

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Directing the La Pine Rural Fire Protection District, an Ambulance Service Franchisee of Deschutes County, to Comply with the Deschutes County Ambulance Service Plan and Chapter 8.30 of the Deschutes County Code *
*
*
*
*
*
*
*
*
*
*
ORDER NO. 2023-006

WHEREAS, the La Pine Rural Fire Protection District (“District”) is an ambulance service franchisee of Deschutes County and is therefore subject to Chapter 8.30 of the Deschutes County Code (“DCC 8.30”) and Appendix A to DCC 8.30, the Deschutes County Ambulance Service Area Plan (“ASA Plan”); and

WHEREAS, the Board of County Commissioners (“Board”) received a complaint from St. Charles Medical Group (“St. Charles”) on November 16, 2020, and from St. Charles and La Pine Community Health Clinic (“LCHC”) on February 3, 2021, each of which alleged that the District had violated provisions of DCC 8.30 and/or provisions of the ASA Plan; and

WHEREAS, after the Board assigned the task of investigating the allegations from St. Charles and LCHC to the Deschutes County Ambulance Service Area Advisory Committee (“Committee”), and thereafter the Committee performed their investigation; and

WHEREAS, on September 28, 2022, after completing its investigation, the Committee adopted findings which substantiated two of the five allegations made by St. Charles and LCHC, to wit, that the District (1) discouraged patients from utilizing the District for emergency transports; and (2) charged fees directly to St. Charles and LCHC pursuant to District Ordinance #2019-03 and District Policy #02-03, rather than to patients themselves or their insurers, and that such fees were invalid under Oregon law; and

WHEREAS, pursuant to DCC 8.30.070¹ and Section 8.4 of the ASA Plan, the Board desires to withhold imposition of a sanction against the District and in lieu of sanction provide the District with an opportunity to cure the violations of DCC 8.30 and the ASA Plan found by the Committee; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. In lieu of revocation, suspension, or other sanctions as authorized by DCC 8.30.070, 8.30.080², and Section 8.4 of the ASA Plan, the District shall cure the violations of DCC 8.30 and the ASA Plan found by the Committee within forty-five (45) days of receipt of a Notice of Violation describing the findings of the Committee and relevant portions of this Order. Staff is directed to draft and sent a Notice of Violation to the District as soon as is practicable.

¹ Citation is to original provisions of DCC 8.30.070 (Enforcement), which was renumbered to DCC 8.30.075 after revisions to DCC Chapter 8.30 in March of 2021.

² Citation is to original provisions of DCC 8.30.080 (Appeals, Abatements and Penalties), which was renumbered to DCC 8.30.085 after revisions to DCC Chapter 8.30 in March of 2021.

Section 2. The District shall cure the aforesaid violations as follows:

1. The District must cease and desist from unreasonably discouraging patients from requesting medical transport or treatment via District resources and from unreasonably refusing to provide such transports or treatment when requested.
2. The District must cease and desist from charging fees to parties other than patients or their insurers for medical transport or treatment, or from collecting such fees that have been charged to third parties by the District, unless the District first procures an agreement from such third parties to pay fees for the medical transport or treatment of a patient prior to providing such medical transport or treatment. Any such agreement between the District and a third party must otherwise comply with applicable law.

Section 3. The District shall notify the Board in writing of the actions taken to cure the aforesaid violations within the time period provided in Section 1.

Section 4. Should the District fail to cure the aforesaid violations as required by the Board within the time period provided in Section 1, the Board will impose sanctions against the District up to an including revocation of its franchise.

Section 5. Pursuant to DCC 8.30.070 and Section 8.4 of the ASA Plan, the District may submit a written request for a hearing within fourteen (14) calendar days of receipt of the Notice of Violation. The request must set forth the reasons for requesting the hearing and the issue proposed for review by the Board. Should the District timely submit a request, any action to enforce this Order shall be stayed pending a hearing and a final decision by the Board, unless a change is required due to an immediate hazard to public safety. If a timely request is received by the Board, a hearing will be scheduled and provided as otherwise required by DCC 8.30.070 and Section 8.4 of the ASA Plan.

Section 6. This Order is effective upon signing.

Dated this _____ of January, 2023.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner