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PUBLIC HEALTH SERVICES D E P A R T M E N T

March 26, 2010

Clarification of Ordinance Applicability to Specialty Care Transports Performed by Out-of-County, Non-contracted Ambulance Companies

An emergent issue has arisen regarding specialty care transports by out-of-county ground ambulance providers, primarily involving transports from Kern County to the children's hospitals. An interpretation of the ordinance is warranted to resolve areas of conflict that have arisen.

Section 8.12.020.D. of the Ordinance Code in part states,

“...This chapter is also not intended to apply to specialty care transports by ground or air where the specialty team originates outside the County and the patient care services indicated for the patient exceed the scope of service that is provided by the ambulance providers operating within the County...” (emphasis added)

A definition of specialty care transport is provided in Section 8.12.030.GGG of the Ordinance Code, as follows:

“Specialty Care Transport (SCT) – hospital-to-hospital transportation of a critically injured or ill patient by an ambulance, including the provision of medically necessary supplies and services, at a level of service beyond the scope of practice of the EMT-P, as defined herein. SCT is necessary when a patient's condition requires ongoing care that must be furnished by one or more health professionals in an appropriate specialty area, for example, emergency or critical nursing, emergency medicine, respiratory care, cardiovascular care, or an EMT-P with a Department-approved expanded scope of practice. The paramedics' expanded scope of practice means specific additional training required by the state of California and the Department that qualifies the person to furnish specialty care to a critically ill or injured patient during a SCT. The Department will provide further refinement of SCT and establish a policy for use and level of service.” (emphasis added)

The ordinance spells out that specialty care transports are provided by specialty teams. Specialty teams shall consist of 1) medical personnel that have licenses to provide care in a specialty area which is consistent with services provided at the destination hospital, 2) the medical personnel operate beyond a paramedic's scope of practice, 3) that such higher level of care is required to meet the needs of the patient as determined by the sending physician, and 4) the service to be provided exceeds that available by the EOA provider.

Out-of-county ambulance providers affiliated with one of the children's hospitals that intend to conduct a patient transfer from a hospital within Kern County to a destination outside the county must meet all four criteria stated above to avoid being in violation of the Ordinance Code. In other words, the people on board the ambulance (the specialty team) who will be providing care to the patient must 1) be licensed medical specialists, 2) hold a medical license above the level of a paramedic, 3) the specialty for which the team is licensed is needed for this transport as determined by the sending physician, and 4) the services provided by the specialty team exceed the capabilities of the in-county EOA ambulance provider.

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Given this criteria, the qualifying specialty team will probably be a registered nurse and/or physician that specialize in pediatric care. An ambulance company that has a contractual affiliation with one of the children's hospitals does not by itself satisfy the criteria. The difference between complying with or violating the ordinance will be determined by the care that is provided in the back of the ambulance and the composition of the specialty team relative to the patient's needs. A few possible examples are given below to provide clarity:

- A registered nurse on board an ambulance who does not have pediatric protocols nor specialized equipment to serve the patient does not qualify as a specialty team transport. Such a configuration would be a violation of the ordinance because no higher level of care can be provided beyond which a Kern County provider can deliver.
- A registered nurse on board an ambulance who does have pediatric protocols and has specialized equipment, but the patient's condition is such that those specialized services are not warranted during the transport, as determined by the sending physician, does not qualify as a specialty team transport. Such a configuration would be a violation of the ordinance because the specialty team is not needed for this transfer.
- An out-of-county ambulance providing isolette service that is needed during transport, as determined by the sending physician, may conduct the specialty care transport. This transport complies with the ordinance because no such services are offered by a Kern County provider.

Our interest is to ensure that patients within Kern County get the best care available that is applicable to their needs and that all ambulance service providers abide by the obligations of the county ordinance and EOA contracts. We must take steps to ensure that ambulance services provided by out-of-county ambulance companies are conducted in strict compliance to the ordinance. Gaming of the exception provision in the ordinance by a hospital and its affiliated ambulance companies to erode the exclusive operating area requirements cannot be tolerated. Further, any hospital inferring that acceptance of a hospital-to-hospital transfer is contingent upon use of its affiliated ambulance company is probably in violation of EMTALA.

We hope this helps to resolve the questions. Please call Russ Blind at (661) 868-5201 or email blindr@co.kern.ca.us with any questions.

Sincerely,

ROSS ELLIOTT
EMS Director

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