

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY,
COLORADO, ADOPTING EMERGENCY MEDICAL SERVICE RULES AND REGULATIONS
FOR THE COUNTY OF SAN MIGUEL, COLORADO**

Resolution 2002-22 RERECORD TO CHANGE EXHIBITS

WHEREAS, the San Miguel County Board of Commissioners (the "County" or "Board of Commissioners"), previously adopted San Miguel County Ambulance Licensing Regulations pursuant to Board of Commissioners Resolution 1990-47;

WHEREAS, pursuant to the requirements of the recently revised Colorado Emergency Medical Services Act, 25-3.5-101, et seq., C.R.S. as amended, (the "Act"), and upon the recommendation of the San Miguel County Emergency Medical Services Advisory Council, the Board of Commissioners desires to adopt San Miguel County Emergency Medical Service Rules and Regulations, which includes rules and regulations regarding ambulance licensing, ambulance operation, qualifications for emergency service technicians, and requirements for emergency services providers;

WHEREAS, the Act provides that the board of county commissioners of each county may adopt certain standards, requirements and procedures for licensed entities providing emergency medical services within each county;

WHEREAS, the Act authorizes the board of county commissioners of each county to license and regulate ambulances and ambulance services;

WHEREAS, the Board of Commissioners, at a duly noticed public meeting on May 20, 2002, considered the matter of the adoption of the San Miguel County Emergency Medical Services Rules and Regulations;

WHEREAS, the Board of County Commissioners of the County of San Miguel finds it to be in the best interest of the public health, safety and welfare of citizens and visitors of San Miguel County to adopt the San Miguel County Emergency Medical Services Rules.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County approves and adopts the following Emergency Medical Service Rules and Regulations, attached to this Resolution as Exhibit A and hereby incorporated herein by reference in its entirety as though fully set forth effective as of May 20, 2002.

Upon the adoption of the new San Miguel County Emergency Medical Service Rules and Regulations, San Miguel County hereby repeals San Miguel County Resolution 1990-47, Ambulance Licensing and Regulation.

APPROVED AND DONE, by the Board of Commissioners of San Miguel County, Colorado, on the 7th day of August, 2002.

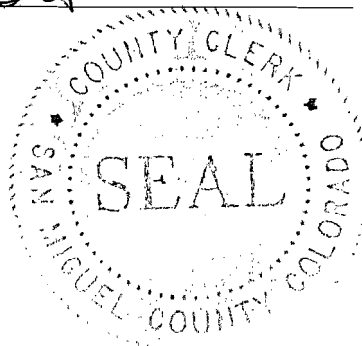
**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: _____
Art Goodtimes, Chair

ATTEST:

By:

Marie A. Thomas
Chief Deputy Clerk to the Board



EMERGENCY MEDICAL SERVICE RULES AND REGULATIONS SAN MIGUEL COUNTY, COLORADO

SECTION I. PURPOSE AND APPOINTMENT OF COUNTY INSPECTOR

- 1.1 **Purpose.** The purpose of these Rules and Regulations is to set forth the requirements for high quality emergency medical services to all citizens and visitors of San Miguel County ("County"). It is the intent of the Board of County Commissioners ("Board") that the emergency medical service in San Miguel County will consist of at least transportation, treatment, communication and documentation subsystems designed to prevent premature mortality and to reduce the morbidity that arises from critical injuries, exposure to poisonous substances, and illnesses.
- 1.2 **Appointment of County Inspector.** The Board designates an Inspector, or other person, ("County Inspector"), as the authority to verify compliance with the Emergency Medical Services Rules and Regulations of San Miguel County. The Inspector shall have the primary responsibility for evaluation an applicant's or licensee's compliance with the county adopted EMS rules and regulations, as well as any applicable state or federal statues and/or regulations and compliance together with the relevant documentation submitted with an application for an Ambulance Service License or License renewal.

SECTION II. DEFINITIONS

Definitions are included by reference to the Colorado Emergency Medical Services Act, C.R.S., 25-3.5-101 *et seq.*, as amended ("Current EMS Act"), and Colorado Department of Public Health and Environment - Health Promotions & Disease Prevention Division - Prehospital Care Program - Rules Pertaining to Emergency Medical Services 6-CCR-1015-3, as amended.

