

Chapter 4 **AMBULANCES**

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Sec. 4-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance. A motor vehicle used, designed or redesigned, and equipped for the primary purpose of the transportation of sick or injured persons.

Ambulance service. A trip made by an ambulance to transport a sick or injured person from place to place under other than emergency circumstances.

Ambulance operator. The person holding a city ambulance permit.

Department means the Houston Health Department.

Direct call. A request for ambulance service made by telephone or other means directly to an ambulance operator, his agents or employees.

Driver's permit. A city emergency ambulance driver's permit.

Emergency ambulance. Any motor vehicle used, designed or redesigned, and equipped for the primary purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid or the performance of rescue work, or both, under such circumstances.

Emergency circumstances. The existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both at the place of emergency may be essential to the health or life of such person.

Emergency ambulance service. A trip made by an emergency ambulance under emergency circumstances to the place of emergency, performance of any necessary rescue operations, rendering of any necessary first aid assistance, and the trip to the hospital or other place for medical attention. An ambulance is being operated in emergency ambulance service if all or any part of the above described trip to the place of emergency and any subsequent trip to the hospital is made on

the streets within the corporate limits of the city. An emergency ambulance shall be considered to be rendering emergency ambulance service when it is responding to a call for emergency assistance even though, upon arrival at the place of emergency, it is found that the call was falsely made or that no further emergency ambulance assistance is required or when it is responding to a call for routine ambulance service and during such trip emergency circumstances develop.

Emergency medical services means services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

Mobile Stroke Unit ("MSU") means an ambulance equipped with specialized stroke treatment equipment including laboratory and telemedicine capabilities used to administer emergency treatment before arrival at the hospital.

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Sec. 4-3. City emergency ambulance driver's permit.

- (a) It shall be unlawful for any person other than a member of the fire department assigned to drive a fire department ambulance to operate or drive an emergency ambulance upon the public streets of the city unless the driver thereof shall first have obtained a city emergency ambulance driver's permit.
- (b) An application for such permit shall be submitted to the health officer upon a form or forms to be provided by him, which outline the current requirements. Such application must be signed and sworn to before a notary public. The applicant shall have the following qualifications:
 - (1) The applicant must be 18 years of age or older;
 - (2) the applicant must be the holder of a Class C Texas driver's license or an equivalent driver's license issued by another state
- (c) The health officer shall investigate the application and determine whether the applicant meets the qualifications required for the issuance of an emergency ambulance driver's permit. If the applicant is so qualified, the health officer shall issue such a permit, and if the applicant is not qualified, the health officer shall notify the applicant by writing to him at the applicant's address as given in the application.

- (d) A permit issued under this section shall be valid for two years from the date of issuance.
- (e) The fee for a permit required by this section is stated for this provision in the city fee schedule, payable at the time the application for said permit is submitted to the health officer.

Sec. 4-4. Personnel required during operation of emergency ambulances; ~~emergency ambulance technician certificate of proficiency.~~

- (a) It shall be unlawful to operate or drive or cause to be operated or driven an emergency ambulance on a public street of the city when furnishing emergency ambulance service, including emergency ambulances operated by the fire department, unless there is aboard such emergency ambulance on each trip at least two persons, one of whom is currently a state-certified Emergency Medical Technician (EMT). ~~the holder of a valid certificate of proficiency as a qualified emergency ambulance technician issued by the health officer.~~ The holder of such a certificate must be the person attending the patient while such patient is being transported.
- ~~(b) Application for a certificate of proficiency as an emergency ambulance technician shall be made to the health officer on forms to be furnished by him, and shall be signed and sworn to before a notary public.~~
- ~~(c) Qualifications for a certificate of proficiency shall be as follows:
 - ~~(1) The applicant must be 18 years of age or older.~~
 - ~~(2) The health officer shall establish standards of proficiency and training necessary for attainment in order for such person to qualify for a certificate of proficiency as a qualified emergency ambulance technician. Such standards shall be filed with the city secretary and may be changed from time to time by filing such changes with the city secretary. The health officer shall cause regularly scheduled training courses and examinations to be conducted of all applicants for such certificate of proficiency. Such examinations may be oral or written or practical or a combination of such types of examinations, as the health officer determines will best demonstrate proficiency. The health officer shall limit the life of any certificate to not more than one year and shall provide for renewal of such certificate by the applicant's attending refresher courses and taking such renewal examinations as the health officer may prescribe.~~~~

~~(d) The health officer shall investigate the application and the grades attained on such examination and determine whether the applicant meets the qualifications required for the certificate of proficiency. If the applicant is so qualified, the health officer shall issue such certificate and if the applicant is not qualified, the health officer shall notify the applicant by writing to him at the applicant's address as given in the application.~~

Sec. 4-5. Structural and licensing requirements.

