

Ordinance No. 2527

ORDINANCE TO AMEND CHAPTER 12 – LICENSES AND BUSINESS REGULATIONS
TO ADD ARTICLE XIII – AMBULANCE SERVICES

WHEREAS, the City is in the process of updating its ordinances pertaining to licenses and business regulations; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety and welfare of the residents of Biloxi that City ordinances pertaining to licenses and business regulations be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: That Chapter 12 – Licenses and Business Regulations be amended to include the following:

ARTICLE XIII. – AMBULANCE SERVICES

Sec. 12-13-1. Purpose and Intent.

The City of Biloxi, Mississippi (the "City") has elected to adopt the following Ordinance in order to obtain for its citizens the following advantages: (1) access to emergency medical services of superior quality, quantity, and economic stability; (2) economies of scale and cost containment; and (3) access to disaster response capabilities superior to those which would otherwise be available.

Sec. 12-13-2. Definitions.

- (a) Ambulance Service – Means the level of service attained when (i) the Ambulance Service Provider is licensed as Basic Life Support (BLS) and Advanced Life Support (ALS) Ambulance Service by the Mississippi State Department of Health and (ii) the Ambulance Service Provider's vehicles are permitted as BLS and ALS vehicles by the Mississippi State Department of Health and each ALS Ambulance is occupied by at least one person certified as an Advanced Life Support Provider by the Mississippi State Department of Health, one person licensed as a pre-hospital registered nurse by the Mississippi State Board of Nursing or one person licensed as a physician by the Mississippi State Department of Health.
- (b) Ambulance - Ambulance means any vehicle which is designated and equipped to transfer ill or injured persons in a reclining position to or from health care facilities.
- (c) Ambulance Service Provider - Ambulance Service Provider means a person or organization, governmental or private, which operates one or more Ambulances.

- (d) Emergency Services Coordinator - Emergency Services Coordinator is an individual designated by the City to administer the Operations Contract. All communications between the City and the Operations Contractor will take place through the Emergency Services Coordinator. Unless otherwise stipulated, Emergency Services Coordinator shall be the then current City of Biloxi Fire Chief/Director of Fire.
- (e) Emergency Transport Call - Emergency Transport Call means a call for Emergency Ambulance Response to a situation where there is a potential patient that is presumptively classified as having an Emergency Medical Condition.
- i. Emergency Medical Condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain, psychiatric disturbances and/or symptoms of substance abuse) such that the absence of immediate medical attention could reasonably be expected to result in (i) placing the patient's health in serious jeopardy, (ii) serious impairment to bodily functions, or (iii) serious dysfunction of any bodily organ or part.
 - ii. Emergency Ambulance Response means an ambulance responding in the Emergency Mode, requiring the least amount of time practicably attainable, in response to a situation in which there is a high probability that a patient with an Emergency Medical Condition may exist and action by emergency personnel may reduce the seriousness of the situation.
 - iii. Emergency Mode requires use of headlights and emergency warning lights continuously while the vehicle is mobile. The siren must also be used with headlights and emergency warning lights when driving maneuvers are executed that would otherwise be prohibited or illegal for nonemergency situations. No such siren and emergency warning lights shall be used except when the vehicle is operated pursuant to an Emergency Ambulance Response. All Ambulances responding to an Emergency Transport Call shall respond in the Emergency Mode.
 - iv. Emergency Facilities are those which include as part of their mission providing for the treatment of patients with life- or limb-threatening conditions. They meet or exceed the Emergency Care Guidelines of the American College of Emergency Physicians and they receive ambulance patients with Emergency Medical Conditions.
 - v. Ambulatory Care Facilities provide primary medical care services and may be accessible without prior doctor-patient relationship or without an appointment. In general, ambulatory care facilities do not solicit patients with Emergency Medical Conditions, nor patients requiring emergency ambulance transport.
 - vi. Emergency Transport Call Time Measurements - The following standard definitions shall be used as time measurements for all ambulance providers licensed pursuant to this Ordinance. All times shall be recorded in hours, minutes and seconds.
 - A. Fractal Response Time. Percentile of a specific category of requests for ambulance service that are appropriately answered within a stated response time goal or standard.
 - B. Call Received Time. When the EMS telecommunicator has received essential call information (e.g. call-back number, location of call, chief complaint or nature of problem; or if the initial location information is obtained from a 911 data base, confirmation that the patient's location is the same as that of the caller or confirmation of the patient's actual location).

