



# City of Wharton

120 E. Caney Street ° Wharton, TX 77488

Phone (979) 532-2491 ° Fax (979) 532-0181

## AMBULANCE PROVIDER PERMIT APPLICATION

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Company Phone \_\_\_\_\_ Fax \_\_\_\_\_

Applicant Name \_\_\_\_\_

Permanent Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

### PARTNERSHIP

Owner's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

Owner's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

### CORPORATION

Corporation Name \_\_\_\_\_

Corporation Address \_\_\_\_\_

Corporation Phone \_\_\_\_\_ Fax \_\_\_\_\_

Director's Name \_\_\_\_\_

Director's Home Address \_\_\_\_\_

Director's Home Phone \_\_\_\_\_ Date of Birth \_\_\_\_\_

Officer's Name \_\_\_\_\_

Officer's Home Address \_\_\_\_\_

Officer's Home Phone \_\_\_\_\_ Date of Birth \_\_\_\_\_

Officer's Name \_\_\_\_\_

Officer's Home Address \_\_\_\_\_

Officer's Home Phone \_\_\_\_\_ Date of Birth \_\_\_\_\_

Medical Director's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

Operator's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

Operator's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

Operator's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

Operator's Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Email \_\_\_\_\_

Ambulance Address Based when not in Service \_\_\_\_\_

Type of Certification Service for Ambulance \_\_\_\_\_

Year, Make, Model of Ambulance \_\_\_\_\_

Vin # \_\_\_\_\_ License Plate \_\_\_\_\_

Ambulance Address Based when not in Service \_\_\_\_\_

Type of Certification Service for Ambulance \_\_\_\_\_

Year, Make, Model of Ambulance \_\_\_\_\_

Vin # \_\_\_\_\_ License Plate \_\_\_\_\_

Ambulance Address Based when not in Service \_\_\_\_\_

Type of Certification Service for Ambulance \_\_\_\_\_

Year, Make, Model of Ambulance \_\_\_\_\_

Vin # \_\_\_\_\_ License Plate \_\_\_\_\_

Ambulance Address Based when not in Service \_\_\_\_\_

Type of Certification Service for Ambulance \_\_\_\_\_

Year, Make, Model of Ambulance \_\_\_\_\_

Vin # \_\_\_\_\_ License Plate \_\_\_\_\_

**The following items have been attached to the application:**

**State Licenses and Certifications**

**Certificate of Insurance**

**Check or Money Order - \$500.00 Application fee (non-refundable)**

**I, certify that I have provided true and correct copies of the required information. I have attached one (1) original and three (3) copies of the required information to the City of Wharton.**

**I certify that I have not been convicted of a felony or of a misdemeanor involving moral turpitude within the past ten (10) years.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF TEXAS**

**COUNTY OF \_\_\_\_\_**

Sworn to and subscribed before me on the \_\_\_\_ day of \_\_\_\_\_, 200\_ by \_\_\_\_\_, President of \_\_\_\_\_ a Texas corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

Reviewed by City Secretary Department and recommended approval to City Council on this \_\_\_\_ day of \_\_\_\_\_, 200\_.

Reviewed by Emergency Medical Department and recommended approval to City Council on this \_\_\_\_ day of \_\_\_\_\_, 200\_.

Reviewed by Legal Counsel and recommended approval to City Council on this \_\_\_\_ day of \_\_\_\_\_, 200\_.

Approved by City Council on this \_\_\_\_ day of \_\_\_\_\_, 200\_.

**CITY OF WHARTON  
ORDINANCE NO. 2011-08**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 27 EMERGENCY MEDICAL SERVICES; PROVIDING FOR SEPARABILITY; ESTABLISHING A PENALTY AND SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas, that the City of Wharton Code of Ordinances, Chapter 27 Emergency Medical Services read as follows:

Chapter 27 EMERGENCY MEDICAL SERVICES\*

Sec. 27-1. Establishment and purpose of the EMS.

