



# County Technical Assistance Service

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## Ambulance and Emergency Medical Services

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Ambulance and Emergency Medical Services

**Reference Number:** CTAS-552

Tennessee county governments are authorized to provide emergency medical services (EMS). This authorization is granted by T.C.A. § 7-61-102: “The governing body of any county or city of the state of Tennessee may provide and maintain and do all things necessary to provide ambulance service as a public service.” While counties are authorized to provide EMS, they are not required to provide those services. Counties are authorized under T.C.A. § 5-16-101(b)(2) to operate emergency medical services and charge fees or rates for such services under the urban type public facilities law.

The Emergency Medical Services Act of 1983, T.C.A. § 68-140-301 *et seq.*, establishes a state emergency medical services board to regulate agencies that provide ambulance and emergency medical services. Although counties are not required to provide ambulance services (T.C.A. § 68-140-318), they must comply with this act if they choose to provide them. T.C.A. § 68-140-316.

In Tennessee, there are several different ways that counties ensure that the citizens are provided with adequate emergency medical care. They include:

- County government-operated exclusive provider
- County EMS providing emergency (911) transportation with a third-party ambulance provider for non-emergency transports
- Third-party EMS services with or without regulation by county government

Regulation of third-party ambulance services is authorized by T.C.A. § 7-61-103:

“The governing body of any county or city may license, franchise, or contract for private operators or nonprofit general welfare corporations to provide ambulance service. In order to protect the public health and welfare, any county or city may adopt and enforce reasonable regulations to control the provision of private or nonprofit ambulance service.”

The regulation of third-party EMS services is needed to ensure that an acceptable level of emergency medical service is provided to the citizens of the county. These regulations may include a performance-based contract with penalty provisions for non-compliance, or a determination that it is in the best interest of the county to be the sole provider of ambulance services.

The Tennessee Court of Appeals found in *Morristown Emergency and Rescue Squad, Inc. v. Volunteer Development Company, Inc.* that ambulance service is a public service and that a lack of regulation and control over these services could injure the public. Additionally, under state law, the decision of a county commission not to recognize an additional ambulance service will not be reviewed by the courts unless a challenger can prove such fraud or abuse. Therefore, the legislature has clearly shown intent with respect to ambulance services to allow county governments to replace open competition with regulation or monopolistic power.

Counties are authorized to provide ambulance service to cities or another county as long as the governing body of that city or county has formalized the arrangement. T.C.A. § 7-61-104 states:

(a) No county may provide and maintain, license, franchise, or contract for ambulance service within the boundaries of a city or another county, and no city may provide and maintain, license, franchise, or contract for ambulance service outside its corporate boundaries, without the approval of the governing body of the area to be served.

(b)(1) Except as provided in subdivision (b)(2) [special provisions for Davidson and Shelby counties], any two (2) or more counties and municipalities may enter into agreements with each other and with persons providing both emergency and nonemergency ambulance service for a county or counties on a county-wide basis, for joint or cooperative action to provide for ambulance service as authorized in this chapter.

Counties that have determined that that it is in their best interest to provide exclusive service of emergency and non-emergency ambulance service will need to enter into an interlocal agreement with the cities in the county to ensure that the county ambulance service is the sole provider.

In summary, counties are authorized but not required to provide an ambulance service. Counties may choose to provide the ambulance service exclusively or to regulate third party services; they may also contract for the provision of this service by private entities or other governmental agencies. The decision to provide the service exclusively will not be reviewed by the courts without evidence of fraud or abuse

by the county. Counties are authorized to charge fees or rates for such services under the urban type public facilities law.

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