- C. Unit Alert Time. Elapsed time measurement to alert/ initiate dispatch after the information listed in Call Received Time has been obtained.
- D. Out-of-Chute Time. The mobilization phase. This stage begins with acknowledgment of notification of assignment to a specific call by the communications center. The stage ends when the ambulance declares itself to be enroute.
- E. Travel Time. The response phase. This stage begins when the unit declares itself enroute to an assignment and ends when the unit declares itself at the assigned location.
- F. On-Scene Time. The treatment phase. This stage begins when the unit declares itself on-scene and ends when the unit declares itself to be enroute to a destination.
- G. Response Ready Hospital Down Time. The exchange of care phase. This stage begins when the unit declares itself at the transport destination and ends when the unit declares itself to have the minimum essential equipment and staff necessary to respond to the next emergency call. It does not necessarily mean that the unit has completed all of its post-call tasks after delivering the patient.
- H. Hospital Turn Around Time. This state begins when the unit declares itself at the transport destination and ends when the unit has completed all of its post-call tasks and is ready to leave the destination.
- I. Time on Task. The whole call. This stage includes all aspects of the assignment from Unit Alert to Available for another assignment after completion of all post-call tasks.

Sec. 12-13-3. Emergency Medical Services

- (a) Emergency Medical Services ("EMS") means the following pre-hospital and. inter-hospital services:
- i. Access and Coordination - The answering and processing of telephone requests from the public for Ambulance or First Responder Services, including EMS dispatching, emergency and routine; the providing of medical pre-arrival instructions to callers by telephone; but excluding the process of 911 complaint-taking when the caller is immediately transferred to the ambulance provider's dispatch center.
 - ii. First Responder Services - Those emergency service, excluding transportation, which are performed by a First Responder. The EMS Lead Agency shall establish minimum standards for training, continuing education and performance standards for First Responders.
 - iii. Medical Transportation - Ambulance services, both emergency and routine, including Patient assessment, transportation, and medical procedures performed on scene, in route, during inter-facility transport, or at an emergency receiving facility when performed at the request of the receiving physician.
 - iv. On-line Medical Direction - Instructions given by a Communications Resource facility as defined in the Rules and Regulations issued by the Division of EMS, Mississippi State Department of Health, to First Responders or ambulance personnel at the scene of an emergency, while in route to a hospital, or during an inter-facility Patient transfer. On-line Medical Direction in the City shall be sanctioned and coordinated by the EMS Lead Agency and the Off-Line Medical Director.

- v. Off-line Medical Director - The Off-line Medical Director is the administrative medical director appointed by the EMS Lead Agency. His duties are as defined in the Mississippi EMS, The Law Rules and Regulations published by the State Board of Health.
- (b) EMS Dispatch Center - EMS Dispatch Center is the facility operated or utilized by the EMS Lead Agency which serves as the central EMS communications center for the City.
- (c) EMS Lead Agency - The EMS Lead Agency is the organization delegated the responsibility for coordinating all components and care aspects for the entire EMS system in the City. It will have the ultimate responsibility of providing this care alone or delegating part of this responsibility. It shall further be the responsibility of the EMS Lead Agency to constantly evaluate the response of all EMS support services in areas of appropriateness of prehospital care and medical control. The EMS Lead Agency shall also be authorized to develop and implement patient transportation and destination policies and guidelines. It shall sanction EMS continuing education activities, establish infection control standards for all prehospital EMS personnel, direct patient refusal procedures, and other EMS related activities. The EMS Lead Agency is authorized to enter into mutual aid agreements with other EMS, public safety, and ancillary support agencies.
- (d) Extrication - Extrication means removal from a difficult situation or position, e.g., removal of a patient from a wrecked vehicle or other place of entrapment. The fire department or other public safety agency that has jurisdiction shall be responsible for extrication.
- (e) First Responder - First Responder means any person, fire department unit, law enforcement unit, or non-transporting rescue unit capable of providing appropriate First Responder Service, excluding transportation.
- (f) Licensing Officer – Licensing Officer means the Emergency Services Coordinator or their designee who is empowered to issue Permits, as defined in this Ordinance, in accordance with policies and procedures governing such issuance as set forth herein.
- (g) Medical Necessity for Service - Medical necessity is established when the patient's condition is such that use of any other method of transportation is contraindicated. In any case, in which some means of transportation other than an ambulance could be utilized without endangering the individual's health, whether or not such other transportation is actually available.
- (h) Operations Contract – Operations Contract means a contract between an entity and the City to provide BLS/ALS Ambulance Service to the City in response to Emergency Transport Calls and Routine/Nonemergency Transport Calls within the City and to serve as the EMS Lead Agency.
- (i) Operations Contractor – Operations Contractor means the entity providing BLS/ALS Ambulance Service to the City in response to Emergency Transport Calls and Routine/Nonemergency Transport Calls within the City and serving as the EMS Lead Agency pursuant to the Operations Contract.
- (j) Patient - Patient means an individual who is ill, sick, injured, wounded, or incapacitated, and who is in need, or is at risk of needing, medical care or assessment at the scene of a call and during transportation to or from a health care facility and who is or should be transported in a reclining position.
- (k) Permit - Permit means any of the permitting documents required to be obtained pursuant to this Ordinance, including the following:

