ORDINANCE NO. 2007 - 2273-B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY AMENDING CHAPTER 30 "EMERGENCY SERVICES", ARTICLE III "EMERGENCY MEDICAL SERVICES" BY ADDING NEW DIVSION 1 "GENERALLY", DIVISION 2 "BILLING POLICY AND PROCEDURES", AND DIVISION 3 "PRIVATE AMBULANCE SERVICE LICENSING"; ADDING NEW SECTIONS 30-94 THROUGH 30-107; DESIGNATING LA PROTE E.M.S. AS PRIMARY PROVIDER OF EMERGENCY SERVICES IN CITY; PROVIDING MINIMUM STANDARDS FOR EMERGENCY TRANSPORT; ESTABLISHING LA PORTE E.M.S. DEPARTMENT BILLING RATES, PROCEDURES AND POLICIES; CONTAINING A SEVERABLITY CLAUSE; CONTAINING A REPEALING CLAUSE; CONTAINING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 3. Chapter 30 "Emergency Services", Article III "Emergency Medical Services", of the Code of Ordinances of the City of La Porte, Texas is hereby amended by adding new Division 3, with newly renumbered sections 30-94 through 30-107, inclusive, which said Division shall read as follows:

"Division 3. Private Ambulance Service Licensing

Sec. 30-94. Licenses Required.

- (a) No person, either as owner, agent or otherwise shall operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business of ambulance service upon the streets, alleys or any public way or place of La Porte, Texas, unless he holds a currently valid license for an ambulance vehicle and an ambulance company, issued pursuant to this chapter.
- (b) Ambulance vehicle licenses, ambulance company licenses, and attendant-driver's licenses shall be issued for one year or any part thereof during which an ambulance service is maintained. License fees of \$200.00 per company; \$50.00 per ambulance unit or \$500.00 per fleet for 15 or more vehicles; \$50.00 per attendant-driver shall be due and payable at the time of application. The licensure period shall be from October 1st of each year to the 30th day of September of the subsequent year. Fees will not be prorated.
- (c) No person shall act as an attendant-driver on any ambulance operated under this chapter unless he or she holds a valid attendant-driver license issued pursuant to this chapter. A 21-day temporary permit may be issued at the time of application for license. It shall be the responsibility of the chief EMS officer to verify the applicant's certification status through the Texas Department of State Health Services.
- (d) All licenses issued pursuant to this chapter are not assignable or transferable and remain the property of the city.
 - (e) No official entry made upon a license may be defaced, removed or obliterated.
 - (f) All licenses shall be available for inspection by any officer of the city at all times.

Sec. 30-95. Application for Ambulance License.

(a) Application for an ambulance vehicle license and ambulance company license shall be made upon a form furnished by the chief EMS officer who shall issue such a license to an applicant only upon proof by the applicant that the applicant has satisfied all provisions and conditions provided for and has given complete and truthful information to all requirements stated herein.

The application shall contain the following information:

- (1) Name and address of the applicant and of the owner of the ambulance.
- (2) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business.
- (3) A complete report on whether or not the applicant has any claims or judgments against him for damages resulting from the negligent operation of the applicant's ambulance(s).
 - (4) A report that the applicant business has paid all city taxes if applicable.
- (5) Business address, medical license number and DEA number of applicant services medical director.
- (6) A description of each ambulance, including the make, model, year of manufacture, VIN, motor vehicle registration, current TDSHS license number, the length of time the ambulance has been in use, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate applicant's ambulance.
 - (7) Any such other information as may be applicable.
 - (8) No application will be considered before it is complete.
- (9) Falsification of information on applications will be grounds for revocation of license.

Sec. 30-96. Standards for Ambulance License.

