

ORDER ADOPTING ORDINANCE FOR AMBULANCE SERVICE

THERE CAME ON FOR CONSIDERATION the matter of the adoption of an Ordinance for Ambulance Service for Neshoba County, Mississippi.

After a lengthy discussion and thorough review of the proposed Ordinance prepared by Board Attorney, J. Max Kilpatrick, and County Administrator, Benjie Coats, as authorized and directed by the Board, a motion was made by Honorable James Young and seconded by Honorable Aubrey Nicholson to adopt the Ordinance for Ambulance Service as presented and that a copy of said Ordinance be spread on the minutes of this Board. The effective date of said Ordinance shall be February 25, 1997.

The motion passed on the following vote, to-wit:

Gary Chamblee, Supervisor, District I	Aye
Mike Allen, Supervisor, District II	Aye
Harold Reynolds, Supervisor, District III	Aye
Aubrey Nicholson, Supervisor, District IV	Aye
James Young, Supervisor, District V	Aye

ORDERED this the 24th day of February, 1997.

Gary Chamblee
GARY CHAMBLEE, PRESIDENT
BOARD OF SUPERVISORS
NESHOPA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI
NESHOPA COUNTY

I, LARRY McMILLAN, Chancery Clerk in and for said State and County, hereby certify

that the above and foregoing is a true and correct copy of that certain Order Adopting Ordinance
for Ambulance Service recorded in Minute Book 59 Page 243 of the
records of this office.

Given under my hand and seal of office, this 21st day of March
1997.

Larry McMILLAN
Chancery Clerk

J. Breeze

NESHOBA COUNTY, MISSISSIPPI

ORDINANCE NO. 103

ORDINANCE FOR AMBULANCE SERVICE

Section 1 STATEMENT OF PURPOSE AND INTENT

Neshoba County, Mississippi (the "County"), has elected to adopt the following Ordinance in order to obtain for its citizens the following advantages: (1) access to emergency medical services superior in quality, quantity, and economic stability; (2) improved economies of scale and cost containment; and (3) access to superior disaster response capabilities.

Section 2 DEFINITIONS

2.01 ADVANCED LIFE SUPPORT (or ALS) AMBULANCE SERVICE - Advanced Life Support Ambulance Service means the level of service attained when (i) the Ambulance Service Provider is licensed as an advanced life support ambulance service by the Mississippi State Department of Health and (ii) the Ambulance Service Provider's vehicles are permitted as advanced life support vehicles by the Mississippi State Department of Health and each ambulance is occupied by at least one person certified as an EMT-Paramedic by the Mississippi State Department of Health, one person licensed as a pre-hospital registered nurse by the Mississippi State Board of Nursing or one person licensed as a physician by the Mississippi State Department of Health.

2.02 AMBULANCE - Ambulance means any vehicle which is designated and equipped to transport ill or injured persons in a reclining position to or from health care facilities.

2.03 AMBULANCE SERVICE PROVIDER - Ambulance Service Provider means a person or organization, governmental or private, which operates one or more ambulances.

2.04 CONTRACT ADMINISTRATOR - Contract Administrator is an individual designated by the County to administer the Operations Contract. All communications between the County and the Operations Contractor will take place through the Contract Administrator.

2.05 EMERGENCY TRANSPORT CALL - Emergency Transport Call means a call requiring an Emergency Ambulance Response because it concerns a potential patient presumptively classified as having an

Emergency Medical Condition.

- (a) Emergency Medical Condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in (i) placing the patient's health in serious jeopardy, (ii) serious impairment to bodily functions, or (iii) serious disfunction of any bodily organ or part.
- (b) Emergency Ambulance Response means an ambulance responding in the emergency mode in the least amount of time practically attainable, in response to a situation in which there is a high probability that a patient with an Emergency Medical Condition exists.
- (c) Emergency Mode means (i) the use of headlights and emergency warning lights continuously while the ambulance is mobile and (ii) the use of the siren (with headlights and emergency warning lights) when driving maneuvers are executed that would otherwise be prohibited or illegal for non-emergency situations.

