

CITY OF KELLER

PRIVATE AMBULANCE SERVICE PERMIT RULES AND REGULATIONS

City of Keller

Section 1. Code of Ordinance Sec. 6-580

Permits for private ambulance service will be issued through the City Manager's Office for the City of Keller. Private service shall be restricted to nonemergency calls, special events, transfers and removing deceased persons.

Section 2. Exceptions

1. No permit shall be required for ambulances operating at the request of the city in cases of a disaster.
2. Pediatric specialty ambulances owned and operated by Cooks or Childrens Hospitals shall not be required to have a permit to operate within the City of Keller.
3. Air medical services shall not be required to have a permit to operate within the City of Keller for air medical services.

Section 3. Definitions

Ambulance means any privately owned motor vehicle that is specially designed or constructed, equipped, licensed to be used for, maintained and is operated for the transportation of the sick or injured.

Ambulance Permit means a document issued by the City of Keller.

Ambulance service means any company that is licensed by the Texas Department of State Health Services as an Emergency Medical Provider.

Applicant means any person, partnership, corporation or other operator that submits an application to obtain an ambulance permit to operate within the city limits of Keller. This definition includes all officers, owners, and partners of a corporation or other business entity

Attendant-driver means persons certified/licensed by the Texas Department of State Health Services to drive an ambulance or dispense patient care during the transport of a patient.

Chief EMS officer means the chief officer responsible for emergency medical services for the City of Keller or a duly authorized representative.

City means the City of Keller, Texas

City Council means the City of Keller City Council.

Clean and Sanitary means free from dirt, pollution, contamination or disease or relating to good health or protection from dirt, infection, disease.

Emergency means any circumstance that calls for the immediate response (emergency lights and/or siren) in which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of the person.

Emergency call means any request for ambulance service that is made by telephone or other means of communication in circumstances which are, or have been represented to be, an emergency requiring immediate response.

Emergency patient means a person whose sickness or injury may cause a significant risk to the person's life or limb.

Emergency run means any emergency ambulance trip, requiring the use of warning lights or sirens, to the place where the emergency exists or from the place the emergency exists to a medical facility.

License means a license issued by the Texas Department of State Health Services or other State or Federal regulatory agency.

Medical director means any licensed physician who serves in an advisory capacity to any ambulance service for the purpose of providing medical direction under the terms of the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes) and rules promulgated by the Texas State Board of Medical Examiners pursuant to terms of the Medical Practice Act.

Non-Emergency means any circumstance that does not call for the immediate response (no emergency lights and/or siren) in which the element of time in transporting the sick, wounded or injured for medical treatment is not essential to the health or life of the person.

Non-Emergency call means any request for ambulance service response (no lights and/siren) that is made by telephone, or other means of communication in circumstances which are or have been represented to be of a non-emergency nature requiring non-emergency transport.

Private service ambulance means any privately owned motor vehicle licensed by the Texas Department of State Health Services and that has been constructed, equipped and/or used for transferring the sick, or injured under circumstances which are or have been represented to be of a non-emergency nature requiring non-emergency transfer.

Removal of deceased means the removal of deceased persons from a physical location within the city limits of the City of Keller. Such removal shall be done in accordance with all applicable State and Federal laws and regulations.

Special events means any parade, sporting event, concert or other event or gathering requiring on-site standby medical personnel. These events may or may not require review by the City of Keller Special Events Review Team.

Transfer means the moving of a patient from one physical location to another with the use of an ambulance.

Transfer call means any request for ambulance service that is made by telephone, or other means of communications in circumstances which are or have been represented to be of a non-emergency nature requiring non-emergency transfer.

Section 4. Jurisdiction

All emergency medical calls that originate in the City of Keller will be the responsibility of the City of Keller Fire Department. In the event that a private ambulance service receives a direct call for a patient meeting the definition of an emergency within the City of Keller, it will be the duty of the private ambulance service to immediately refer the emergency medical call to the Keller Fire Department.

Private service ambulances will not run with lights and/or sirens into the City of Keller, unless they are driving through enroute to an emergency call in another city or delivering a patient to a hospital Emergency Room that did not originate in the City of Keller. Private service ambulances will not transport patients that are picked up in the City of Keller, with lights and sirens.

Section 5. Private Ambulance Service Permit Required

1. No person, either as owner, agent or otherwise shall operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the business of ambulance service upon the streets, alleys or public ways or places of Keller, Texas, unless he or she holds a currently valid private ambulance service permit issued pursuant to this section.
2. Private ambulance service permits shall be issued for one (1) year. The permit period shall be renewed annually based on the date of issuance.
3. No person shall act as an attendant-driver on any ambulance operated under this section unless he or she holds a valid drivers license and appropriate valid certification as defined by Texas Department of State Health Services.
4. Private ambulance service permits issued are not assignable or transferable and remain the property of the City.
5. No official entry made upon a private ambulance service permit may be defaced, removed or obliterated.

6. The private ambulance service permit, or a copy, shall be kept on all ambulances and available for inspection by any officer of the City at all times.

Section 6. Application for Private Ambulance Service Permit

Application for an private ambulance service permit shall be made upon a form furnished by the City of Keller. The City Manager or the City Manager's designee shall issue such ambulance permit to an applicant only upon proof by the applicant that the applicant has satisfied all the provisions and conditions provided for and has given complete and truthful information to all requirements stated herein. Falsification of information on applications will be grounds for revocation of permit.

