee, general manager, or any other person who is exercising managerial authority of or on behalf of the licensee has

violated any condition or restriction of the license.

6. Failure to meet the terms of a probationary status as specified in this Section 7.16.370.

E. The Director of the Department of Health Services may summarily suspend the business license of an ambulance operator on a temporary basis when an ambulance operator or its principals has engaged in acts or omissions that constitute grounds for denial or revocation according to Section 7.16.180 and/or this Section 7.16.370 of this Chapter 7.16 and if in the opinion of the Director of the Department of Health Services or designee permitting the licensee to continue to engage in the provision of ambulance services would pose an imminent threat to the public health, safety, and welfare.

1. The notice of summary suspension pending hearing shall immediately be served on the licensee, either by registered or certified mail, postage prepaid, hand delivery, or in the manner required for the service of summons in civil actions, to the business address as listed on the business license. The notice shall include the allegations that allowing the licensee to continue to engage in the provision of ambulance services would pose an imminent threat to the public health, safety, and welfare.

2. The Director of the Department of Health Services or designee shall serve within seven (7) calendar days an accusation pursuant to Section 7.16.380 of this Chapter 7.16.

3. If the licensee files a Notice of Defense within ten (10) calendar

days after service upon him of the accusation, a public hearing as provided in Section 7.16.165 of this Chapter 7.16 shall be held within thirty (30) calendar days of the Director's receipt of the Notice of Defense.

4. Pending such hearing to determine if the Ambulance Operator Business License will be revoked or further suspended, the summary suspension shall remain in effect.

5. Failure to file the Notice of Defense within ten (10) calendar days shall constitute an admission of the truth of the allegations of the accusation and a waiver of the licensee's rights to a hearing and will result in revocation of the Ambulance Operator's Business License.

G. The Director of the Department of Health Services may revoke an ambulance operator's business license for the following reasons:

1. Any violations of any federal or state statute or regulations, the Los Angeles County Code or Los Angeles County prehospital care policies and procedures; or,

2. Conviction of a felony or any crime involving theft, embezzlement or moral turpitude by an ambulance operator, its principals or managers; or

3. Conviction of an offense related to the use, sale, possession, or transportation of narcotics by an ambulance operator, its principals or managers; or

4. The aiding or abetting of an unlicensed or uncertified person to evade the provisions of this title by an ambulance operator, its principals or managers; or

5. Presenting a threat to public health and safety including, but not limited to, the ongoing use of unlicensed or uncertified personnel; or
6. Ongoing failure to pay any fine or fee imposed by any provision of this Chapter 7.16; or
7. Ongoing failure to maintain and/or provide records as required by this Chapter 7.16, or
8. Debarment by the Centers for Medicare and Medicaid (CMS); or
9. Failure to meet any condition placed on a license within a specified timeframe; or
10. The commission of any unlawful, false, fraudulent, deceptive or dangerous act by an ambulance operator, its principals or managers while conducting the licensed business; or
11. The violation of any rule or regulation adopted by any public agency relating to the licensee's business; or
12. The ambulance operator, its principals or managers published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of the licensed business; or
13. Failure or refusal to notify the EMS Agency of any proposed change in facts as required by Section 7.16.130 of this Chapter 7.16 a minimum of sixty (60) calendar days prior to such proposed change in facts; or
14. Any of the grounds set forth for denial of an Ambulance Operator Business License pursuant to Section 7.16.180 of this Chapter 7.16.

H. Before suspending or revoking an Ambulance Operator's Business License which has not been summarily suspended as described in this Section 7.16.370, the Director or the Director of the Department of Health Services or designee shall provide written notice to the licensee. Said notice shall specify the reason(s) for which the suspension or revocation action is to be taken;

I. The Director of the Department of Health Services or designee shall serve within fifteen (15) calendar days an accusation pursuant to Section 7.16.380 of this Chapter 7.16.

J. If the licensee files a Notice of Defense within ten (10) calendar days after service upon him of the accusation, a public hearing as provided in Section 7.16.165 of this Chapter 7.16 shall be held not less than fifteen (15) calendar days nor greater than thirty (30) calendar days of the Director of the Department of Health Services or designee's receipt of the Notice of Defense.

K Pending such hearing to determine if the Ambulance Operator Business License will be revoked, unless such operator is on summary suspension, the licensee may continue to operate.

L. Failure to file the Notice of Defense within ten (10) calendar days shall constitute an admission of the truth of the allegations of the accusation and a waiver of the licensee's rights to a hearing and will result in the revocation of the Ambulance Operator's Business License.

M. Except as may be specifically provided by this Section 7.16.370 or by other provisions of this Chapter 7.16, the hearing and appeal rules and regulations

reflected in Sections 7.16.170 and 7.16.450 of this Chapter 7.16 are applicable to the license suspension or revocation proceedings referenced in this Section 7.16.370.