2.06 EMERGENCY MEDICAL SERVICES - Emergency Medical Services ("EMS") means the following pre-hospital and inter-hospital services:

(a) Access and Coordination - The answering and processing of telephone requests from the public for ambulance or first responder services, including EMS dispatching, emergency and routine; the providing of medical pre-arrival instructions to callers by telephone; but excluding the process of 911 complaint-taking when the caller is immediately transferred to the EMS Control Center;

(b) First Responder Services - Those emergency services, excluding transportation, which are performed by a First Responder;

(c) Medical Transportation - Ambulance services, both emergency and routine, including patient assessment, transportation and medical procedures performed on scene, in route, during inter-facility transport, or at an emergency receiving facility when performed at the request of the receiving physician; and

(d) On-Line Medical Direction - Instructions given by a Communications Resource Facility as defined in the Rules and Regulations issued by the Division of EMS, Mississippi State Department of Health, to First Responders or ambulance personnel at

the scene of an emergency, while in route to a hospital, or during an inter-facility patient transfer. On-line Medical Direction in the County shall be sanctioned and coordinated by the Central Mississippi Emergency Services District.

2.07 EMS CONTROL CENTER - Neshoba 911 Communications Center is the facility which serves as the central EMS communications center for the County.

2.08 EMS LEAD AGENCY - The Neshoba County General Hospital and Nursing Home is the organization delegated the responsibility for coordinating all components and care aspects for the entire EMS system in the County.

2.09 FIRST RESPONDER - First Responder means any person, fire department unit, law enforcement unit, or non-transporting rescue unit capable of providing appropriate First Responder Service, excluding transportation.

2.10 LICENSING OFFICER - Licensing Officer means the public official designated by the County empowered to issue permits, as defined in this Ordinance, in accordance with policies and procedures governing such issuance as set forth herein.

2.11 OPERATIONS CONTRACT - Operations Contract means a contract between the Neshoba County General Hospital and Nursing Home and the County to provide ALS Ambulance Service to the County in response to Emergency Transport Calls within the County and to serve as the EMS Lead Agency.

2.12 OPERATIONS CONTRACTOR - Operations Contractor means the entity providing ALS Ambulance Service to the County in response to Emergency Transport Calls within the County and serving as the EMS Lead Agency pursuant to the Operations Contract.

2.13 PATIENT - Patient means an individual who is ill, sick, injured, wounded, or incapacitated, and who is in need, or is at risk of needing, medical care or assessment during transportation to or from a health care facility and who is or should be transported in a reclining position.

2.14 PERMIT - Permit means any of the permitting documents required to be obtained pursuant to this Ordinance, including the following:

(a) Ambulance Service License - Emergency and Nonemergency - Ambulance Service Providers responding to Emergency Transport Calls shall be required to obtain an Emergency Ambulance Service License pursuant to this Ordinance. Ambulance Service Providers responding to Routine/Nonemergency Transport Calls shall be required to obtain a Routine/Nonemergency Ambulance Service license pursuant to this Ordinance.

(b) First Responder Certification - Certification issued to a First Responder pursuant to this Ordinance.

(c) Ambulance Permit - Every ambulance operated by an Ambulance Service Provider shall be required to obtain an Ambulance Permit subject to inspection and recommendation of the Licensing Officer, pursuant to this Ordinance.

2.15 ROUTINE/NONEMERGENCY TRANSPORT CALL - Routine/Nonemergency Transport Call means a call for ambulance service which is not an Emergency Transport Call.

2.16 ROUTINE/NONEMERGENCY TRANSPORT SERVICE PROVIDER - Routine/Nonemergency Transport Service Provider means an Ambulance Service Provider licensed pursuant to this Ordinance, other than the Operations Contractor.

2.17 SYSTEM STANDARD OF CARE - System Standard of Care means the federal, state and local laws, rules and regulations which establish standards, policies and protocols governing all clinical aspects of the EMS system in the County.

2.18 SYSTEM STATUS CONTROLLER - System Status Controller ("SSC") shall be an employee of Neshoba County's Telecommunications Center and a person trained and competent as an EMS dispatcher. The minimum standard of training shall be the current edition of "Emergency Medical Services Dispatcher: National Standard Curriculum" as developed by the U. S. Department of Transportation, National Highway Traffic Safety Administration. The SSC must demonstrate competency in (a) receipt and processing of calls for ambulance service, (b) dispatch and coordination of EMS resources, (c) provision of medical information, and (d) coordination with other public safety services. Only qualified SSCs shall be permitted to work in the EMS Control Center.