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- i. Ambulance Service License - Emergency and Nonemergency - Ambulance Service Providers responding to Emergency Transport Calls originating in the City shall be required to obtain an Ambulance Service License pursuant to this Ordinance. Ambulance Service Providers responding to Routine/Nonemergency Transport Calls that originate within the City shall be required to obtain an Ambulance Service License pursuant to this Ordinance.
- ii. Ambulance Permit - Every Ambulance operated by an Ambulance Service Provider shall be required to obtain an Ambulance Permit subject to inspection and recommendation of the Licensing Officer, pursuant to this Ordinance.
- (l) Rescue means to free from a dangerous, destructive, or life-threatening situation (including life-threatening medical conditions) by prompt vigorous action. Search and rescue activities shall be the responsibility of the fire department or other appropriate public safety agency that has jurisdiction.
- (m) Routine/Nonemergency Transport Call - Routine/Nonemergency Transport Call means a call for ambulance service which is not an Emergency Transport Call.
- (n) System Standard of Care - System Standard of Care means the federal, state, and local laws, and policies, rules, regulations and protocols of the EMS Lead Agency which establish standards governing all clinical and operational aspects of the EMS system in the City.
- (o) System Status Controller - System Status Controller ("SSC") shall be an employee of the EMS Lead Agency and a person trained and competent as an EMS dispatcher. The minimum standard of training shall be the current edition of "Emergency Medical Services Dispatcher: National Standard Curriculum" as developed by the U.S. Department of Transportation, National Highway Traffic Safety Administration. In addition, all SSCs must meet or exceed the minimum standards for training EMS telecommunicators as established by the Mississippi Board of Emergency Telecommunications Standards and Training. The SSC must demonstrate competency in (a) receipt and processing of calls for ambulance service, (b) dispatch and coordination of EMS resources, (c) provision of medical information, and (d) coordination with other public safety services. Only qualified SSCs shall be permitted, to work in the EMS Dispatch Center.
- (p) System Status plan - System Status Plan means the plan and protocols for staffing, deployment, and redeployment of Ambulances which is developed and utilized by an Ambulance Service Provider, and which specifies how many Ambulances will be staffed and available within the City each hour of the day, each day of the week, including the locations of available Ambulances (not assigned to calls) within the City, specified separately for each hour of the day, for each day of the week and the remaining number of Ambulances then available in the system, and including protocols for event-driven redeployment of those remaining Ambulances. The Operations Contractor is responsible for development and implementation of the System Status Plan.