N. If the licensee, subsequent to service of such a probation, suspension, or revocation notice under this Section 7.16.370, remedies some or all of the conditions to which the notice refers, the Director may rescind the probation or suspension and the Director of the Department of Health Services may rescind the summary suspension or revocation at any time.

O. In addition to the grounds stated in any other Section of this Chapter 7.16, the Director, after a hearing as provided in Section 7.16.150, shall suspend for a period of not less than ten (10) calendar days nor more than sixty (60) calendar days an Ambulance Operator Business License granted pursuant to Section 7.16.030 of this Chapter 7.16 if it finds that any such licensee, his agent or employee, general manager, or person who is exercising managerial authority of or on behalf of the licensee has acted as a runner or capper as prohibited by Sections 6151 and 6152 of the California Business and Professions Code.

P. In addition to the grounds stated in any other Section of this title, the Director of the Department of Health Services, after a hearing as provided in Section 7.16.150, shall revoke an Ambulance Operator Business License granted pursuant to Section 7.16.030 of this Chapter 7.16 if it finds that any such licensee, his agent or employee, general manager, or person who is exercising managerial authority of or on behalf of the licensee or any combination of such persons has

acted as a runner or capper as prohibited by Sections 6151 and 6152 of the California Business and Professions Code more than once in any 12-month period.

SECTION 63. Section 7.16.380 is hereby added to read as follow:

7.16.380 Accusations – Contents and service upon respondent.

A. A hearing on a proposed suspension or revocation, shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules, with which the respondent must show compliance by producing proof at the hearing; and, in addition any particular matters which have come to the attention of the initiating party and which would authorize a suspension or revocation of the license. The accusation shall be verified unless made by a public officer acting in his official capacity. The verification may be on information and belief.

B. Service of an accusation may be proved in a manner authorized in civil actions. Service by certified or registered mail shall be effective on the date of mailing if a certified letter containing the accusation is mailed, postage prepaid and addressed to the respondent at the latest address on file with the EMS Agency.

C. Where a respondent files a notice of defense, or otherwise appears in a proceeding, all objections to the validity of service shall be deemed waived.

D. The copy of the accusation shall include or be accompanied by a statement that respondent may request a hearing by filing a notice of defense as provided in this Chapter 7.16 within ten (10) calendar days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing and revocation of the Ambulance Operator Business License. The Director of the Department of Health Services shall include with the accusation a postcard or other form, entitled "Notice of Defense," which, when signed by or on behalf of the respondent and returned to the Director of the Department of Health Services, will acknowledge service of the accusation and constitute a notice of defense.

SECTION 64. Section 7.16.390 is hereby added to read as follow:

Section 7.16.390 Notice of defense – Form and filing.

A. Within ten (10) calendar days after service upon a licensed ambulance operator of the accusation against an existing license, the respondent may file with the Director of the Department of Health Services or designee one or more notices of defense in which the licensee may:

1. Request a hearing;
2. Object to the accusation upon the ground that it does not state acts or omissions upon which the Director of the Department of Health Services or designee may proceed;
3. Object to the form of the accusation on the ground that it is so indefinite or uncertain that the licensee cannot prepare his defense;
4. Admit the accusation in whole or in part.

B. The respondent shall be entitled to a hearing on the merits if he files a notice of defense within ten (10) calendar days, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file such notice shall constitute an admission of the truth of the allegations of the accusation and a waiver of respondent's rights to a hearing, but the Director of the Department of Health Services or designee in his/her discretion may nevertheless grant a hearing. Unless objection is taken as provided in this Section, all objections to the form of the accusation shall be deemed waived.

C. The notice of defense shall be in writing signed by or on behalf of the respondent, and shall state his mailing address. It need not be verified or follow any particular form.

SECTION 65. Section 7.16.400 is hereby added to read as follow:

7.16.400 – Accusations – Amendments – Before or after submission.

A. At any time before the matter is submitted for decision, the Director of the Department of Health Services or designee may file or permit the filing of an amended or supplemental accusation. All parties shall be notified thereof. If the amended or supplemental accusation presents new charges, the Director of the Department of Health Services or designee shall afford respondent a reasonable opportunity to prepare a defense thereto. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation may be made orally and shall be noted in the record.

The Director of the Department of Health Services or designee may order

amendment of the accusation after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his behalf. If such prejudice is shown, the Director of the Department of Health Services or designee shall reopen the case to permit the introduction of additional evidence.

SECTION 66. Section 7.16.410 is hereby added to read as follow:

Section 7.16.410 Respondent – Effect of failure to appeal.