No emergency ambulance shall be operated on the public streets of the city unless it is free of structural defects and unless it has no serious impairment of any safety feature resulting from an accident or otherwise. No emergency ambulance shall be operated upon the streets of the city for the purpose of furnishing emergency ambulance service ~~unless and until such ambulance has been duly licensed in accordance with Article 4590b, V.T.C.S.~~ it complies with all applicable provisions of chapter 773 of the Texas Health and Safety Code and is operated pursuant to an emergency medical services provider license issued by the Texas Department of State Health Services.

Sec. 4-6. Required equipment.

~~(a) No emergency ambulance or transfer ambulance shall be operated upon the streets of the city for the purpose of furnishing ambulance service unless such ambulance is equipped as required by section 157.11, title 25 of the Texas Administrative Code, with the "Essential Equipment for Ambulances," as set out in the bulletin of the American College of Surgeons, May issue, 1970, pages 7 through 13, a copy of which shall be filed in the office of the city secretary by the health officer.~~

~~(b) In addition to the equipment requirements referenced in subsection (a) of this section, each emergency ambulance or transfer ambulance operated upon the streets of the city for the purpose of furnishing ambulance service shall be equipped in compliance with the Houston Health Department's approved Medical Equipment List, specifying the necessary equipment, medications, and quantities of each required aboard each emergency ambulance or transfer ambulance offering service within the city. The Medical Equipment List must be approved by the local health authority. To the extent of any inconsistency between the minimum equipment requirements stated in 25 Texas Administrative Code and the Houston Health Department's Medical Equipment List, the more restrictive requirement shall govern. Modifications to the standards for specialized units are allowed, as long as these units are not used for routine operations. The equipment list shall be reviewed and updated annually by the Emergency Medical Services System~~

Physician Medical Director, Houston Fire Department, and Houston Health Department (EMS program).

Sec. 4-7. Vehicle inspections.

- (a) The health officer shall cause all emergency ambulances, including those operated by the fire department, to be inspected before being placed in service and thereafter annually, as well as on a spot inspection basis. In the event an emergency ambulance fails to pass inspection, the health officer shall notify the emergency ambulance operator or the chief of the fire department to correct the defects noted in the inspection and, after such notification, the health officer shall cause such ambulance to be reinspected for compliance.
- (b) Whenever a reinspection is required by the health officer to determine that conditions responsible for the reinspection no longer exist, the permit holder shall pay a reinspection fee, and the permit, permits or decals shall not be renewed or issued until the permit holder has paid any outstanding reinspection fees. The fees and charges are stated for this provision in the city fee schedule. The health officer shall conduct a reinspection within a reasonable period of time.

Sec. 4-8. Decals and display of name.

- (a) When an ambulance operator's permit is issued or renewed under this article, the holder of the operator's permit shall present each ambulance that he proposes to operate thereunder to the health officer for inspection pursuant to the standards adopted in section 4-5, and if the operator proposes to use the ambulance in either or both of the instances described in section 4-9(b)(3) or (4), then for additional inspection for compliance with section 4-6. Upon the successful completion of such inspection, the health officer will furnish the permittee two decals for each ambulance which has been inspected and is authorized to be used in service. One such decal shall be affixed to the front windshield at the lower right (passenger side) corner; the other such decal shall be affixed to the rear bumper or to a similar location in a manner as to be readily visible from a following vehicle. The color of such decals shall be changed annually. Additionally, all emergency ambulances shall have the name of the ambulance service prominently displayed on both exterior sides.

- (b) It shall be unlawful to operate an ambulance on the streets of the city without having such decals affixed and, in the case of an emergency ambulance, without having the name of the ambulance service displayed as required by this section.

Sec. 4-9. Persons authorized to engage in emergency ambulance service.