Sec. 12-13-4. Operations Contract; EMS District

- (a) The City may enter into an Operations Contract with an entity, who upon execution of the Operations Contract shall become the Operations Contractor, to provide all BLS and ALS Ambulance Service to the City in response to Emergency Transport Calls and Routine/Nonemergency Transport Calls within the City and to coordinate all components and care aspects for the entire EMS system in the City. The City shall designate the Operations Contractor to be the EMS Lead Agency. The Operations Contractor shall staff, operate and control the EMS Dispatch Center. As the EMS Lead Agency, the Operations Contractor shall enter into agreements with Communications Resource facilities to provide On-Line Medical Direction. The Operations Contractor shall perform any other duties as provided hereunder or as provided in the Operations Contract.
- (b) The City will authorize execution of the Operations Contract with the initial Operations Contractor hereunder, upon expiration or termination of the initial Operations Contract, the City may enter into an Operations Contract with an entity that meets the standards hereof.
- (c) EMS District - Pursuant to section 41-59-53 et seq. of the Mississippi Code of 1972, The City of Biloxi is established as an emergency medical services district. The Operations Contractor is hereby designated as the Emergency Medical Service Lead Agency. The governing board of the City of Biloxi EMS District shall be the City of Biloxi City Council. The EMS Lead Agency shall function as the City of Biloxi EMS Authority for the Council and as such has the responsibility for coordinating all components and care aspects of the Emergency Medical Service system in accordance with local, state, and federal laws, rules and regulations. As the EMS Authority representing the City of Biloxi EMS District, the EMS Lead Agency is authorized to receive and expend appropriations from the State's Emergency Medical Service Operating Fund (EMSOF).

Sec. 12-13-5. Validity of Pre-existing Licenses or Permits.

Any ambulance license or permit issued pursuant to any preexisting municipal ordinance in effect prior to adoption of this Ordinance are hereby declared invalid. Any existing Ambulance Service Provider operating in the City, prior to the enactment of this Ordinance, shall be required to comply with the terms of Section 10 and all other applicable Sections of this Ordinance. The Operations Contractor selected pursuant to this Ordinance shall be deemed to have met all licensing and permit requirements of the Ordinance.

Sec. 12-13-6. Mandatory Centralized Emergency Transport Call Processing

- (a) All 911 telephone requests for ambulance services, both emergency and routine, originating within the City shall terminate at the EMS Dispatch Center, where a System Status Controller shall establish the call's classification, determine the Patient's location, and if appropriate, deliver pre-arrival instructions. The System Status Controller shall also determine the need for First Responder Services in accordance with established guidelines, alert the First Responder if appropriate, and dispatch the appropriate Ambulance.

- (b) It shall be unlawful for anyone other than an Ambulance Service Provider who holds a valid Ambulance Service License to publish or advertise any telephone number for the purposes of soliciting request for Emergency Transport and Routine/Nonemergency Calls in the City.
- (c) EMS Dispatch Center shall at all times have full authority to direct the positioning, movements, and run responses of all Ambulances, Ambulance Service Providers, EMS public safety providers, and other EMS personnel in the City.
- (d) The EMS Lead Agency shall be authorized to develop and implement patient transportation and destination policies and guidelines, unless instructed otherwise by On-Line Medical Direction, ambulances transporting patients with Emergency Medical Conditions shall be directed to Emergency Facilities, Ambulances transporting patients not having Emergency Medical Conditions may deliver said patients to Ambulatory Care Facilities, if so requested.
- (e) All call requests processed by the EMS Dispatch Center shall be recorded to facilitate subsequent auditing of the System Status Controller's actions and decisions by the Emergency Services Coordinator, and all such recordings shall be safely stored and shall not be erased for a period of six (6) months.
- (f) The EMS Dispatch Center may be located inside or outside the City as determined by the EMS Lead Agency.

Sec. 12-13-7. Other Call Processing

All other call requests for ambulance service, Emergency or Routine/Nonemergency, which may be received by parties other than the Operations Contractor, shall be transferred immediately to the EMS Dispatch Center which will determine the appropriate EMS response.

Sec. 12-13-8. Insurance Requirements

- (a) Each Ambulance Service Provider shall keep in full force and effect a policy or policies automobile liability and property damage insurance issued by an insurance company authorized to do business in the State of Mississippi, with coverage provisions insuring the public from any loss or damages that may arise to any person or property by reason of the negligent operation of such Ambulance Service Provider, and providing amounts of recovery in limits of not less than the following sums:
 - i. For the damages arising out of bodily injury to or death of one or more persons in any one accident not less than \$1,000,000.00.
 - ii. For any injury to or destruction of property in any one accident, not less than \$1,000,000.00.
 - iii. For any combination of damages or injury, not less than \$2,000,000.00.
- (b) Each Ambulance Service Provider shall keep in full force and effect a commercial general liability and professional liability policy or policies issued by an insurance company authorized to do business in the State of Mississippi, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the negligent actions of the Ambulance Service Provider or any of its employees, and providing that the amount of recovery shall be in limits of not less than \$1,000,000.00 per occurrence, with annual aggregate of not less than \$2,000,000.00.