Whereas there was a need for the establishment of a pre-hospital care system for the City of Wharton, the city council of Wharton established the emergency medical services department for its citizens and caused to be created the structure to facilitate such a service in February 1972. The City of Wharton may enter into an interlocal agreement with ESD #3 to provide EMS services for their established service area. The purpose of this organization is to provide the citizens of the City of Wharton and the service area of the Wharton County Emergency Services District (ESD) #3 quality pre-hospital health care and make such services available for the medical community as may be needed. This service is to operate 24 hours a day 365 days a year. The service shall be operated according to the Texas Department of State Health Services guidelines and rules that govern such operations and the medical direction of an appointed medical director for the service

Sec. 27-2. Ambulance service charges.

The city provides for and establishes charges and rates for ambulance service which the city will provide in accordance with the fees and rates set forth by council. These fees and rates for service will be adopted by council in the form of a resolution at such times as deemed necessary. The cost of materials used to care for patients will be adjusted from time to time at the discretion of the department as needed to reflect the costs of these materials.

Sec. 27-3. Definitions.

As used in this chapter, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

**Ambulance** means a ground motor vehicle used, designed or redesigned, and equipped for the primary purpose of the transportation of sick or injured persons, whether functioning as a basic life support, advanced life support or mobile intensive care unit service level as provided by state law and this chapter. The term does not include an ambulance that is owned by the state or federal government or an agency or subdivision thereof and operated by its employees.

**Ambulance Personnel** means persons certified or licensed by the Texas Department of State Health Services at the level of Emergency Care Attendant (ECA), emergency medical technician (EMT), emergency medical technician-intermediate (EMT-I), or emergency medical technician-paramedic (EMT-P) who respond to life-threatening and non-life threatening emergencies and unscheduled non-emergencies in an ambulance.

**Ambulance Service Provider** means a service other than local or state agency that provides ambulance service to the public.

**City Certification** means the written authorization issued by the City of Wharton for a designed company to provide medical care or service to any patient for that level of care.

**Designated Representative** means any person authorized by the director. The designated representative shall have authority to conduct inspections of vehicles, equipment, and performance of personnel.

**Director** means the director of the Emergency Medical Services Department.

**Emergency Call/s** means a telephone call or other similar communication from a member of the public, as part of a 9-1-1 system or other emergency access communication system, made to obtain emergency medical services.

**Emergency Care Attendant (ECA)** means a person certified by the Texas Department of State Health Services proficient to perform as required by the Texas Health and Safety Code and relevant regulations for that level of certification.

**Emergency Medical Service** 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 or the transportation of such individual from one place to another.

**Emergency Medical Technician (EMT)** means a person certified by the Texas Department of State Health Services as minimally proficient to perform basic life support and as further required by the Texas Health and Safety Code and relevant regulations.

**Emergency Medical Technician (EMT-I)** means a person certified by the Texas Department of State Health Services as minimally proficient to provide emergency prehospital care by initiating under medical supervision certain procedures, as regulated by the Texas Health and Safety Code and relevant regulations.

**Emergency Medical Technician-Paramedic (EMT-P)** means a person certified by the Texas Department of State Health Services as minimally proficient to provide advanced life support that includes initiating under medical supervision of certain procedures, as regulated by the Texas Health and Safety Code and relevant regulations.

**Medical Director** means the physician that has been appointed by the Wharton City Council and has medical responsibility of procedures and protocols for the care of patients by an emergency medical service.

**Person** means an individual, corporation, or partnership.

**Provider** means an organization or business providing medical transfer services and holding a valid ambulance provider permit.

Sec. 27-4. Cumulative effect.

This chapter is cumulative of applicable state laws and regulations. This chapter establishes standards for the operation and services of ambulances that are stricter in many respects than those provided by applicable state laws and regulations. To the extent of any difference in the standards for operations or services of an ambulance between this chapter and state standards, then the more restrictive shall apply.

Sec. 27-5. Penalty.

- A. Any person or provider who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and each day the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed two thousand (\$2,000.00) dollars.
- B. Each day that any violation of this Chapter is committed or permitted to continue shall constitute a separate offense.
- C. This section shall not serve to limit any other remedies available to the City in law or equity.

Secs. 27-6--27-11. Reserved.

Sec. 27-12. Ambulance provider permit.

