

## CHAPTER 19

### AMBULANCE SERVICE AREA PLAN

#### ADMINISTRATION

**19.005 Ambulance Service Area Plan.** The Board of Commissioners, acting as the Board of Health (Board), has adopted an Ambulance Service Area (ASA) Plan as required by state law. Whenever this Chapter and the Plan conflict, this Chapter shall be controlling. [Ord. 91-0085]

**19.010 Benton County Emergency Medical Advisory Committee.** The Board hereby establishes the Benton County Emergency Medical Advisory Committee. The Board shall adopt bylaws for this Committee by order. The members of the Committee shall be appointed by the Board. The Committee shall have the powers and duties specified in the Ambulance Service Area Plan. [Ord. 91-0085]

**19.015 Assignment of ASAs.** The Board shall assign, by order, an ambulance service area or ambulance service areas. [Ord. 91-0085]

**19.020 Exclusivity of Assignment.** No person or persons, acting individually or jointly, in any capacity, shall provide ambulance service in Benton County unless and until the Board has, by order, assigned an ambulance service area to that person or group of persons. [Ord. 91-0085]

**19.025 Boundaries.** The boundaries of the ambulance service area(s) is (are) as specified in the Ambulance Service Area Plan. Boundaries may be amended by the Board by order. [Ord. 91-0085]

#### SUSPENSION OR REVOCATION OF ASSIGNMENT

**19.100 Suspension or Revocation.** The Board may suspend or revoke an assignment of an ambulance service area upon either the recommendation of the Benton County Emergency Medical Advisory Committee or upon their own motion upon the following findings:

- (a) The provider willfully violated Chapter 19 of the Benton County Code, the Ambulance Service Area Plan, state or federal law, Administrative Rules, or any applicable regulations;
- (b) The provider materially misrepresented facts or information in its application for assignment of an ambulance service area or in any review of the provider's performance; or
- (c) The provider has failed to provide service which protects the public welfare or has acted in any manner which is inconsistent with public welfare. [Ord. 91-0085]

**19.110 Contingent Suspension or Revocation.** At its discretion, the Board may order a provider to correct any violations or misrepresentations and make a suspension or revocation contingent upon the provider's response to the Board's order. The Board shall cause written notice to be mailed or hand-delivered, specifying the violation or misrepresentation, the action necessary to

correct the violation or misrepresentation, and the date by which the corrective action must be taken. It shall be the responsibility of the provider to notify the Board of the corrective action which the provider takes. Should the provider fail to correct the violation or misrepresentation within the the allotted to the satisfaction of the Board, or fail to notify the Board within the time allotted, the Board may suspend or revoke the provider's assignment. [Ord. 91-0085]

## **APPEALS**

**19.200 Time for Appeals.** Any applicant or provider who is notified of an assignment, denial, suspension, revocation, or contingent suspension or revocation may request a hearing before the Board of Commissioners, acting as the Board of Health, or the Board's designee by filing with the Board a written request within fourteen (14) days of the date of the notice of the decision. This request must specify the reason for the request and the issues to be addressed. Receipt of this request by the Board stays any action pending the hearing and the final determination of the Board or their designee, unless the Board or the designee makes written findings that prompt implementation of a decision is required due to an imminent hazard to public safety. [Ord. 91-0085]

**19.210 Procedure for Appeals.** The Board or the Board's designee shall set the time and place for the hearing, and shall determine the standard of review (de novo or on the record). Within fourteen (14) days of the date of the hearing, the Board or the Board's designee shall affirm, reverse, or modify the decision. [Ord. 91-0085]

## **PENALTIES**

**19.300 Violation, Separate Offenses.** Any person who fails to comply with or violates any provision of Chapter 19 or the Ambulance Service Area Plan shall be guilty of a violation. Failure to comply with, or violation of, any of the terms of Chapter 19 shall be a separate offense for each day. Failure to comply with, or violation of, any provision of Chapter 19 shall be a separate offense for each provision. [Ord. 91-0085]

**19.310 Fine.** In addition to any other procedures or remedies provided by law, violation of and failure to comply with any provisions of Chapter 19 or the Ambulance Service Area Plan shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000) per violation. [Ord. 91-0085]