The following additional definitions shall apply in the interpretation and enforcement of these Rules and Regulations:

- 2.1 **"Advanced Life Support Ambulance"** means an Ambulance which, in addition to meeting the requirements for advanced life support equipment, has on board the equipment and medications required by the Medical Director's protocols to provide "Advanced Life Support".
- 2.2 **"Ambulance Service License"** shall mean a nonexclusive authorization issued by the Board to operate an Ambulance Service, publicly or privately, within San Miguel County. The license shall issue only to Ambulance Services whose primary base of operation is located in San Miguel County, or whose operation includes providing primary care in San Miguel County.
- 2.3 **"Ambulance Vehicle Permit"** shall mean the authorization issued by the Board with respect to an Ambulance used or to be used to provide Ambulance Service in San Miguel County.
- 2.4 **"Applicant"** shall mean that person who is an initial applicant or an applicant for renewal for an Ambulance Service license, or Ambulance vehicle permit.
- 2.5 **"Basic Life Support Ambulance"** means an Ambulance that meets the basic requirements for equipment as established and amended in rules and regulations of the Colorado Department of Public Health and Environment.
- 2.6 **"Emergency"** means any actual or self-perceived event that threatens life, limb, or well-being of an individual in such a manner that a need for immediate medical care is created.

- 2.7 **"Emergency Medical Services"** shall mean the services, or the training therein, utilized in an out-of-hospital environment in response to the perceived individual needs for prevention of: loss of life, further aggravation to physiological and/or psychological injury, and/or inherent harm to an individual or group of individuals.
- 2.8 **"First Responder"** means an individual who has successfully completed the Department of Transportation First Responder curriculum or other recognized, equivalent first responder training program, and is capable of providing appropriate first responder prehospital care under the direction of a physician advisor.
- 2.9 **"Medical Director"** means a physician who establishes protocols and standing orders for medical acts performed by EMT-Basics, EMT-Intermediates, EMT-Paramedics, First Responders, or Registered Nurses, of a pre-hospital emergency medical care service agency and who is specifically identified as being responsible to assure the competency of the performance of those acts by such EMT-Basics, EMT-Intermediates, EMT-Paramedics, First Responders, or Registered Nurses.
- 2.10 **"Patient"** means any individual who is sick, injured, or otherwise incapacitated or helpless.
- 2.11 **"Primary Care"** shall mean the response, emergency medical care and ambulance transportation either by contract or agreement to any location within San Miguel County.
- 2.12 **"Physician Advisor"** see 2.15 Medical Director.
- 2.13 **"Registered Nurse"** abbreviated R.N., shall mean a person duly licensed under the provisions of the Professional Nurse Practice Act of the State of Colorado.
- 2.14 **"Standby Service"** is a service provided by contract or on a voluntary basis to provide emergency medical services at special events including festivals, athletic events, and competitive events, which may pose a potential hazard for injury or death and require immediate emergency medical care. Standby Service providers must comply with all insurance requirements for emergency medical service set forth in this resolution.

SECTION III. REQUIREMENTS FOR LICENSURE OF AMBULANCE SERVICES AND AMBULANCE VEHICLE PERMITS

- 3.1 **License for Ambulance Service Required.** No person, partnership or corporation, shall provide or operate an Ambulance Service publicly or privately in San Miguel County unless that person holds a valid license to do so issued by the Board, except as provided in subsection 3.7 of this section. The fee for said license shall be set by separate Resolution.
- 3.2 **Vehicle Permit Required for each Ambulance.** In addition to the license required by Section 3.1 for an Ambulance Service, the Board shall issue a permit for each Ambulance used. Said Ambulance Vehicle Permit shall be issued upon a finding that the applicant's vehicle and equipment comply with the requirements of these Rules and Regulations and the current E.M.S. Act. The permit or a copy thereof for each ambulance shall be displayed in prominent location in the patient compartment of said ambulance. The Ambulance Vehicle Permit fee shall be set by separate Resolution. Vehicle permits shall only be issued to entities possessing a valid Ambulance Service License.
- 3.3 **Expiration of Licenses and Permits.** The Ambulance Service License and Ambulance Vehicle Permit shall expire one year after their date of issue.