2.19 SYSTEM STATUS PLAN - System Status Plan means the plan and protocols for staffing, deployment, and redeployment of ambulances which is developed and utilized by an Ambulance Service Provider, and which specifies how many ambulances will be staffed and available within the County each hour of the day, each day of the week, including the locations of available ambulances (not assigned to calls) within the County, specified separately for each hour of the day, for each day of the week and the remaining number of ambulances then available in the system, and including protocols for event-driven redeployment of those remaining ambulances.

Section 3 OPERATIONS CONTRACT

3.01 The County may enter into an Operations Contract with an entity, who, upon execution of the Operations Contract, shall become the Operations Contractor, to provide ALS ambulance service to the County in response to emergency transport calls within the

County and to coordinate all components and care aspects for the entire EMS system in the County. The County shall designate the Operations Contractor to be the EMS Lead Agency. The County shall staff, operate and control the 911 Telecommunications Center. As the EMS Lead Agency, the Operations Contractor shall enter into agreements with Central Mississippi Emergency Management Services District to provide on-line medical direction. The Operations Contractor shall perform any other duties as provided hereunder or as provided in the Operations Contract.

3.02 For the purposes set forth in Section 1 hereof, prior to adoption of this Ordinance, the County, solicited proposals to determine the most qualified entity to be the Operations Contractor. Simultaneously with the adoption of this Ordinance, the County will authorize execution of the Operations Contract with the initial Operations Contractor hereunder to provide County wide services exclusive of the Choctaw Indian Reservation. Upon the expiration or termination of the initial Operations Contract, the County may enter into an Operations Contract with an entity that meets the standards therefor.

Section 4 MANDATORY CENTRALIZED EMERGENCY TRANSPORT CALL PROCESSING

4.01 All 911 telephone requests for ambulance services, both emergency and routine, originating within the County shall terminate at the 911 Telecommunications Center, where a System Status Controller shall establish the call's classification, determine the patient's location, and if appropriate, deliver pre-arrival instructions. The System Status Controller shall also determine the need for First Responder Services, alert the First Responder, if appropriate, and dispatch the appropriate ambulance.

4.02 It shall be unlawful for any Routine/Nonemergency Transport Service Provider to publish or advertise any telephone number for the purposes of soliciting requests for Emergency Transport Calls.

4.03 During times of disaster or severe EMS system overload, the Operations Contractor shall at all times have full authority to direct the positioning, movements, and run responses of all ambulances and all Ambulance Service Providers until such time as the disaster or system overload has lapsed.

4.04 All calls processed by the 911 Telecommunications Center shall be recorded to facilitate subsequent auditing of the System Status Controller's actions and decisions by the Contract Administrator, and all such recordings shall be safely stored and shall not be erased for a period of six (6) months.

Section 5 ROUTINE/NONEMERGENCY TRANSPORT CALL PROCESSING

5.01 All calls received by Routine/Nonemergency Transport Ambulance Service Providers will be logged and made available to the Contract Administrator and the EMS Lead Agency upon request. Such logs shall be safely stored and shall not be destroyed for a period of six (6) months.

5.02 All calls received by Routine/Nonemergency Transport Ambulance Service Providers operating in the County which meet the requirements of Emergency Transport Calls shall be transferred to the EMS Control Center.

5.03 If while responding to a Routine/Nonemergency Transport Call, a Routine/Nonemergency Transport Service Provider determines that the patient meets the criteria for an Emergency Transport Call, the Routine/Nonemergency Transport Service Provider shall immediately notify the EMS Control Center while continuing to provide medical service.

Section 6 INSURANCE REQUIREMENTS

6.01 Each Ambulance Service Provider shall keep in full force and effect a policy or policies of public liability and property damage insurance issued by an insurance company authorizing to do business in the State of Mississippi, with coverage provisions insuring the public from any loss or damages that may arise to any person or property by reason of the negligent operation of such Ambulance Service Provider, and providing amounts of recovery in limits of not less than the following sums:

(a) For the damages arising out of bodily injury to or death of one or more persons in any one accident, not less than \$500,000.00.