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- (c) Insurance companies providing this coverage shall be licensed and admitted to operate in the State of Mississippi.
- (d) In addition to the insurance requirements stipulated above, all Ambulance Service Providers shall carry additional umbrella liability insurance with coverage limits of at least \$20,000,000.00. The umbrella coverage will apply in excess of the general liability, professional liability, and auto liability coverage.
- (e) Cancellation or material alteration of any required insurance policy or coverage shall result in the automatic revocation of any Ambulance Service License issued hereunder, and the Ambulance Service Provider shall thereupon cease and desist from further ambulance service operations in the City.
- (f) Each Ambulance Service Provider shall provide a certificate of insurance evidencing all coverages, limits, terms and conditions of this section to the City. This certificate shall have a thirty (30) day notice of cancellation requirement to the City.

Sec. 12-13-9. Bond.

- (a) Each Ambulance Service Provider shall furnish performance security in the amount of \$500,000 in one of the following forms:
 - i. A faithful performance bond issued by a bonding company, appropriately licensed and acceptable to City; or
 - ii. An irrevocable letter of credit issued pursuant to this provision in a form acceptable to City and from a bank or other financial institution acceptable to City.

Sec. 12-13-10. Certificate of Necessity for Ambulance Service License

- (a) Any entity desiring to obtain an Ambulance Service License to operate in the City shall first make an application for a Certificate of Necessity for a Basic Life Support and Advanced Life Support Ambulance Service License to the Emergency Services Coordinator or his designee.
- (b) The criteria for consideration of an application shall be as follows, and applications for such Certificate of Necessity shall include the following information, verified under oath:
 - i. NAME: The name and address of the applicant seeking the Certificate of Necessity, and, in the event that the applicant is a corporation, a certified copy of the articles of incorporation.
 - ii. EQUIPMENT & AMBULANCES: Equipment and Ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Applicant shall provide the make, type, year of manufacture, serial number, license tag number, and equipment therein for each Ambulance owned or operated or proposed to be operated by the applicant.
 - iii. PERSONNEL: Personnel who are qualified by training, experience and work history to comply with the System Standard of Care and to fully, safely and reliably perform the services for which the Certificate of Necessity is requested, Personnel must meet federal, state and local certification requirements, Principals and employees of an applicant shall be subject to criminal record checks and background investigations.

- iv. APPLICANT'S EMS HISTORY: Complete listing of the applicant's relevant EMS experience. A favorable recommendation on an application shall not be made unless this history shows that the applicant is able to comply with the System Standard of Care and fully, safely and reliably perform the services for which the Certificate of Necessity is requested.
- v. PLANS: (i) A proforma internal medical quality assurance plan, which shall describe applicant's medical quality assurance program, demonstrating a reasonable probability that the applicant, if licensed, will deliver medical care meeting the System Standard for Care, including, without limitation, the clinical quality for ambulance services set forth in Section 16 hereof.
 - (1) A proforma System Status Plan demonstrating that all Ambulance operating within the City will be equipped and staffed to operate in accordance with the System Standard of Care, including without limitation, the clinical quality for ambulance services set forth in Section 16 hereof.
 - (2) PROOF OF FINANCIAL CAPABILITY: Financial statements and a statement as to whether there are any unsatisfied judgments of record against such applicant, and if so, the title of all actions and the amounts of all judgments unsatisfied. No Certificate of Necessity shall be granted to any applicant unless it is financially stable and financially capable of complying with the System Standard of Care and providing competent services for the entire period for which a license is requested and for the full scope of services proposed to be authorized. An applicant's failure to have paid any federal, state or local tax, including business license tax and personal property tax, shall be evidence of a lack of financial capability.
- vi. ACCEPTANCE OF TERMS AND CONDITIONS: A statement of compliance with all applicable federal, state, and local laws, rules and regulations.
- vii. PROOF OF PUBLIC NECESSITY FOR SERVICES: A statement of the public necessity for the services to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the services which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.
- (c) No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all the foregoing criteria, without exception. Failure of an applicant to do so shall indicate that the applicant poses an unacceptable degree of risk to public safety.
- (d) All existing Ambulance Service License holders pursuant to this Ordinance will be given notice of any application for a Certificate of Necessity and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the Emergency Services Coordinator or his designee to oppose, object to, or request

modification of the application, and to state whether the application, if granted, would negatively affect the ability of existing Ambulance Service License holders to continue providing services.