3.4 Medical Director Required. Each Ambulance Service licensed in San Miguel County shall have a Medical Director.

3.5 Advanced Life Support Ambulances. When an Ambulance Service operates, or charges as a paramedic or advanced life support Ambulance Service, the staffing must comply with the definition of Advanced Life Support Ambulance.

3.6 Basic Life Support Ambulance. Any Ambulance staffed and operating as a Basic Life Support Ambulance Service, shall in no way advertise, display or claim to be an Advanced Life Support Ambulance Service unless they are licensed as such.

3.7 Exclusions. The provisions of this Section 3 shall not apply to the following:

3.7.1 The exceptional emergency use of a privately or publicly owned vehicle, including search and rescue unit vehicles, watercraft, aircraft, snowmobiles, or any other vehicle not ordinarily used in the formal act of transporting patients.

3.7.2 A vehicle rendering services as an Ambulance in case of a major catastrophe or emergency when Ambulances with permits based in the localities of the catastrophe or emergency are insufficient to render the services required.

3.7.3 Ambulances based outside the State of Colorado or San Miguel County which are not providing primary care, but are solely transporting a patient in San Miguel County and which are licensed by another state or by another Colorado county.

3.7.4 Vehicles used or designated for the scheduled transportation of convalescent patients, handicapped individuals, or persons who would not be expected to require skilled treatment or care while in the vehicle.

3.7.5 Vehicles used for the transportation of ski area patients with minor injuries.

3.7.6 Vehicles used solely for the transportation of intoxicated persons or persons incapacitated by alcohol as defined in the Current EMS Act, but who are not otherwise disabled or seriously injured and who would not be expected to require skilled treatment or care while in the vehicle.

3.7.7 Fixed or Rotor-Wing Ambulances licensed by the Colorado Department of Public Health and Environment.

3.8 Application - Requirements. Every applicant for an Ambulance Service License or an Ambulance Vehicle Permit shall complete and submit to the Board an application and supporting documents for approval. Said application for approval shall contain, but not be limited to the following information:

3.8.1 The name, address and telephone number of the owner of the Ambulance service.

3.8.2 The name, address and current telephone number of the person who will be in charge of the operation of the Ambulance Service.

3.8.3 The description of the Ambulance(s), including the make, model, year of manufacture, current Colorado state license number, length of time the vehicle has been in service and a copy of the current motor vehicle registration for each Ambulance Vehicle to be permitted.

3.8.4 The location and description of the place or places from which the Ambulance service will operate. All vehicles shall be primarily based at an indoor, heated location capable of maintaining a temperature of at least 50 degrees Fahrenheit

3.8.5 The name, address and telephone numbers of the Medical Director to the Ambulance Service.

3.8.6 The geographic area to be served by the Ambulance Service.

3.8.7 A list of all emergency medical service providers and drivers who may be called upon to respond to an emergency with the Ambulance Service. A staffing plan specifically identifying the EMS providers and drivers who are to be available to provide EMS coverage on a twenty-four hours per day, seven days per week, basis, to respond to calls and when each such person is scheduled to be available. This list shall include the following information on each person:

3.8.7.1 Complete name, address, and date of birth.

3.8.7.2 The highest level of certification, licensure or training attained.

3.8.7.3 Certification or license number and expiration date.

3.8.7.4 Colorado Drivers License number and expiration date.

3.8.7.5 A statement of criminal complaint or convictions including misdemeanor or felony traffic violations within the previous twelve (12) months.

3.8.8 Proof of insurance, as required, below, in Section 4.5 of this Resolution.

3.8.9 A current copy of EMT or Paramedic Protocols adopted by the Ambulance Service in accordance with standards approved by the Ambulance Service's Medical Director.

3.8.10 A current copy of the Ambulance Service's training standards in accordance with the requirements approved by the Ambulance Service's Medical Director.