(b) For any injury to or destruction to property in any one accident, not less than \$500,000.

(c) For any combination of damages not to exceed \$1,000,000.

6.02 Each Ambulance Service Provider shall keep in full force and effect a general comprehensive liability and professional liability policy or policies issued by an insurance company authorized to do business in the State of Mississippi, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the negligent actions of the Ambulance Service Provider or any of its employees, agents, and/or servants, and providing that the amount of recovery shall be in limits of not less than \$1,000,000 with annual aggregate of not less than \$3,000,000.

6.03 Insurance companies providing this coverage shall be assigned a rating so prescribed by A. M. Best Company of "A" or

better and shall be licensed to operate in the State of Mississippi. The insurance companies shall provide the Contract Administrator proof of insurance coverage. In addition, the Contract Administrator shall be notified immediately of any alteration, modification and/or cancellation of any coverage.

6.04 Cancellation or material alteration of any required insurance policy or coverage shall result in the automatic revocation of any Ambulance Service License issued hereunder, and the Ambulance Service Provider shall thereupon cease and desist from further ambulance service operations in the County.

6.05 Ambulance Service Providers operating pursuant to Section 4 hereof will be required to meet the provisions of this Section 7 within six (6) months from the effective date of this Ordinance.

Section 7 CERTIFICATE OF NECESSITY FOR AMBULANCE SERVICE LICENSE

7.01 Any entity desiring to obtain an Ambulance Service License to operate in the County shall first make an application for a Certificate of Necessity for either an Emergency Ambulance Service License or a Routine/Nonemergency Ambulance Service License to the County Administrator or his designee.

7.02 The criteria for consideration of an application shall be as follows, and applications for such Certificate of Necessity shall include the following information, verified under oath:

(a) NAME: The name and address of the applicant seeking the Certificate of Necessity, and, in the event the applicant is a corporation, a certified copy of the articles of incorporation.

(b) EQUIPMENT & AMBULANCES: Equipment and ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Applicant shall provide the make, type, year of manufacture, serial number, license tag number, and equipment therein for each ambulance owned or operated or proposed to be operated by the applicant.

(c) PERSONNEL: Personnel who are qualified by training, experience and work history to comply with the System Standard of Care and to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Personnel must meet federal, state and local certification requirements. Principals and employees of an applicant shall be subject to criminal record checks and background investigations.

(d) APPLICANT'S EMS HISTORY: Complete listing of the applicant's relevant EMS experience. A favorable recommendation of an application shall not be made unless this history shows that the applicant is able to comply with the System Standard of Care and

fully, safely and reliably perform the services for which the Certificate of Necessity is requested. In order to provide quality ambulance services and protect the safety of the patients, no Certificate of Necessity for ambulance service license shall be granted to any applicant who has been or is currently on probation status through the Division of Emergency Medical Services of the Mississippi State Department of Health.

(e) PLANS: (i) A proforma internal medical quality assurance plan, which shall describe applicant's medical quality assurance program, demonstrating a reasonable probability that the applicant, if licensed, will deliver medical care meeting the System Standard of Care, including, without limitation, the clinical quality for ambulance services set forth in Section 14 hereof.

(ii) A proforma System Status Plan demonstrating that all ambulances operating within the County will be equipped and staffed to operate in accordance with the System Standard of Care, including, without limitation, the clinical quality for ambulance services set forth in Section 14 hereof.

(f) PROOF OF FINANCIAL RESPONSIBILITY: Financial statements and a statement as to whether there are any unsatisfied judgments of record against such applicant, and if so, the title of all actions and the amounts of all judgments unsatisfied. No Certificate of Necessity shall be granted to any applicant unless it is financially stable and financially capable of complying with the System Standard of Care and providing competent services for the entire period for which a license is requested and for the full scope of services proposed to be authorized. An applicant's failure to have paid any federal, state or local tax, including business license tax and personal property tax, shall be evidence of a lack of financial responsibility.