- (a) The operation of emergency ambulances on the streets of the city for the furnishing of emergency ambulance service is hereby declared to be a governmental function of the city to be performed by the fire department in accordance with the terms of this chapter. It shall be unlawful for any person or persons, other than members of such fire department ~~in its classified civil service, or emergency ambulance service provided by a mobile stroke unit or other emergency ambulance operated by an ambulance operator pursuant to an agreement with the city,~~ while driving emergency ambulances operated by the fire department, to furnish or to attempt to furnish emergency ambulance service or to operate or drive or cause to be operated or driven any ambulance on the streets of the city for the purpose of furnishing emergency ambulance service.
- (b) It is an affirmative defense to prosecution under subsection (a) that:
 - (1) The person operating an ambulance upon responding to a direct call for ambulance service determined that an emergency existed requiring the sick or injured person to be transported with all practical speed for medical treatment and attention and obtained permission to operate such ambulance in emergency ambulance service; from the fire department dispatcher;
 - (2) That the emergency ambulance service was provided by an ambulance based outside the city when not in use and operated by an ambulance company having an established place of business and permanent address outside the city, provided;
 - a. The sick or injured person was picked up outside the corporate limits of the city and transported to a hospital within the city; and
 - b. The ambulance performing such emergency ambulance service was, at the time, duly licensed and operated in compliance with all applicable city and state regulations ~~accordance with Article 4590b, V.T.C.S.;~~ and

- c. The driver of such ambulance complied with all speed and other traffic regulations of the city and the state.
- (3) That the person operating an ambulance within the city was performing a service under contract of maintaining an ambulance at a particular location, or event, for the purpose of transporting sick or injured persons for medical or hospital treatment, and determined that a sick or injured person at such location or event required immediate hospital or medical attention and obtained permission to operate such ambulance in emergency service from the fire department dispatcher.
- (4) That the emergency ambulance service was provided at the request of the fire department dispatcher due to unavailability of a city ambulance.

In each instance set out in (1) through (4) above, the driver or operator of such ambulance shall prior to commencement of each emergency ambulance run, notify the fire department dispatcher of the conditions requiring the operation of his vehicle in emergency ambulance service, the location from which he is proceeding, and the location to which he is proceeding under emergency ambulance service and obtain permission for such trip from the dispatcher. Each ambulance being operated under paragraphs (1) and (2) above shall comply with the requirements of this chapter regarding emergency ambulances insofar as traffic safety is concerned. Each ambulance being operated under the provisions of paragraphs (3) and (4) above shall comply with all requirements of this chapter regarding emergency ambulances of every nature. Upon arriving at his destination, the ambulance driver or ambulance operator will again notify the fire department dispatcher that he has arrived and is no longer in emergency ambulance service. When the driver or operator of an ambulance is responding to a direct call for ambulance service, either under emergency conditions or otherwise, he shall inform the fire department ambulance dispatcher of the location of such call and such information as he may have concerning the circumstances surrounding the request for service, and if the fire department ambulance dispatcher reports that a fire department ambulance is either on route to the same location or has arrived there and instructs such ambulance driver or operator not to respond to such call, it shall be unlawful for such driver or operator to so respond when instructed not to do so by the fire department ambulance dispatcher.

Sec. 4-10. General authorization.

Nothing herein shall prohibit any person owning an ambulance duly licensed and operated in accordance with section 157.11, title 25 of the Texas Administrative Code.

~~article 4590b, V.T.C.S.~~ from operating such ambulance on the public streets for the purpose of furnishing ambulance service only; provided, however, such person shall secure an operator's permit in compliance with the provisions of sections 4-15 and 4-16 hereof and shall cause his ambulance to have been inspected and be in display of a medallion issued in compliance with section 4-8 hereof. The driver of any such ambulance shall comply with all of the traffic laws of the state and ordinances of the city, including this chapter, in furnishing such ambulance service. The operator thereof shall not permit such ambulance to be used for emergency ambulance service unless all requirements of this chapter regarding emergency ambulance service have been complied with.

Sec. 4-11. Use of signs or flashing emergency lights.

The use of signs or flashing emergency lights on an ambulance upon the public streets of the city shall be unlawful except when furnishing emergency ambulance service in accordance with the terms of this chapter.

Sec. 4-12. Patient transport status; solicitation of business prohibited.

- (a) A patient's transport status shall be determined solely on the basis of the medical needs of the patient in accordance with the most current fire department guidelines as approved by the physician medical director. Under no circumstances shall the fact that a person is or appears to be indigent and unable to pay the cost of such service be considered in such determination.
- (b) It shall be unlawful for any person, while operating or accompanying an emergency ambulance on the public streets or easements of the city, to solicit the business of transporting the sick or injured.

Sec. 4-13. Charges.