- (e) After reviewing the application and response (if any), the Emergency Services Coordinator will identify any deficiencies or public necessities which are not being met by the existing Ambulance Service License holders. If the applicant proves by clear and convincing evidence that there is a public necessity for the services which is not being met by the existing Ambulance Service License holders, the existing Ambulance Service License holders shall be granted reasonable time to cure any deficiency or public necessity before any recommendation is given to the City Council. The duration of "reasonable time" to cure any deficiency or public necessity shall be determined by the Emergency Services Coordinator. This information along with the enumerated deficiencies shall be conveyed in writing to the existing Ambulance Service License holders.
- (f) After the existing Ambulance Service License holders have had an opportunity to cure any deficiencies, or if none are identified by the Emergency Services Coordinator, the Emergency Services Coordinator or his designee will make his recommendations in writing to the City Council to grant or deny the application for the Certificate of Necessity
- (g) The City Council will vote to grant or deny the application for a Certificate of Necessity after consideration is given to the recommendation by the Emergency Services Coordinator or his designee and any responses received by existing Ambulance Service License holders.
- (h) Any applicant who is dissatisfied with the decision of the City Council shall have the right to a hearing before the City Council at a regularly scheduled meeting, if written notice of appeal is filed with the City Council within ten (10) days after such decision. All Ambulance Service License holders under this Ordinance shall have an opportunity to be present and to oppose, object to, or request modification of the application. This hearing shall be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application, and the right to know prior to the hearing the reasons for denial or modification of the request. A written decision on any such appeal shall be mailed to the applicant within ten (10) working days of the hearing.
- (i) No applicant denied a Certificate of Necessity shall make application for a Certificate of Necessity for the same type of Ambulance Service License within twelve (12) months of final denial by the City Council or final denial of appeal thereof, or until applicant has remedied any deficiencies to the satisfaction of the City Council.

Sec. 12-13-11. Ambulance Service License.

- (a) No entity may provide emergency or routine/nonemergency ambulance services originating within the City without (i) first obtaining an Ambulance Service License issued pursuant to this Section 11, or (ii) being sanctioned by the Operations Contractor. The Operations Contractor shall be deemed to have an Ambulance Service License upon execution of the Operations Contract. Such license shall remain in effect until the Operations Contract is terminated.

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- (b) No Ambulance Service License issued pursuant to this Section 11 shall be assignable or transferable by the entity to whom issued without written approval by the City. Any transfer of controlling interest or any delegation of responsibility for the management or delivery of ambulance services to another entity by management agreement, subcontract or other arrangement shall be deemed a transfer or assignment.
- (c) An Ambulance Service License shall be issued by the Licensing Officer upon presentment of the following:
 - i. A Certificate of Necessity issued to the applicant pursuant to Section 10 hereof.
 - ii. A valid ambulance service license issued by the Mississippi State Department of Health.
 - iii. Evidence of insurance as required by Section 9 herein, including original and duplicate certificates of insurance which shall indicate the types of insurance, the amount of insurance, and the expiration dates of all policies carried by the applicant, shall name the City as an additional named insured, and shall contain a statement by the issuer issuing the certificate that the policies of insurance listed thereon will not be canceled or materially altered by said insurer without thirty (30) days prior written notice received by the City.
 - iv. Evidence of compliance with the clinical quality of ambulance services required by Section 16 hereof.
- (d) Ambulance Service Licenses shall be renewable annually upon continued compliance with this Ordinance.
- (e) No Ambulance Service License required by this Ordinance shall be issued or continued in operation unless the Ambulance Service License holder has paid an annual license fee of one hundred dollars (\$100.00). Such license fee shall become due on the first day of January each year and shall be in addition to any other license fees or charges established by proper authority and applicable to such Ambulance Service License holder or the Ambulances under its operation and control. The purpose of this license fee is not to raise revenue, but to defray expenses incurred in enforcement of this Ordinance.
- (f) The application for and acceptance of an Ambulance Service License shall comprise an agreement by the Ambulance Service License holder to comply with all federal, state and local laws, rules and regulations and also any subsequent federal, state and local laws, rules and regulations. Failure to comply with all such laws, rules and regulations or the filing or providing of false or misleading information in connection with an application hereunder or with any state or local government, health care provider, medical facility or organization relating to or in connection with an application to provide ambulance service shall be grounds for termination of the Ambulance Service License.