3.8.11 A current copy of the Medical Director's medical continuous quality improvement program for the Ambulance Service as required by 3-CCR-713-6 (3.2)(b).

3.8.12 A functional description, list of frequencies, and diagram of the communications system to be used by the applicant in providing ambulance service.

3.8.13 A list of ambulance agencies, fire departments, special districts and other EMS providers with which the applicant has mutual aid agreements.

3.8.14 Documentation that the applicant has established decontamination and biohazard disposal procedures in compliance with applicable laws, rules and regulations.

3.8.15 Such other information as the Board may require.

3.9 Application - Approval. After receipt of an original application for an Ambulance Service License or an Ambulance Vehicle Permit, or a renewal thereof, the Board, or the County Inspector, as its Designee, shall review the application and the applicant's record and provide for

an inspection of equipment and vehicle(s) to determine compliance with this Resolution. The Board shall issue a license to the applicant to provide Ambulance Service and a permit for each Ambulance used upon a finding that the applicant has complied in all respects with the requirements of this Resolution:

- 3.10 Fraud or Misrepresentation.** Obtaining or attempting to obtain any license or permit hereunder by fraudulent means or misrepresentation is grounds for denial, suspension, or revocation of such license or permit.
- 3.11 Additional or Replacement Vehicles.** If an Ambulance is replaced or an additional Ambulance or Ambulances are added to a service's fleet, an application for an Ambulance vehicle permit shall be filed with the Board within 30 days of receipt of the new Ambulance(s). The completed application shall include a description of the Ambulance(s) replaced and documentation of an inspection conducted by the County Inspector.
- 3.12 Additional Inspections.** In addition to the inspection required at the time of application, the County Inspector may also visit or contact all Ambulance Services at any other time during the year at which time an inspection may or may not be performed with prior notification to the Licensee. The inspections of the Ambulances and related equipment shall cover but not be limited to the following items: condition of the Ambulance, safety and warning systems, and minimum equipment for the relevant Ambulance. Each service shall provide evidence of an ongoing vehicle safety and maintenance program. Upon the vehicle's non-compliance with any provision of these Rules and Regulations, the County Inspector may suspend such permit until proper compliance is accomplished.
- 3.13 Change of Ownership.** Any change of ownership shall require a new application and license, with payment of the same license fee as is required for an original application. Any sale or exchange of stock of fifty percent (50%) or more of the total outstanding stock of a corporation shall be deemed a change of ownership for purposes of this Resolution. Any change of ownership or any change of stock ownership of ten percent (10%) or more shall be reported in writing to the Board.
- 3.14 Licenses and Permits Non-Transferable.** No license or permit issued by the Board shall be sold, assigned, or otherwise transferred.
- 3.15 Annual Renewal.** All licenses and permits shall be renewed annually, shall *expire one year after their date of issue*, and shall not be renewed until the Board has approved the application. *All applications for renewal of licenses and permits shall be made not later than thirty (30) days prior to the date of expiration.*

SECTION IV. REQUIREMENTS FOR THE OPERATION OF AMBULANCES

- 4.1 Emergency Vehicle Operator.** The Ambulance driver shall meet the requirements of 25-3.5-202, C.R.S., as amended. This requirement may be waived in unusual emergency conditions when no driver meeting these requirements is available.
- 4.2 Ambulance Crew Members - Training.** No patient shall be transported in an Ambulance within the county unless there is available in the patient compartment a Colorado State certified EMT-Basic or higher level trained person. This requirement may be waived in unusual emergency conditions.
- 4.3 Documentation.** Each Ambulance Service shall verify to the County Inspector, upon request, uniform and standardized records concerning the transportation and treatment of patients. Such

records shall include all information determined to be essential by the Colorado Department of Public Health and Environment for maintenance of adequate minimum records on the patient's medical condition and medical care provided by the Ambulance Service. The Ambulance Service shall preserve all records for a period of at least three (3) years. Each Ambulance Service shall participate in the state data collection program in accordance with C.R.S. 25-3.5-501, *et. seq.*, as amended, or as defined by the Western Regional Emergency Medical and Trauma Advisory Council.