If the respondent fails to file a notice of defense or fails to appear at the hearing, such failure shall constitute an admission of all of the allegations of the accusation. The Director of the Department of Health Services or designee may take action based upon the respondent's implied and express admissions or upon other evidence. The Director of the Department of Health Services or designee or other body having jurisdiction also may act without taking evidence if the express or implied admissions of the respondent are sufficient to sustain the action taken.

SECTION 67. Section 7.16.420 is hereby added to read as follow:

Section 7.16.420 Findings

Written findings of fact are not required unless requested at the hearing by a party thereto. The findings, if any, may be stated in the language of the pleadings or by reference thereto.

SECTION 68. Section 7.16.430 is hereby added to read as follow:

Section 7.16.430 Decision – Effect of appeal.

The filing of an appeal to the Business License Commission from any decision of the Director of the Department of Health Services or designee which grants, denies or revokes a license shall not operate to stay such decision of the Director of the Department of Health Services or designee unless so ordered by the Business License Commission upon a showing a good cause by affidavit, pending a hearing by the Business License Commission; however, the filing of an appeal to the Business License Commission from a decision of the Director of the Department of Health Services or designee which suspends, modifies or conditions a license shall operate to stay such decision of the Director of the Department of Health Services or designee.

SECTION 69. Section 7.16.440 is hereby added to read as follow:

Section 7.16.440 License appeals officer.

A. The license appeals officer for decisions by the Director of the Department of Health Services shall be the Business License Commission.

B. The license appeals officer for decisions by the Director shall be the Director of the Department of Health Services or designee.

SECTION 70. Section 7.16.450 is hereby added to read as follow:

Section 7.16.450 - Notice of appeal—Form and filing.

A. Any person dissatisfied with any decision of the Director of Health Services which is not an appeal of a decision by the Director, or any decision of the Director may, within fifteen (15) calendar days after such decision is announced at the conclusion of the hearing, or otherwise within fifteen (15) calendar days of receipt by the applicant or licensee of written notice of the decision, file with the EMS Agency, a notice

of appeal to the license appeals officer. The notice shall be signed by the appellant or by his attorney, and shall be sufficient if it states in substance that the appellant appeals from a specified decision or a particular part thereof and states briefly the grounds upon which the appeal is taken.

B. With every notice of appeal filed pursuant to this Section 7.16.450, the appellant shall submit the cost of three certified transcripts of all hearings held on the matter resulting in the decision from which the appeal is taken.

1. The cost of the certified transcripts shall be provided to the appellant in the written notice of the hearing decision from which the appeal is taken.

2. For the purposes of this Section 7.16.450, the cost of the transcripts shall be the actual cost imposed by the Court Reporting Service providing the court reporter certified in the State of California or the amount provided by law as fees of the county clerk for preparing such transcripts, as applicable to the matter under appeal.

SECTION 71. Section 7.16.460 is hereby added to read as follow:

7.16.460 - License appeals officer—Notice, authorized actions and hearings.

A. Within five (5) calendar days of receipt of the transcript or transcripts of all hearings held on the matter under which the appeal is taken, the EMS Agency shall transmit to the license appeals officer, a copy of the notice of appeal filed pursuant to Section 7.16.450, all exhibits introduced in evidence during the hearing or hearings held

on the matter under appeal, and three certified copies of the transcript or transcripts of all testimony.

B. Within thirty (30) calendar days of receipt of the documents and transcripts required by Subsection A, of this Section 7.16.510, the license appeals officer shall:

1. Take such action as, in his or her opinion, is indicated by such evidence; or
2. Refer the matter back with instructions to the Director of the Department of Health Services or the Director, as applicable, for further proceedings; or
3. Schedule the matter for hearing.

C. Any action taken by the license appeals officer shall be in writing with appropriate notice to the Director of the Department of Health Services or the Director. The EMS Agency shall provide notice of such action to the appellant, applicant or licensee and all interested county departments.

D. In no case, however, shall any license be conditioned, modified, suspended or revoked by the license appeals officer unless the licensee shall have been granted a hearing before the license appeals officer.

E. If the license appeals officer grants a hearing, the EMS Agency shall give not less than ten (10) calendar days' written notice of the date, time and place of such hearing to the appellant. The license appeals officer at a hearing upon appeal may permit the introduction of, and consider, additional evidence, or such officer may at his or her option consider only the transcript of proceedings before the business license

commission, together with any exhibits received in evidence during such proceedings. In either case, the license appeals officer may at his or her option hear and consider additional argument and points and authorities of law, and may require parties to submit such argument and points and authorities of law prior to rendering any decision.

SECTION 72. Section 7.16.470 is hereby added to read as follow:

7.16.470 – Severability.

If any Section, subsection, sentence, clause, phrase, or portion of this Chapter 7.16 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter 7.16.