- (a) Each ambulance shall, at all times when in use as such, be suitable for the transportation of patient from the standpoint of health, sanitation and safety.
- (b) Minimum equipment requirements for each ambulance shall be those established by the Texas Department of State Health Services.
- (c) When an ambulance permit is issued or renewed under provisions of this chapter, the chief EMS officer will affix to each vehicle two decals, which indicate the vehicle meets all requirements established by this chapter. The color of such decals shall be changed annually.
- (d) The chief EMS officer shall cause all ambulances to be inspected before being placed in service and shall thereafter inspect such ambulances no less than once each year. All permitted ambulances and or vehicles are subject to spot inspections with no notice. In the event an ambulance or vehicle fails to pass inspection, the chief EMS officer shall notify the ambulance operator to correct the defects noted in the inspection and, after such notification, the chief EMS officer shall cause such ambulance to be re-inspected within 48 hours. If upon such re-inspection the defects noted in the original inspection have not been corrected, the permit decal shall be removed from the ambulance or vehicle and shall only be replaced upon such ambulance or vehicle after the defects have been corrected. The license fee shall be paid in full for the balance of current year of the original vehicle decal provided.
- (e) No ambulance that has been substantially damaged or altered, or has received damage where the repair costs exceeds \$1,000.00, shall be again placed in service until it has

been repaired and re-inspected by the chief EMS officer. There will be no charge for re-inspection.

- (f) Every ambulance must be maintained in a clean and sanitary condition.
- (g) All emergency medical calls that originate in the City of La Porte will be responded to by the City of La Porte Emergency Medical Service. In the event that a private ambulance service receives a direct call requesting an ambulance that originates within the City of La Porte, it will be the duty of the private ambulance service to immediately refer the emergency medical call to the City of La Porte Emergency Medical Service (EMS).

Sec. 30-97. Requirements for Business Location.

If the business location of the ambulance service, firm or organization is located within the city limits, the building must be in compliance with all city ordinances, state and federal laws. Pursuant to this specific chapter, no such ambulance service, firm or organization can operate as its main place of business or a storage facility in a private residence. The chief EMS officer has the right to inspect such locations as often as he deems necessary to make sure all provisions of this chapter are in effect. Refusal of any privately owned ambulance service provided with a business office located within the city limits to allow the chief EMS officer to inspect such premises shall be considered a violation of this chapter.

Sec. 30-98. Insurance Requirements.

- (a) No ambulance license shall be issued under this chapter, nor shall such license be valid after issuance, nor shall any ambulance be operated for any reason in the city, unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of Texas, for each and every ambulance owned and/or operated by or for the applicant for license providing for the payment of damages:
- (1) For injury to or death of individuals in accident resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent.
- (2) For the loss of or damages to the property of another, including personal property, under like circumstances, in the following sums: Not less that \$100,000.00 for each person, \$300,000.00 for each accident and \$10,000.00 for property damage. A written statement from an authorized agent of the ambulance operator(s) insurance carrier verifying the issuance of such insurance shall be filed with the chief EMS officer before any permit may be issued. All such verifications of insurance shall provide for a 30-daycancellation notice to the chief EMS officer.
- (3) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof not withstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, in that until the policy is revoked the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or admission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of said policy, recovered against any person other than the owner, by his agent or employee, who may operate the same with the consent or acquiescence of the owner.
- (b) Each attendant-driver involved in the operation of an ambulance within the city limits shall be required to carry at all times professional liability insurance. This policy may be

provided by the applicant company for all its employees or individual policies issued to all personnel employed by the company.

- (1) This coverage must be from an insurance company licensed to do business in the State of Texas for each and every person operating within the city limits of La Porte.
- (2) The limits of liability required are no less than \$500,000.00 per claim and a \$1,000,000.00 aggregate umbrella policy.
- (3) It shall be the responsibility of each person to provide to the chief EMS officer proof of such insurance.
- (4) Failure to provide proof of insurance will be justification to suspend and/or not issue any attendant-driver and/or ambulance permit.
- (5) The chief EMS officer must be notified within 24 hours of any cancellation of insurance coverage.

Sec. 30-99. Application for Attendant-Driver License.