(g) ACCEPTANCE OF TERMS AND CONDITIONS: A statement of compliance with all applicable federal, state and local laws, rules and regulations.

(h) PROOF OF PUBLIC NECESSITY FOR SERVICES: A statement of the public necessity for the services to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the services which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.

7.03 No favorable recommendation shall be made and no

Certificate of Necessity shall be granted unless an applicant meets all the foregoing criteria, without exception. Failure of an applicant to do so shall indicate that the applicant poses an unacceptable degree of risk to the public safety.

7.04 All existing Ambulance Service License holders pursuant to this Ordinance will be given notice of any application for a Certificate of Necessity and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the County Administrator or his designee to oppose, object to, or request modification of the application, and to state whether the application, if granted, would negatively affect the ability of existing Ambulance Service License holders to continue providing services.

7.05 The County Administrator or his designee will make his recommendation in writing to the County Board of Supervisors to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of ambulances.

7.06 The Board of Supervisors will vote to grant or deny the application for a Certificate of Necessity after consideration is given to the recommendation by the County Administrator or his designee and any responses received by existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of ambulances for which the applicant may seek a permit pursuant to Section 10 hereof.

7.07 Any applicant who is dissatisfied with the decision of the Board of Supervisors shall have the right to a hearing before the Board of Supervisors at a regular or special meeting, if written notice of appeal is filed with the Board of Supervisors within ten (10) days after such decision. All Ambulance Service License holders under this Ordinance shall have an opportunity to be present and to oppose, object to, or request modification of the application. This hearing may be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application, and the right to know prior to the hearing the reasons for denial or modification of the request. A written decision on any such appeal shall be mailed to the applicant within ten (10) working days of the hearing.

7.08 No applicant denied a Certificate of Necessity shall make application for a Certificate of Necessity for the same type of Ambulance Service License within one (1) year from final denial by the Board of Supervisors or final denial of appeal thereof.

Section 8 AMBULANCE SERVICE LICENSE

8.01 No entity may provide ambulance services in response to an Emergency Transport Call originating within the County without

first obtaining an Emergency Ambulance Service License issued pursuant to this Section 9. The Operations Contractor shall be deemed to have an Emergency Ambulance Service License upon execution of the Operations Contract. Such license shall remain in effect until the Operations Contract is terminated.

8.02 No entity may provide ambulance services in response to a Routine/Nonemergency Transport Call originating within the County without first obtaining a Routine/Nonemergency Ambulance Service License issued pursuant to the provisions of this Section 9. The Operations Contractor shall be deemed to have a Routine/Nonemergency Ambulance Service License upon execution of the Operations Contract. Such license shall remain in effect until the Operations Contract is terminated.

8.03 No Ambulance Service License issued pursuant to this Section 9 shall be assignable or transferable by the entity to whom issued. Any transfer of controlling interest or any delegation of responsibility for the management or delivery of ambulance services, in whole or in part, to another entity by change of ownership, management agreement, subcontract or other arrangement shall be deemed a transfer or assignment.

8.04 An Ambulance Service License shall be issued by the Licensing Officer upon presentment of the following:

(a) A Certificate of Necessity issued to the applicant pursuant to Section 8 hereof.

(b) A valid ambulance service license issued by the Mississippi State Department of Health.

(c) Evidence of insurance as required by Section 7 herein, including original and duplicate certificates of insurance which shall indicate the types of insurance, the amount of insurance and the expiration dates of all policies carried by the applicant, shall name the County as an additional named insured, and shall contain a statement by the issuer issuing the certificate that the policies of insurance listed thereon will not be cancelled or materially altered by said insurer without thirty (30) days prior written notice received by the County.

(d) Evidence of compliance with the clinical quality of ambulance services required by Section 14 hereof.

8.05 Ambulance Service Licensees shall be renewable annually upon and subject to continued compliance with this Ordinance. The Licensing Officer may request such information and verification as may be reasonably necessary to confirm continued compliance with this Ordinance prior to renewing an Ambulance Service License. Failure to respond fully and timely to such a request shall be grounds for refusal to renew an Ambulance Service License. The

anniversary date on which an Ambulance Service License was initially issued shall be the date for annual renewal.