4.4 Ambulance Crew Members - Criminal Record. Unless waived by the Board, no person shall be employed by an Ambulance Service as an Ambulance crewmember who has been convicted of a felony or misdemeanor, including felony or misdemeanor traffic offenses, within the previous thirty-six (36) months from the date of application.

4.5 Insurance. No emergency medical service provider shall operate in San Miguel County unless it is covered by insurance as set forth in this paragraph. Each Ambulance Service, except as provided in Section 4.5.7 shall maintain insurance coverage for each and every Ambulance owned, operated or leased by the Ambulance Service, providing coverage for injury to or death of persons in accidents resulting from any cause for which the owner of the said vehicle should be liable for any liability imposed on him by law, regardless of whether the Ambulance was being operated by the owner, his agent or lessee, or any other person, and coverage as against damage to the property of another, including personal property, under like circumstances, in the following amounts:

4.5.1 Worker's Compensation Insurance: Each Ambulance Service shall maintain at least the statutorily required amount of workers compensation insurance.

4.5.2 Public Liability and Property Damage Bodily Injury:

Each person	\$ 500,000
Each accident	\$ 500,000

Property Damage:

Each occurrence	\$ 500,000
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Professional Liability Coverage:

Each person	\$ 500,000
Each occurrence	\$1,000,000

4.5.3 Proof of Insurance: Proof of insurance shall be filed with the Board, along with the application for an Ambulance Service license as required in these regulations. Every insurance policy required shall contain a provision for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or bankruptcy of the insured, and that until a policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premiums, failure to renew license at the end of the year, or any act or omission of the named insured. At any time said insurance is required to be renewed proof of renewal shall be provided to the Board. The vehicle insurance shall be a complying policy for motor vehicles as defined in Section 10-4-703, C.R.S., as amended.

4.5.4 Certificate of Insurance Requirements: A certificate of insurance shall indicate the vehicles covered by the policy, type of insurance, (vehicle and professional liability, etc.), policy

number(s), policy effective date, policy expiration date, amount of coverage, and contain a provision that thirty (30) days prior written notice of any cancellation or termination or revocation of said insurance policy shall be given to the Board.

4.5.5 Changes in the Status of Vehicles: Any changes in the status of vehicles listed on the certificate of insurance during the licensing cycle, shall be noted on a new certificate of insurance and forwarded to the Board within thirty (30) days of the changes.

4.5.6 Changes in Insurance: Notification of any changes in insurance shall be made in writing within thirty (30) days of such changes to the Board by the licensee, to be followed with a certificate of insurance as outlined in previous paragraphs. The Board may require additional proof of insurance at any time needed in order to promote health, safety, and welfare of residents of the County.

4.5.7 Public Entities: If the licensee is a "public entity" within the meaning of the Colorado Governmental Immunity Act, section 24-10-101, et seq., 7 CRS, as amended ("CGIA") then the licensee shall at all times maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the CGIA. The licensee must maintain written proof of such insurance coverage and provide it to the Board upon request.

4.6 Safety Belts. All persons in the forward compartment shall utilize safety belts. Attending personnel shall utilize seat belts when feasible. Safety belts or other safety restraining devices shall be available for patients being transported. Such devices shall be utilized when feasible.

4.7 Transport - Medical Facility. All Ambulances shall deliver patients to the most appropriate licensed medical facility, as determined by the Medical Director or designee, dependent on the patient's medical needs, and in accordance with Colorado Department of Public Health and Environment Rules and Regulations. When medically appropriate, the patient's preference should be considered.

4.8 Approved Locations – Abandonment. No licensed Ambulance Service shall operate from locations other than those approved by the Board, nor shall such licensed Ambulance Service abandon approved locations without prior notification of the Board.

4.9 Compliance with Zoning and Other Regulations. An Ambulance Service operating in the County must comply with all relevant County and municipal zoning and other regulations.

SECTION V. AMBULANCE VEHICLE REQUIREMENTS

5.1 Specifications. Ambulances shall meet, or exceed, or be substantially equivalent to, the current Federal Ambulance Specifications as outlined in the most current revision of General Services Administration (GSA) Specification KKK-A-1822. Variances to the above-mentioned specifications may be granted at the discretion of the Board. All Ambulances shall have the name of the Ambulance Service clearly visible on said vehicles.