- (a) Applications for attendant-driver licenses hereunder shall be made upon such form as may be prepared by the chief EMS officer and shall contain the following information which is a requirement for the issuance of a license:
- (1) The applicant's full name, current address, how long he has lived at current address, previous address, how long he lived at previous address, home telephone number, and social security number.
 - (2) The applicant's age, date of birth, height, place of birth, hair and eye color.
 - (3) The applicant's valid Texas driver's license number, and expiration date.
- (4) The applicant's present EMS certification level, appropriate Texas Department of State Health Services registration number and expiration date.
- (5) Two recent photographs of a size designated by the chief EMS officer, which shall be attached to the license application.
- (6) A report from a duly licensed physician of the State of Texas of a recent physical examination which attests that the person has vision in both eyes correctable to 20/20 and has no physical defects which would impair his or her ability to perform the duties of an ambulance attendant-driver.
- (7) Such other information as the chief EMS officer shall deem reasonably necessary to a fair determination of compliance with this chapter.
- (b) The chief EMS officer shall within 21 days of receipt of a completed application for an attendant-driver license investigate the application and issue the license or notify the applicant that the application is denied.

Sec. 30-100. Standards for Attendant-Driver License.

- (a) All attendant-driver applicants must be able to read, write and speak the English language.
 - (b) All drivers must have a valid Texas driver's license. (Class A, B, or C).
- (c) All attendant-drivers must hold current certification from the Texas Department of State Health Services as an emergency medical technician.
- (d) No attendant-driver shall have a final conviction for theft, robbery, state or federal controlled substances acts, rape, sexual abuse, indecency with a child, or abuse of a corpse.

- (e) No attendant-driver shall have been convicted of three or more moving violations within the preceding two-year period.
- (f) All attendant-drivers shall be able to pass the vision test as prescribed by the Texas Department of Public Safety.

Sec. 30-101. Renewal of License.

Renewal of any license hereunder, upon expiration or after revocation, shall require conformance with all requirements of this chapter as upon original licensing.

Sec. 30-102. Revocation of License.

- (a) The chief EMS officer may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this chapter, or of regulations promulgated hereunder, or of any other applicable laws or ordinances, but only after warning and such reasonable time for compliance as may be set by the chief EMS officer. Any applicant denied a license or any licensee whose license is suspended or revoked shall have the right of appeal to the city manager. Such appeal shall be submitted to the city manager in writing within ten days of the action being appealed. The city manager shall, within ten days after appeal is filed, consider all the evidence in support of or against the ruling appealed from and render a decision either sustaining, reversing, or modifying the determination of the chief EMS officer.
- (b) If the city manager's decision is not acceptable to the applicant or licensee, he may, within ten days of that decision, file an appeal in writing with the city secretary to the city council. Such a written appeal shall set forth the specific grounds therefore. The city secretary shall notify the appellant within ten days after receipt of appeal as to the time and place of the hearing by the city council, which shall be within 30 days of receipt of such appeal. The determination of the city council on any appeal pursuant to this chapter shall be final.
- (c) Upon suspension, revocation or termination of an ambulance license hereunder, such ambulance shall cease operation as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation or termination of attendant's or driver's license hereunder, such attendant or driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.

Sec. 30-103. Medical Director To Serve In An Advisory Capacity.

- (a) Any ambulance whose attendant receives physicians' orders either by voice communications or written standing orders must have, in an advisory capacity, a physician, licensed in the State of Texas, to serve as medical director.
- (b) Any ambulance licensed under this chapter must maintain with the chief EMS officer a statement of their current medical director including his or her name, business address, business telephone number, and Texas medical license number; and the federal narcotics license number if any drugs or supplies are prescribed by this physician.

Sec. 30-104. Inspection of Ambulances.

(a) Subsequent to issuance of any ambulance or vehicle license hereunder, the chief EMS officer shall cause to be inspected each such licensed vehicle, its equipment, premises and

personnel, whenever he deemed necessary. All licensed ambulances or vehicles shall be subject to unannounced spot inspections and in any event will be inspected at least once per year. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulance or other motor vehicles in the State of Texas, or other inspections required to be made, under general laws and ordinances, and shall not excuse compliance with any requirements of law and ordinance to display any official certificate of motor vehicle inspection at all times.