8.06 No Ambulance Service License required by this Ordinance shall be issued or continued in operation unless the Ambulance Service License holder has paid an annual license fee of One Hundred Dollars (\$100.00). Such license fee shall become due on the first day of January each year, and shall be in addition to any other license fees or charges established by proper authority and applicable to such Ambulance Service License holder or the ambulances under its operation and control. The purpose of this license fee is not to raise revenue, but to defray expenses incurred in enforcement of this Ordinance.

8.07 The application for acceptance of an Ambulance Service License shall comprise an agreement by the Ambulance Service License holder to comply with all federal, state and local laws, rules and regulations relating to and governing ambulance service. Failure to comply with all such laws, rules and regulations or the filing or providing of false or misleading information in connection with an application hereunder or with any state or local government, health care provider, medical facility or organization relating to or in connection with an application to provide ambulance service shall be grounds for termination of the Ambulance Service License.

Section 9 AMBULANCE PERMIT REQUIRED

9.01 No Ambulance Service Provider may provide ambulance services hereunder without first obtaining an Ambulance Permit issued pursuant to the provisions of this Section 10.

9.02 No Ambulance Permit shall be assignable or transferrable by the Ambulance Service Provider to which it is issued.

9.03 The Licensing Officer shall issue Ambulance Permits for ambulances operated by Ambulance Service Providers upon presentment of the following:

(a) An Ambulance Service License issued pursuant to this Ordinance.

(b) For each ambulance to be permitted, a valid ambulance vehicle permit issued by the Mississippi State Department of Health in compliance with Section 14 hereof.

(c) A Certificate of Necessity issued to the applicant pursuant to Section 8 hereof, if such Ambulance Permit is for ambulances designated in such Certificate of Necessity.

(d) a Certificate of Necessity issued to the applicant pursuant to Section 11 hereof, if such Ambulance Permit is for an

additional ambulance authorized pursuant to Section 11 hereof.

9.04 Notwithstanding anything herein, the Licensing Officer shall issue the Operations Contractor Ambulance Permits as requested. Such Ambulance Permits will expire upon termination of the Operations Contract.

Section 10 CERTIFICATE OF NECESSITY FOR ADDITIONAL AMBULANCE PERMITS

10.01 Any entity issued an Ambulance Service License pursuant to this Ordinance and desiring to obtain Ambulance Permits to operate additional ambulances shall make an application for a Certificate of Necessity for additional ambulances to the County Administrator or his designee.

10.02 The criteria for consideration for an application for a Certificate of Necessity for additional ambulances shall be as follows, and the application for such Certificate of Necessity shall include the following information, verified under oath:

(a) NAME: The name and address of the applicant seeking the Certificate of Necessity, and, in the event that the applicant is a corporation, a certified copy of its articles of incorporation.

(b) EQUIPMENT & AMBULANCES: Equipment and ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Applicant shall provide the make, type, year of manufacture, serial number, license tag number, and equipment to be carried therein for each ambulance proposed to be operated by the applicant.

(c) PROOF OF PUBLIC NECESSITY FOR ADDITIONAL AMBULANCES: A statement of the public necessity for the additional ambulances to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the additional ambulances requested which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.

10.03 No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all of the foregoing criteria, without exception.

10.04 All existing Ambulance Service License holders will be

given notice of the application for the Certificate of Necessity for additional ambulances, and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the County Administrator or his designee to oppose, object to, or request modification of the application, and to state whether the application, if granted, would negatively effect the ability of the existing Ambulance Service License holders to continue providing services.

10.05 The County Administrator or his designee will make a recommendation in writing to the County Board of Supervisors to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of ambulances.

10.06 The Board of Supervisors will vote to grant or deny the application after consideration is given to the recommendation of the County Administrator or his designee and any responses received by the existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of ambulances for which the applicant may seek an Ambulance Permit pursuant to Section 10 hereof.