Sec. 12-13-12. Ambulance Service Permit

- (a) No Ambulance Service Provider may provide ambulance services hereunder without first obtaining an Ambulance Permit issued pursuant to the provisions of this Section 12.
- (b) No Ambulance Permit shall be assignable or transferable by the Ambulance Service Provider to which it is issued.

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- (c) The Licensing Officer shall issue Ambulance Permits for Ambulances operated by Ambulance Service Providers upon presentment of the following:
 - i. An Ambulance Service License issued pursuant to this Ordinance.
 - ii. For each Ambulance to be permitted, a valid ambulance vehicle permit issued by the Mississippi State Department of Health in compliance with Section 16 hereof
 - iii. A Certificate of Necessity issued to the applicant pursuant to Section 13 hereof, if such Ambulance Permit is for Ambulances designated in such Certificate of Necessity.
- (d) Notwithstanding anything herein, the Licensing Officer shall issue the Operations Contractor Ambulance Permits as requested. Such Ambulance Permits will expire upon termination of the Operations Contract.

Sec. 12-13-13. Certificate of Necessity for Additional Ambulance Permits.

- (a) Any entity issued an Ambulance Service License pursuant to this Ordinance and desiring to obtain Ambulance Permits to operate additional Ambulances shall make an application for a Certificate of Necessity for additional Ambulances to the Licensing Officer or his designee.
- (b) The criteria for consideration for an application for a Certificate of Necessity for additional Ambulances shall be as follows, and the application for such Certificate of Necessity shall include the following information, verified under oath:
 - i. NAME: The name and address of the applicant seeking the Certificate of Necessity, and, in the event that the applicant is a corporation, a certified copy of its articles of incorporation.
 - ii. EQUIPMENT & AMBULANCES: Equipment and Ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Applicant shall provide the make, type, year of manufacture, serial number, license' tag number, and equipment to be carried therein for each Ambulance proposed to be operated by the applicant.
 - iii. PROOF OF PUBLIC NECESSITY FOR ADDITIONAL AMBULANCES: A statement of the public necessity for the additional Ambulances to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the additional Ambulances requested which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.
- (c) No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all of the foregoing criteria, without exception.
- (d) All existing Ambulance Service License holders will be given notice of the application for the Certificate of Necessity for additional Ambulances, and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the Emergency Services Coordinator or his designee to oppose, object to, or request modification of the application, and to state whether the application, if granted, would negatively effect the ability of the existing Ambulance Service License holders to continue providing services.

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- (e) The Licensing Officer or his designee will make a recommendation in writing to the City Council to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of Ambulances.
- (f) The City Council will vote to grant or deny the application after consideration is given to the recommendation of the Licensing Officer or his designee and any responses received by the existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of Ambulances for which the applicant may seek an Ambulance Permit pursuant to Section 12 hereof.
- (g) Any applicant who is dissatisfied with the decision of the City of Biloxi's recommendation shall have the right to a hearing before the City Council at a regularly scheduled meeting, if written notice of appeal is filed with the City Council within ten (10) days after such decision. All Ambulance Service License holders shall have an opportunity to be present and to oppose, object to, or request modification of the application. This hearing shall be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application, and the right to know prior to the hearing the reasons for denial or modification of the request. A written decision on any such appeal shall be mailed to the applicant within ten (10) working days of the hearing.

Sec. 12-13-14. Maintenance of Ambulances; Inspection.

- (a) All Ambulances shall be maintained in compliance with applicable federal, state and local laws, rules and regulations.
- (b) Each Ambulance Service Provider must inspect each Ambulance every day to ascertain cleanliness and mechanical and operational worthiness for transporting Patients. Each Ambulance shall be subject to inspection at all times by the Licensing Officer. Any Ambulance found, upon inspection, to be unsafe for ambulance services or not to be in compliance with any federal, state and local laws, rules and regulations shall have such repairs and alterations made as may be required and no Ambulance Service Provider shall operate or cause to be operated any such Ambulances until all such repairs and alterations have been completed.