The application shall contain the following information:

1. The application and all accompanying paperwork must be submitted to the Office of the Fire Chief. The Fire Chief's office will have a minimum of two (2) weeks to process the ambulance permit application and make a recommendation for approval or denial to the City Manager.
2. Name and address of the applicant and of the owner of the ambulance;
3. The trade or other assumed name, if any, under which the applicant does business or proposes to do business;
4. A complete report of any claims or judgments against the applicant, owners and managing personnel, or employees for damages resulting from negligent operation of an ambulance or any other vehicle within the last five (5) years;
5. An identification and description of any revocation or suspension of a private ambulance service permit held by the applicant or business before the date of filing the application within the last five (5) years;
6. Business address, medical license number and DEA number of applicant services medical director;
7. Proof of a license from Texas Department of State Health Services to operate as an Emergency Medical Services Provider;
8. A description of each ambulance to be operated in Keller, including the make, model, year of manufacture, VIN, motor vehicle registration, current Texas Department of State Health Services 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;
9. Level of care that the applicant proposes to provide according to Texas Department of State Health Services standards;
10. Any such information as may be applicable.

Section 7. Standards for Private Ambulance Service Permit

1. 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.
2. Minimum equipment requirements for each ambulance shall be those established by Texas Department of State Health Services.
3. All ambulances operating under a private ambulance service permit are subject to spot inspections without notice.
4. Each ambulance operated under the private ambulance permit must be maintained in a clean and sanitary condition.
5. The private ambulance service permit holder shall comply with the terms and conditions of the application, lawful orders of the Fire Chief, rules and regulations established under this application, and other city ordinances and state and federal laws applicable to the operation of a private ambulance service.
6. The private ambulance service permit holder shall establish policy and take action to discourage, prevent, or correct violations of this application by attendant-drivers who are employed by the service.
7. The private ambulance service permit holder shall not allow any attendant-drivers employed by the service to operate an ambulance within the city if the permit holder knows or has reasonable cause to suspect that the attendant-driver has failed to comply with this application, rules and regulations established by the City, or other applicable law.
8. In the event that a patient's condition changes while being transported non-emergency and necessitates a transition into an emergency transport, the private ambulance service permit holder shall notify City of Keller EMS Chief in writing within 10 days following the event. This notification must include where the patient was picked up, destination, and explanation as to why the transport necessitated an increase to an emergency transport.

Section 8. Insurance Requirements

No private ambulance service permit shall be issued, 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 permit providing for 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 or damages to the property of another, including personal property, under like circumstances, in the following sums: Not less than one hundred thousand dollars (\$100,000) for each person, three hundred thousand dollars (\$300,000) for each accident and ten thousand dollars (\$10,000) for property damage. A copy of the policy and a written statement from an authorized

agent of the private ambulance service's insurance carrier verifying the issuance of such insurance shall be filed with the City before the permit may be issued.

3. The limits for liability insurance required are no less than five hundred thousand (\$500,000) dollars per claim and a one million (\$1,000,000) aggregate umbrella policy.
4. Every insurance policy required shall contain a provision for a continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of 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 the private ambulance service permit 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.

Expiration or cancellation of such insurance coverage shall automatically terminate any private ambulance service permit. Proof of insurance shall be provided on demand and proof shall at all times be on board any permitted ambulance.

Section 9. Standards for Attendant-Driver Permit

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

Section 10. Revocation of Permit

A private ambulance service provider or any of its agents and/or employees, who violate any section of this permitting process, including allowing drivers to operate any vehicle while not properly licensed/permitted, is subject to immediate revocation of its private ambulance service permit to operate within the city limits of Keller and penalties as described in section 11.

Any private ambulance service provider found to be in violation will have their permit immediately suspended pending any appeal of the revocation of the permit.

However, not less than ten days before such revocation, the owner shall be given written notice and an opportunity to be heard before the City Manager or his/her designee as to why the permit should not be revoked. No such notice shall be deemed necessary prior to revocation of a permit for failure to maintain proper insurance as required in section 7.2.

Section 11. Penalty for Permit Violation

1. A person commits an offense if the person violates any provision of the permit or permit process.
2. Any person who violates a provision of the permit or the permit process, upon conviction in the municipal court of the city, shall be subject to a fine not to exceed \$2,000.

Section 12. Refusal to Renew Permit

The city may refuse to renew a private ambulance service permit for any of the following reasons:

- a) Applicant made a false statement as to a material matter in the application for a permit;
- b) Applicant failed to comply with any requirement of the permit process or any rule or regulation established by the city;
- c) Applicant was convicted of any felony offense while holding a private ambulance service permit;
- d) Applicant used a trade name for a private ambulance service other than the one registered with the city.

Section 13. Renewal of Permit

1. Application for renewal and all accompanying paperwork must be submitted to the Office of the Fire Chief a minimum of two (2) weeks prior to expiration of the current permit. The Fire Chief will recommend approval or denial on all applications to the City Manager.
2. Renewal of the private ambulance service permit shall require conformance with all requirements of the permitting process as if an original license was being sought.