5.2 Ambulance Equipment. Each Ambulance shall contain the following equipment which shall be maintained in good working order:

5.2.1 Emergency lighting and audible warning equipment that complies with Colorado State law for emergency vehicles.

5.2.2 Safe tires and in addition, adequate snow tires or chains when weather conditions demand.

5.2.3 In the case of Ambulances providing primary care in the County, or otherwise qualified pursuant to Section 2.1.7, a capability of two way radio communication with the following: the San Miguel County Dispatch Center, on-line medical control, local receiving facility, Montrose Memorial Hospital, and receiving hospitals.

5.2.4 Safety belts for both the Ambulance driver and other attending personnel.

5.2.5 Basic Life Support Ambulance. Any ambulance manned and operating as a basic life support ambulance service, shall in no way advertise, display or claim to be an advanced life support ambulance service.

5.2.6 Advanced Life Support Ambulance. When an ambulance service operates, or charges, as an advanced life support ambulance service, the manning and equipment must comply with the requirements of an advanced life support ambulance.

5.2.7 The minimum required equipment shall meet or exceed the equipment required by Colorado Department of Public Health Rules 6-CCR-1015-3 as amended. The Board may add to this list at its discretion as other needs or new methodology becomes known. The San Miguel County EMS Advisory Council and the Board must approve any additions or deletions pertaining to the equipment list. The San Miguel County Ambulance Equipment List shall be set by separate Resolution.

SECTION VI. QUALIFICATIONS OF EMERGENCY MEDICAL TECHNICIANS

6.1 Valid EMT Certificate Required. No person shall practice as an Emergency Medical Technician for any Ambulance Service subject to the licensing requirements of this Resolution unless that person holds a valid Emergency Medical Technician certificate from the State of Colorado.

SECTION VII. REQUIREMENTS FOR EMERGENCY SERVICES PROVIDERS NOT LICENSED BY SAN MIGUEL COUNTY

7.1 Contract Ambulance Services Must Comply with Rules and Regulations. Emergency Medical Services contracting with, or employed by, groups and or organizations for public events and not affiliated with a licensed Ambulance Service licensed by the County shall, upon request, be able to demonstrate compliance with rules and regulations as promulgated by San Miguel County, State of Colorado, and State Board of Medical Examiners.

SECTION VIII. UNLAWFUL PRACTICES

8.1 The following practices, upon finding by the Board, a Court, or an administrative agency with jurisdiction over the matter, shall be unlawful and shall be grounds for a suspension or revocation of a license:

8.1.1 Willful and deliberate failure to respond to any call.

8.1.2 Willful and deliberate failure to transport a patient when required.

8.1.3 Administering unnecessary treatment or supplies to a patient for the purpose of increasing the patient's bill.

8.1.4 Administration of any substance unless under the protocol and/or order of the Medical Director, or medical control or designee.

8.1.5 Charging for treatment or supplies not actually provided to a patient.

8.1.6 Requiring and/or allowing any employee of an Ambulance Service to be on continuous duty for any one period in excess of forty-eight (48) hours, except in cases of extreme emergency.

8.1.7 Except as otherwise provided in this Resolution, failure to deliver a patient to the most appropriate licensed medical facility as determined by the Medical Director, or his or her designee, dependent upon the patient's medical needs.

8.1.8 Conduct that constitutes a significant threat to the health or safety of the individuals receiving emergency care from a licensed Ambulance Service or services.