10.07 Any applicant who is dissatisfied with the decision of the Board of Supervisor's recommendation shall have the right to a hearing before the Board of Supervisors at a regular or special meeting, if written notice of appeal is filed with the Board of Supervisors within ten (10) days after such decision. All Ambulance Service License holders shall have an opportunity to be present and to oppose, object to, or request modification of the application. This hearing may be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application, and the right to know prior to the hearing the reasons for denial or modification of the request. A written decision of any such appeal shall be mailed to the applicant within ten (10) working days of the hearing.

Section 11 MAINTENANCE OF AMBULANCES; INSPECTION

11.01 All Ambulances shall be maintained in compliance with applicable federal, state and local laws, rules and regulations.

11.02 Each Ambulance Service Provider must inspect each ambulance every day to ascertain cleanliness and mechanical and operational worthiness for transporting patients. Each ambulance shall be subject to inspection at all times by the Licensing Officer. Any ambulance found, upon inspection, to be unsafe for ambulance services or not to be in compliance with any federal, state and local laws, rules and regulations shall have such repairs and alterations made as may be required and no Ambulance Service Provider shall operate or cause to be operated any such ambulances until all such repairs or alterations have been completed.

Section 12 COLORING AND MARKING

Each ambulance authorized to operate within the County pursuant to this Ordinance shall bear the name of the Ambulance Service Provider and a unit number and bear coloring and marking in compliance with applicable federal, state and local laws, rules and regulations.

Section 13 CLINICAL QUALITY OF AMBULANCE SERVICES

Upon the effective date of this Ordinance, every response to an Emergency Transport Call or Routine/Nonemergency Transport Call at any location within the County shall be made by an ALS Ambulance Service.

Section 14 PROHIBITION AGAINST REFUSAL TO TRANSPORT

It shall be a violation of this Ordinance for the EMS Lead Agency or any other Ambulance Service Provider, at the request of the EMS Lead Agency, to fail to respond to an Emergency Transport Call originating within the County or fail to render medically necessary emergency assessment, treatment and transport to any patient, for any reason, including the patient's perceived, demonstrated or stated inability to pay for such services, or because of the location of the patient within the County or because of the unavailable status or location of any ambulance at the time of the request.

Section 15 VIOLATIONS

15.01 It shall be unlawful and an offense for any person or any Ambulance Service Provider to commit any of the following acts:

(a) To perform duties as an EMS driver attendant, (EMT-Basic, EMT-Intermediate, EMT-Paramedic or pre-hospital RN or licensed physician), without a current valid certification issued by the Mississippi State Department of Health.

(b) To allow any person to work as an ambulance driver or attendant without a current valid certification issued by the Mississippi State Department of Health.

(c) To use, or cause to be used, an ambulance service other than an Ambulance Service Provider holding a valid Ambulance Service License pursuant to this Ordinance.

(d) For any person, firm or organization to respond to Emergency Transport Calls originating within the County, other than an Ambulance Service Provider which is the holder of a valid Emergency Ambulance Service License issued pursuant to this Ordinance.

(e) For any person, firm or organization to respond to Routine/Nonemergency Transport Calls originating within the County, other than an Ambulance Service Provider which is a holder of a valid Routine/Nonemergency Ambulance Service License issued pursuant to this Ordinance.

(f) To knowingly give false information to induce the dispatch of an ambulance or First Responder.

(g) To operate an ambulance in the emergency mode when not responding to an Emergency Transport Call in compliance with this Ordinance.

15.02 Notwithstanding anything herein, it shall not be a violation of this Ordinance and no Ambulance Service License shall be required if the vehicle or ambulance is:

(a) A Routine/Nonemergency Transport Service Provider responding to an Emergency Transport Call at the request of the EMS Lead Agency.

(b) A privately owned vehicle not used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless.

(c) A vehicle or driver rendering services as an ambulance in the event of a major catastrophe or emergency when ambulances with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed.

(d) (i) An ambulance transporting a patient to a location within the County which transport originated from a point outside the County, and (ii) an ambulance operated by the same Ambulance Service Provider as above, which transports the same patient from the original destination within the County back to the point of origin or the original transport, if said return trip is made within twenty-four (24) hours of the original transport and the patient (or a proper representative of the patient) specifically requests the services of said Ambulance Service Provider.

(e) A vehicle engaged in the interstate transport of a patient.

(f) A neonatal transport unit licensed to the University Medical Center and existing on the effective date of this Ordinance.