- (b) A copy of each initial, semiannual, spot or other ambulance, equipment, premises and personnel inspection report shall be promptly transmitted to the applicant or licensee to whom it refers.
- (c) The chief EMS officer may immediately suspend any of the licenses issued under this chapter if an inspection reveals violations or deficiencies that might endanger a patient or the public.

Sec. 30-105. Central Emergency Dispatching System.

- (a) It shall be unlawful for any ambulance to respond to an emergency call within the City of La Porte.
- (b) If any person receives any request for an ambulance service response on an emergency basis other than through the city's central dispatching system; it is the obligation of that person to immediately report the same request to the city's central dispatching system at which time a City of La Porte Emergency Medical Service (EMS) unit will be dispatched to respond.
- (c) It shall not be unlawful for a person operating a licensed ambulance in the city, upon responding to a direct call for non-emergency ambulance service, to operate such ambulance under non-emergency conditions. Notifying the city's central dispatching system is not required for non-emergency ambulance responses.
- (1) In the event that the senior ambulance attendant-driver makes the determination that a true emergency exists upon arrival, the senior ambulance attendant-driver may then proceed in an emergency status (lights and siren) to the closest appropriate hospital facility only upon notification to the city's central dispatching system.

Sec. 30-106. Penalty for Violation of Chapter.

- (a) A person commits an offense if the person violates this chapter.
- (b) Any person who violates a provision of this chapter, upon conviction in the municipal court of the city, shall be subject to a fine in an amount established by the city and listed in appendix B of this Code.

Sec. 30-107. Variances to Chapter Requirements.

- (a) An affected person or organization may request a variance from the licensure requirements of this chapter if the person satisfies one or more of the specific criteria listed in subsection (d).
 - (b) It shall be the responsibility of the chief EMS officer to grant such a variance.
- (c) The variance must specify the specific licensure requirements and/or fees being waived.
 - (d) The criteria for variance are as follows:

- (1) The person has transported a sick or injured person to medical care as an individual citizen not ordinarily engaged in that activity;
- (2) The person transports a sick or injured person in a multiple casualty situation that exceeds the capacity of the city's emergency medical services;
- (3) The person is a member of an organization and the person's function is to transport members of that same organization to an appropriate medical facility at no charge to the individual being transferred; and that same organization does not solicit business outside itself or provide service to any other organization except in a multiple casualty situation;
- (4) The vehicle or person is moving through the city on a call that neither originates nor ends within the city;
 - (5) The organization is principally an air transport system;
- (6) The organization or vehicle is licensed by the state as a "specialized emergency medical services vehicle" and is designed to provide service patients with special needs not easily met by other transport services;
 - (7) The organization is an agency or designated provider of a municipal government.
- (e) A variance shall not be granted unless it is necessary to assure the availability of quality care to the citizens of the city.
- (f) A variance shall not be granted unless all ambulance units and personnel meet the minimum standards set by the state health department.
- (g) The city council reserves the right to reserve the decision of the chief EMS officer in granting or refusing a variance.

Section 4. Appendix A—"Fees", Chapter 30 "Emergency Services", Article III "Emergency Medical Services", of the Code of Ordinances of the City of La Porte, Texas is hereby amended, and which said section shall read as follows:

Treatment with Transport (ALS)	\$788.00
Treatment with Air Transport (ALS)	\$790.00
Treatment with Private Transport	\$396.00
Treatment with No Transport (Service Charge)	\$396.00

Mileage (Loaded Miles) \$10.00 per mile

Standby Service Fee (per hour) \$75.00 (2 Hour Minimum)

No Treatment/No Transport No charge Non-Member Fee (per event) \$1500.00

Section 5. Open Meetings. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. Repeal. All ordinances or parts of ordinances of the City of La Porte in conflict with any provision contained herein is hereby repealed, but only to the extent of any conflict.

Section 7. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. Effective Date. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least twice within ten (10) days after the passage of this ordinance.

APPROVED

Alton E. Porter, Mayor

ATTEST:

Martha Gillett, City Secretary

APPROVED AS TO FORM:

Clark T. Askins, Assistant City Attorney