Any person who desires to operate an ambulance within the jurisdiction of the City of Wharton must obtain an ambulance provider's permit. Application should be made with the City Secretary of the City of Wharton. It shall be unlawful for any person, including a provider, other than an employee of the department officially on duty, or an agency of the United States, to furnish, operate, conduct, maintain, advertise for, or otherwise be engaged in the operation of an emergency ambulance or the providing of emergency service in the City. It shall be unlawful to operate an ambulance within the jurisdiction of the city by picking up non emergency patients without having an ambulance provider's permit, issued by the City of Wharton. A provider shall place its equipment and personnel at the disposal of the City Manager in the event of a public calamity or major disaster.

All emergency calls that originate in the City of Wharton will be responded to by the City of Wharton - Emergency Medical Service. In the event that a private ambulance service receives a direct call requesting an ambulance that originates within the City of Wharton, it will be the duty of the private ambulance service to immediately refer the emergency medical call to the City of Wharton - Emergency Medical Service (EMS).

**Sec. 27-13. Requirements for ambulance provider permit.**

- (a) Application shall be filed with the City Secretary on the Ambulance Provider Permit form, subscribed, and sworn to before a notary public. The Ambulance Provider Permit shall include:
- (1) Complete name(s);
  - (2) Complete address (business and home);
  - (3) Phone numbers (business and home);
  - (4) Provide proof of licenses issued by the Texas Department of State Health Services;
  - (5) Proof of insurance as required by the requirements established by the Texas Department of State Health Services.
  - (6) Copy of types of ambulance(s) to be used and VIN, license plate numbers, make and model, year, and manufacturer of each unit.
  - (7) Each application shall be sworn to be true and correct upon personal knowledge by the applicant.
  - (8) Statement that the applicant has not been convicted of a felony or of a misdemeanor involving moral turpitude within the past ten (10) years.
  - (9) Applicant's permanent residence and mailing address. If the person submitting the application represents a partnership, then such information shall be given on all partners and persons having an interest in the business. If a corporation, the name and location of its principal place of business, the name, date of birth, telephone number and address of all the officers, directors and all stock holders of the organization. If the applicant's business is a corporation or association, a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business. Corporate applicants must provide a certified copy of the corporate charter, articles of incorporation, and statement from the Secretary of State certifying that the corporation is in good standing.
  - (10) The application must be approved by the City Council.
  - (11) There shall be three (3) copies of all related information submitted to the City of Wharton for processing purposes.
  - (12) The company shall notify the City of Wharton EMS Director, in writing, of any change in location of the company's place of business.
  - (13) The company shall provide the City of Wharton EMS Director, in writing, a list of all personnel and of any and all changes in said personnel.

**Sec. 27-14. Application Fee for Emergency Medical Services Certification.**

The application fee per person, partnership, or corporation having applied for the City of Wharton Emergency Medical Services Certification shall be \$500.00, thus being non-refundable. An application fee may be approved for transfer by the City Manager for a change in ownership. The transfer fee shall be \$250.00.

#### Sec. 27-15. Equipment

A provider shall furnish at its own expense all vehicles and necessary equipment which meet the minimum standards of the department.

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.

#### Sec. 27-16 Vehicles

Each vehicle to be used shall comply with the following requirements and such other requirements or modifications as may be established by the department:

- (1) Comply with the federal General Services Administration specifications KKK-A-1822 minimum requirements.
- (2) Comply with the Texas Transportation Code.
- (3) Shall be equipped as required by 25 Texas Administrative Code, § 157.12.
- (4) Every ambulance must be maintained in a clean and sanitary condition.
- (5) The Director of EMS or his designee 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 forty-eight (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.
- (6) No ambulance that has been substantially damaged or altered, or has received damage where the repair costs exceeds one thousand dollars (\$1000.00), 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.

#### Sec. 27-17 Personnel

Each vehicle shall be staffed at the level required by Texas Department of State Health Services.

A provider shall maintain a current personnel file on each employee.

#### Sec. 27-18. Insurance.

A provider shall maintain a valid Certificate of Insurance coverage for the duration of the ambulance provider permit. The provider and/or insurance carrier is responsible for providing the certificate of insurance coverage to the City of Wharton prior to the expiration of the current policy.



**Sec. 27-19. Terms.**

A provider's permit shall be personal to the holder and may not be sold, transferred or assigned, including any assignment by operation of law without consent from the City of Wharton. Unless sooner revoked, a provider permit is valid from date of issue until December 31<sup>st</sup> of that calendar year. Prior to any placement in service or replacement of an ambulance, the provider will submit the required information on the ambulance along with a fee of \$20.00/unit per month from the date of the application through December 31<sup>st</sup> of that calendar year.