(g) An ambulance and/or air ambulance providing medical and health service beyond the capabilities of a licensed ALS Ambulance Service, so long as the request for such service is made

to the EMS Lead Agency through the EMS Control Center and the EMS Lead Agency determines that the transport requires capabilities beyond ALS Ambulance Service and agrees to the requested transport.

15.03 Any person convicted of violating any provisions of this Ordinance shall be punished by fine and costs not to exceed the sum of \$1,000.00.

15.04 Each day that any violation of the provisions of this Ordinance is committed or permitted to continue shall constitute a separate offense.

Section 16 SUSPENSION AND REVOCATION

16.01 Any Ambulance Service License issued under the provisions of this Ordinance may be revoked or suspended by the County upon a finding of any one of the following:

(a) Breach or violation of any of the provisions of this Ordinance, specifically including Section 17 thereof.

(b) Discontinuance of operations for more than thirty (30) days.

(c) Discrimination in providing services pursuant to this Ordinance to any person on the basis of race, creed or color.

(d) Violation of any federal, state or local law, rule or regulation which violation reflects unfavorably on the fitness of the Ambulance Service License holder to offer and deliver ambulance services hereunder.

(e) Filing or providing false or misleading information in connection with an application hereunder or with any state or local government, health care provider, medical facility or organization relating to or in connection with an application to provide ambulance service.

(f) Failing to respond fully and timely to any reasonable request from the Licensing Officer for information relating to ambulance service provided in the County.

16.02 Prior to the suspension or revocation of an Ambulance Service License hereunder, the Ambulance Service License holder shall be given thirty (30) days written notice of the proposed action to be taken by the County and shall, upon written request within ten (10) days of such notice, be entitled to a hearing before the County. If, upon such hearing, the County shall find that the Ambulance Service License holder has corrected any alleged deficiencies and brought itself in compliance with the provisions of this Ordinance, such Ambulance Service License shall not be suspended or revoked.

Section 17 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 18 REPEAL OF PRIOR ORDINANCE

All ordinances or part of ordinances in conflict herewith shall be and the same are hereby expressly repealed.

Section 19 EFFECTIVE DATE OF ORDINANCE

This Ordinance will become effective on the date of its passage by the County Board of Supervisors.

Section 20 EMERGENCY MODE

All ambulances responding to an Emergency Transport Call shall respond in the Emergency Mode.

THE FOREGOING ORDINANCE, having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section, and then upon the Ordinance as a whole, with the following results:

Those present and voting "AYE" and in favor of the adoption of each section of the foregoing Ordinance:

Gary Chamblee, Supervisor, District I	Aye
Mike Allen, Supervisor, District II	Aye
Harold Reynolds, Supervisor, District III	Aye
Aubrey Nicholson, Supervisor, District IV	Aye
James Young, Supervisor, District V	Aye

Those present and voting "NAY" or against any section of the foregoing Ordinance:

None.

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

Gary Chamblee, Supervisor, District I	Aye
Mike Allen, Supervisor, District II	Aye
Harold Reynolds, Supervisor, District III	Aye
Aubrey Nicholson, Supervisor, District IV	Aye

James Young, Supervisor, District V

Aye

Those present and voting "NAY" or against the foregoing Ordinance as a whole:

None.

WHEREUPON, the foregoing Ordinance was unanimously passed, adopted and approved on this the 24th day of February, 1997.

NESHOBA COUNTY BOARD OF SUPERVISORS

BY: Gary Chumblee
GARY CHAMBLEE, PRESIDENT

ATTEST:

Larry McMILLAN
LARRY McMILLAN, CLERK
BOARD OF SUPERVISORS
NESHOBA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI
COUNTY OF NESHOBA

I, the undersigned Clerk of the Board of Supervisors of Neshoba County, Mississippi, hereby certify that the foregoing Ordinance was passed by the Neshoba County Board of Supervisors on the date mentioned above.

IN TESTIMONY WHEREOF, witness my hand and official seal of the Neshoba County Board of Supervisors on this the 24th day of February, 1997.

Larry McMILLAN
CLERK, BOARD OF SUPERVISORS