8.1.9 Noncompliance with any rule or regulation promulgated by the Colorado State Board of Medical Examiners for the duties and responsibilities of Emergency Medical Technicians or Medical Director(s). Any grounds considered to be "Good cause for disciplinary sanctions" as set forth with CDPHE Rule 6-CCR-1015-6.10.2.2

SECTION IX. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT; CONDITIONAL PERMITS

9.1 Temporary Suspension. Upon a determination by the Board that any person has violated or failed to comply with any provisions of this Resolution, the Board may temporarily suspend, for a period not to exceed thirty (30) days, any license or permit issued pursuant to this Resolution. The licensee or permit holder shall receive written notice of such temporary suspension. The temporary suspension shall be effective upon the date of mailing the written notice by certified mail, return receipt requested, to the licensee or permit holder, or on the date of service of the notice upon the licensee or permit holder pursuant to the Colorado Rules of Civil Procedure. A hearing on the temporary suspension shall be held before the Board not later than ten (10) days after the effective date of the temporary suspension. The written notice of temporary suspension shall include notice of the time and place of such hearing. Prior to such hearing, the Board may reinstate the license or permit upon a finding that the licensee has come into compliance with the provisions of this resolution.

9.2 Hearings to be Public. All hearings before the Board of County Commissioners shall be public and every vote and official act of the Board of County Commissioners shall be public. The Board of County Commissioners may require an Ambulance Service company that is the subject of a hearing, to make available such books and records as are desired and requested by the Board of County Commissioners.

9.3 Hearing in Two Phases. The hearing before the Board of County Commissioners shall be conducted in two (2) phases.

9.3.1 During Phase I of the hearing, the Board of County Commissioners shall determine whether, by a preponderance of the evidence presented in the public hearing, any *one* or more of the following has occurred:

9.3.1.1 Violation(s) of any provision of this Resolution.

9.3.1.2 Violation(s) of any law of the State of Colorado, or Ordinance or regulation of any municipality in the County. Evidence of any violation may be considered, regardless of any conviction thereof.

9.3.1.3 Commission of any practices set forth in Section 8.

9.3.1.4 If the Board does not find that any of the above acts has occurred, the Board shall conclude the hearing and shall reinstate the license or permit for the remainder of the existing term. If the Board finds that one or more of the above acts has occurred, the public hearing shall progress to Phase II.

9.3.2 During Phase II of the public hearing, the Board shall consider whether to suspend or revoke permanently the license or permit. Upon a finding by the Board that the licensee or permit holder has committed, within two (2) consecutive calendar years, two violations or on two separate occasions has failed to comply with any provision of this Resolution, the Board may permanently revoke such license or permit. The Board's decision to suspend or to revoke permanently the license or permit shall be based upon whether evidence of the following factors mitigates or aggravates the effects of the acts found by the Board during Phase I of the public hearing:

9.3.2.1 The seriousness of the violation.

9.3.2.2 Corrective actions taken by the license holder.

9.3.2.3 Prior violations and offenses and the effectiveness of prior corrective action.

9.3.2.4 Prior violations and offenses by the licensee or permit holder.

9.3.2.5 The violation, offense, or occurrence as a repeated course of conduct or as a single event.

9.3.2.6 The likelihood of recurrence.

9.3.2.7 All circumstances surrounding the violation, offense, or occurrence.

9.3.2.8 Willfulness of violation(s), offense(s), of occurrence(s).

9.3.2.9 The length of time the licensee or permit holder being disciplined has held the license or permit.

9.3.2.10 Previous sanctions imposed against the licensee.

9.3.2.11 Other factors making the situation unique to the license or permit holder subject to discipline.

SECTION X. COUNTYWIDE EMERGENCY SERVICE

10.1 **Mutual Aid Agreements.** San Miguel County encourages a cooperative systems approach towards improved patient care. All licensed agencies providing EMS response in San Miguel County shall make a good faith effort to execute written mutual aid agreements with all other

EMS providers located within or bordering on their area of response. Copies of these agreements shall be kept on file for review.

10.2 **SECTION XI. COMPLIANCE WITH COUNTY, STATE, AND FEDERAL RULES AND REGULATIONS**

- 11.1 **Compliance.** Ambulance services shall be operated in compliance with all San Miguel County, State of Colorado, Colorado State Board of Medical Examiners, and Federal EMS rules and regulations notwithstanding their absence in these San Miguel County EMS Rules and Regulations. Any infractions or violations of San Miguel County, State of Colorado, Colorado State Board of Medical Examiners, or Federal EMS rules and regulations, whether intentional or unintentional, shall be reported immediately in writing to the Board.