The fee for the period January 1<sup>st</sup> through December 31<sup>st</sup> shall be \$240.00/unit.

**Sec. 27-20. Renewal.**

Renewal application shall be filed at least 60 days prior to expiration in order to ensure any action before expiration of the permit. Prior to any placement in service or replacement of an ambulance, the provider will submit the required information on the ambulance along with a fee of \$250.00/ unit. The City Manager shall have the authority to approve a renewal permit application.

**Sec. 27-21 City Certification Required.**

No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation or control of any ambulance upon the public street or thoroughfare in the City, attend or render any care to any patient for compensation without having been issued City Certification by the City in accordance with the terms and provisions set forth.

**Sec. 27-22 Display of City Certification.**

The City Certification shall be displayed on the issued ambulance on the back window on each permitted vehicle.

**Sec. 27-23 Notification**

The City of Wharton and the City Secretary shall be notified immediately if the Ambulance Provider receives any deficiencies from the Texas Department of State Health Services.

**Sec. 27-24. Termination, suspension.**

The director or his designee may immediately suspend the operations, in whole or in part, of a provider if the director determines that continued operation by the provider would endanger the health, safety, or welfare of the public. The director shall present a written determination to the provider, detailing the deficiencies or violations forming the basis of is/her determination and setting therein a reasonable period for compliance. The City may cause an ambulance service provider's permit to be terminated or may refuse renewal as provided in this section.

- (1) Failure to meet the requirements in this Chapter;
- (2) Failure to pay the City Certification fee;
- (3) Violation of rules in this Chapter;

- (4) Failure to maintain Texas Department of State Health Services standards.
- (5) Failure to maintain insurance requirements.
- (6) Lapse in permit, process shall begin with \$500.00 non-refundable application fee.

In the event that the ambulance service provider fails to comply with any other applicable requirement as set forth in this document or in the event that the permit was issued through error or on the basis of materially false or incomplete information, the city may give the service provider written notice of the grounds and may schedule a hearing regarding the termination of the permit or the refusal to renew the permit, as applicable. The ambulance service provider shall be given written notice of the date, time and place of the hearing.

A failure to achieve compliance shall convert the suspension to a termination. A provider may appeal a termination to City Council by filing a request with the director within ten (10) days of the termination. The City Council may uphold, vacate, or modify the director's determination.

#### **Sec. 27-25. Denial.**

The City Council has the authority to deny an application for an ambulance provider permit. The City Council shall notify the applicant, in writing, if the application for permit has been denied and shall provide a reason(s) for denial.

Upon denial of an ambulance provider permit application, the applicant shall not have authority to operate in the City of Wharton for a duration of one (1) year from the date of denial. During the denial period, the ambulance provider may not submit a new application with the same ownership with a different business named operation. The ambulance provider may apply for an ambulance provider permit after the one (1) year duration and submit the required non-refundable \$500.00 application fee along with the required documentation.

#### **Sec. 27-26. Exemption.**

The ambulance provider permit application and requirements shall not apply to non-profit organizations or public agencies.

### **Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

### **Effective Date**

This Ordinance shall become effective on the 20<sup>th</sup> day of May 2011 at 12:01 a.m.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on this 9<sup>th</sup> day of May 2011.

**CITY OF WHARTON, TEXAS**

By: 

**DOMINGO MONTALVO, JR.**

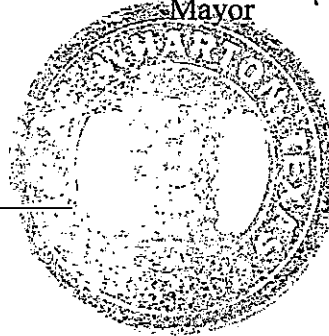
Mayor

**ATTEST:**

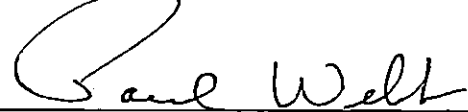


**PAULA FAVORS**

City Secretary



**APPROVED AS TO FORM:**



**PAUL WEBB**

City Attorney

Published in the Wharton Journal Spectator on Saturday, May 14, 2011 and Saturday, May 21, 2011.