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SENATE BILL NO. 687

Offered January 24, 2000

A BILL to amend and reenact §§ 32.1-111.1, 32.1-111.6, and 32.1-111.14 of the Code of Virginia and to amend and reenact § 6 of Chapter 431 of the Acts of Assembly of 1991, as amended, relating to emergency medical services and the Richmond Ambulance Authority.

Patrons—Trumbo and Forbes; Delegates: Griffith, Ingram, Katzen and Orrock

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-111.1, 32.1-111.6, and 32.1-111.14 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-111.1. Definitions.

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

"Automated external defibrillator" means a medical device which combines a heart monitor and defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determining that defibrillation should be performed.

"Emergency medical services personnel" means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants-in-charge, or operators.

"Emergency medical services vehicle" means any privately or publicly owned vehicle, vessel or aircraft that is specially designed, constructed, or modified and equipped and is intended to be used ~~for~~ *and is maintained or operated in a medical emergency or a nonemergency situation* to provide immediate medical care to or to transport persons who are sick, injured, wounded or otherwise incapacitated or helpless.

"Medical emergency" means a sudden and unforeseen illness or accident requiring immediate, urgent, and unscheduled medical attention.

§ 32.1-111.6. Permits; agency; emergency medical services vehicles.

A. No person shall operate, conduct, maintain or profess to be an agency without a valid permit issued by the Commissioner for such agency and for each emergency medical services vehicle used by such agency.

B. The Commissioner shall issue an original or renewal permit for an agency or emergency medical services vehicle which meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. Permits shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue temporary permits for agencies or emergency medical services vehicles not meeting required standards, valid for a period not to exceed sixty days, when the public interest will be served thereby.

D. The issuance of a permit hereunder shall not be construed to authorize any agency to operate any emergency medical services vehicle without a franchise or permit in ~~any~~ *the* county or municipality in which ~~has enacted the agency is located and in accordance with~~ an ordinance pursuant to § 32.1-111.14 ~~making it unlawful to do so.~~

§ 32.1-111.14. Powers of governing bodies of counties, cities and towns.

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is ~~empowered to may:~~

1. Enact an ordinance making it unlawful to operate emergency medical services vehicles or any class thereof established by the Board in such county or city without having been granted a franchise or permit to do so;

2. Grant franchises or permits to agencies based within or outside the county or city *to respond to*

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60 *medical emergencies in such county or city*; however, any agency in operation in any county or city on
61 June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance
62 adopted pursuant to this section, and that submits to the governing body of the county or city
63 satisfactory evidence of such continuing operation, shall be granted a franchise or permit by such
64 governing body to serve at least that part of the county or city in which the agency has continuously
65 operated if all other requirements of this article are met;

66 3. Limit the number of emergency medical services vehicles ~~to be operated~~ *authorized to respond to*
67 *medical emergencies* within the county or city ~~and by any agency~~;

68 4. Determine and prescribe areas of franchised or permitted service within the county or city;

69 5. Fix and change from time to time reasonable charges for franchised or permitted services;

70 6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;

71 7. Contract with franchised or permitted agencies for transportation to be rendered upon call of a
72 county or municipal agency or department and for transportation of bona fide indigents or persons
73 certified by the local board of public welfare or social services to be public assistance recipients; and

74 8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to
75 operation of emergency medical services vehicles.

76 B. In addition to the powers set forth above, the governing body of any county or city ~~is authorized~~
77 ~~to may~~ provide, or cause to be provided, services of emergency medical services vehicles; to own,
78 operate and maintain emergency medical services vehicles; to make reasonable charges for use of
79 emergency medical services vehicles; and to contract with any agency for the services of its emergency
80 medical services vehicles.

81 C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated
82 in subsections A and B of this section either upon the request of a town to the governing body of the
83 county wherein the town lies and upon the adoption by the county governing body of a resolution
84 permitting such exercise, or after 180 days' written notice to the governing body of the county if the
85 county is not exercising such powers at the end of such 180-day period.

86 D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein
87 shall be effective within an incorporated town in such county which is at the time exercising such
88 powers until 180 days after written notice to the governing body of the town.

89 E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency
90 medical services vehicles owned and operated by a town or to authorize any town to regulate in any
91 manner emergency medical services vehicles owned and operated by a county.

92 F. Any emergency medical services vehicles operated by a county, city or town ~~under authority of~~
93 *pursuant to this section or by any authority established in a locality for the purpose of operating*
94 *emergency medical services* shall be subject to the provisions of this article and to the regulations of the
95 Board adopted thereunder.

96 *G. in accordance with the provisions of the Fourteenth Amendment of the Constitution of the United*
97 *States and Article I, Section 11 of the Constitution of Virginia, this section does not and shall not be*
98 *construed to authorize any local governing body to adopt any ordinance relating to the franchising or*
99 *permitting of emergency medical services vehicles that deprives any person, as defined in § 1-13.19, of*
100 *his liberty to contract for services or that interferes with the right of any person to contract for services*
101 *or impairs the obligation of contracts.*

102 **2. That § 6 of Chapter 431 of the Acts of Assembly of 1991, as amended, is amended and**
103 **reenacted as follows:**

104 § 6. General grant of powers.

105 The Authority created hereunder shall be deemed to be a public instrumentality exercising public and
106 essential governmental functions to provide for the public health, safety and welfare, and such Authority
107 is hereby authorized and empowered to:

108 1. Provide emergency ambulance service originating in the city, nonemergency service within the
109 Commonwealth, and mutual aid to other jurisdictions upon request of such jurisdictions and conduct
110 such other activities as may be reasonably related to doing so, subject to such restrictions as may be
111 imposed by Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1 or other state law or regulation.
112 *Notwithstanding the provisions of this section, the organizing municipality shall not pass any resolution*
113 *or enact any ordinance that prohibits any agency from responding to or conducting nonemergency*
114 *transport within the municipality, whether originating within or outside the municipality;*

115 2. Adopt bylaws for the regulation of its affairs and the conduct of its business;

116 3. Adopt an official seal and alter the same at pleasure;

117 4. Maintain an office at such place or places as it may designate;

118 5. Sue and be sued in its own name, plead and be impleaded;

119 6. Purchase, lease, equip, maintain, repair and operate motor vehicles, equipment and facilities within
120 the corporate limits of the organizing municipality deemed necessary to perform its functions;

121 7. Fix and revise from time to time and charge and collect rates, rentals, fees and other charges of

the services and facilities furnished by such Authority;

8. Acquire in the name of the Authority by gift, or lease-purchase, any motor vehicles and equipment, and to acquire such other personal property, as it may deem necessary in connection with the performance of its functions;

9. Lease all or any part of such motor vehicles, equipment and facilities upon such terms and conditions and for such term of years as it may deem advisable to carry out the provisions of this Act;

10. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act; and employ such financial experts, be deemed necessary, and fix their compensation; however, all such expenses shall be payable solely from funds made available under the provisions of this Act;

11. Do all acts and things necessary or convenient to carry out the powers granted by this Act;

12. Make and enter into all contracts with private entities with respect to any service to be performed by the Authority; and

13. Sell, exchange, donate, and convey any or all of its properties, real, personal or mixed, whenever its members shall find any such action to be in furtherance of the purposes for which the Authority was organized.