- (a) *Fees.* To partially defray the costs incurred by the city when the fire department provides emergency medical services, the following fees are hereby established:
 - (1) Treatment-and-transport fee, in the amount stated in the city fee schedule, shall be charged for the transportation of a patient by fire department ambulance from the scene of patient encounter to a hospital or other place approved by the EMS system director appointed pursuant to section 2-6 of this Code for medical attention.

- (2) Mileage fee, at the rate stated in the city fee schedule, shall be charged for each mile or any part of a mile a patient is transported. Mileage fees are charged in addition to the treatment-and-transport fee.
- (3) Field termination response fee, in the amount stated in the city fee schedule, shall be charged for activities associated with a patient not transported because of death following an unsuccessful resuscitation attempt.
- (4) Treatment-without-transport fee, in the amount stated in the city fee schedule, shall be charged for a patient who receives care requiring assessment and therapeutic intervention but is not transported.
- (5) Lift response fee, in the amount stated in the city fee schedule, shall be charged for the fourth and each successive response for the same patient in any period of twelve months that includes only activities associated with a patient not transported or treated other than returning a patient to an upright or comfortable position and the absence of any emergency circumstances.

All fees shall be payable by or on behalf of the patient served except as provided in this section.

- (b) *Billing.* The city tax assessor-collector shall be responsible for the billing and collection of the applicable fees. The fire department shall submit to the tax assessor-collector a record of each instance in which emergency medical service or ambulance transportation service is provided.
- (c) *Charity care.* The director of the department of finance or her designee shall promulgate all forms, policies and guidelines and establish procedures necessary to establish eligibility of uninsured patients for charity care and/or financial assistance and to implement and enforce the provisions of this section. The policy for charity care and/or financial assistance must:
 - (1) Adhere to the charity-care principles of the Healthcare Financial Management Association Principles and Practices Board Statement 15 (December 2012);
 - (2) Be in compliance with any standards or limitations required by Rule § 355.8210(b)(3), Texas Administrative Code, Title 1, as amended from time to time, and any standards or limitations required by the federal or state agencies providing reimbursement to the city for the costs of

uncompensated charity care for the fire department's provision of emergency medical services and ambulance services; and

- (3) Exclude bad debt, courtesy allowances and discounts, if any, given to patients who are not eligible for charity care or financial assistance from the city.

The director of the department of finance or her designee shall apply a credit to the account of a patient that the director determines finally eligible for charity care and/or financial assistance. The credit amount shall be in accordance with the policies and guidelines promulgated under this subsection.

- (d) No provision in this section shall be construed to authorize the fire department, under any circumstances, to refuse emergency assistance to any person upon the grounds that the person is indigent or unable to pay for the service.

Sec. 4-14. Uncollectible transport account.

There is hereby created a list of ambulance accounts to be entitled "uncollectible transports." The tax assessor-collector of the city shall have the power to place ambulance bills on the uncollectible transports list if he determines such ambulance bills to be uncollectible.

An "uncollectible transport" shall be defined as any of the following:

- (1) Emergency ambulance service provided a patient whose name and/or address is unknown, or upon whom there is otherwise insufficient information to locate the patient, or a patient using a false name and/or, address, or a patient who is a minor and whose parents or next of kin are unknown, or there is otherwise insufficient information to locate the parents or next of kin.
- (2) Emergency ambulance service provided a patient who is in the custody of, or placed under arrest by, a police officer of the city.
- (3) Emergency ambulance service provided at least six months previously and upon which a diligent collection effort has been made.

Sec. 4-15. Ambulance service operator's permit, insurance required.

Any person operating an ambulance service upon the streets of the city must secure a permit therefor from the health officer. Such applicant shall provide evidence to the health officer that he has in full force for such calendar year a public liability insurance policy on each ambulance, such insurance policy to be issued by an insurance company which is authorized by law to do business in the state. Such policy shall provide liability insurance in the amount required by 157.11 of Title 25 of the Texas Administrative Code. ~~of not less than \$50,000.00 \$60,000 for any one accident, and not less than \$30,000~~25,000.00 for injury to any one person, and \$25,000 for damage to or destruction of property. Such insurance policy shall not contain a passenger liability exclusion. Each policy shall contain a provision obligating the insurer to give to the health officer written notice of cancellation not less than ten days prior to the date of any cancellation.

Sec. 4-20. Rules and Regulations.

Consistent with the other provisions of this article, the director may promulgate rules and regulations to administer provisions of this ordinance. The rules and regulations shall not conflict with any applicable provisions of this Code. A copy of the rules and regulations shall be maintained for public inspection in the offices of the said director and city secretary, and copies may be purchased at the fees prescribed by law.