Sec. 12-13-15. Coloring and Marking.

Each Ambulance authorized to operate within the City pursuant to this Ordinance shall bear the name of the Ambulance Service Provider and a unit number and bear coloring and marking in compliance with applicable federal, state and local laws, rules and regulations.

Sec. 12-13-16. Clinical Quality of Ambulance Services.

Upon the effective date of this Ordinance, every response to an Emergency Transport Call at any location within the City shall be made in an ALS Ambulance by an Ambulance Service and every Routine/Nonemergency Transport Call at any location within the City shall be made by either a BLS Ambulance or by an ALS Ambulance based on the level of medical care necessitated by the patient by an Ambulance Service.

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Sec. 12-13-17. Prohibition Against Refusal to Transport.

It shall be a violation of this Ordinance for the EMS Lead Agency, or any other Ambulance Service Provider at the request of the EMS Lead Agency, to fail to respond to an Emergency Transport Call originating within the City where there is a Medical Necessity for the Service as defined in section 3.

Sec. 12-13-18. First Responder and Interagency Training.

- (a) The Operations Contractor is authorized to coordinate the response of all EMS First Responders and EMS public safety personnel in the City. Training and certification of said EMS First Responders and EMS public safety personnel shall be coordinated by the Operations Contractor and offered on an annual basis.
- (b) It is required that the EMS Lead Agency to participate in EMS sanctioned exercises and disaster drills and other interagency training in preparation for this type of response.

Sec. 12-13-19. Violations.

- (a) It shall be unlawful and an offense for any person or any Ambulance Service Provider to commit any of the following acts:
 - i. To perform duties as an EMS driver attendant, (EMT-Basic, EMT-Intermediate, EMT-Paramedic or pre-hospital RN or licensed physician), without a current valid certification issued by the Mississippi State Department of Health.
 - ii. To allow any person to work as an ambulance driver or attendant, without current valid certification issued by the Mississippi State Department of Health.
 - iii. To use, or cause to be used, an ambulance service other than an Ambulance Service Provider holding a valid Ambulance Service License pursuant to this Ordinance.
 - iv. For any person, firm or organization to respond to emergency or routine/nonemergency ambulance calls which originate within the City, other than an Ambulance Service Provider which is the holder of a valid Ambulance Service License issued pursuant to this Ordinance or with the express authorization of the Operations Contractor.
 - v. To knowingly give false information to induce the dispatch of an Ambulance or First Responder.
 - vi. To originate transportation of a dead human body in an Ambulance which has been permitted hereunder.
 - vii. To operate an Ambulance in the Emergency Mode when not responding to an Emergency Transport Call in compliance with this Ordinance.
 - viii. For any person, firm or organization to solicit or otherwise advertise for emergency or non-emergency ambulance service other than an Ambulance Service Provider holding a valid Ambulance Service License pursuant to this Ordinance.
- (b) Notwithstanding anything herein, it shall not be a violation of this Ordinance, and no Ambulance Service License shall be required if the vehicle or Ambulance is:
 - i. Responding to an emergency or routine/nonemergency transport call at the request of the EMS Agency.
 - ii. A privately owned vehicle not used in the business of transporting Patients who are sick, injured, wounded, incapacitated or helpless.

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- iii. A vehicle rendering services as an Ambulance in the event of a major catastrophe or emergency when Ambulances with Permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed.
 - iv. An Ambulance transporting a Patient to a location within the City which transport originated from a point outside the City, and (ii) an Ambulance operated by the same ambulance service as above, which transports the same Patient from the original destination within the City back to the point of origin of the original transport and the Patient (or a proper representative of the Patient) specifically requests the services of said ambulance service.
 - v. A vehicle engaged in the interstate transport of a Patient.
 - vi. An ambulance service who responds with mutual aid and permission of the Operations Contractor, so long as the response is coordinated through the EMS Dispatch Center and the EMS Lead Agency determines that the ambulance service meets or exceeds the needs of the specific patient(s).
- (c) Any person convicted of violating any provisions of this Ordinance shall be punished by fine and costs not to exceed the sum of \$1,000.00 for each violation.
- (d) Each day that any violation of the provisions of this Ordinance is committed or permitted to continue shall constitute a separate offense.

Sec. 12-13-20. Suspension and Revocation.

- (a) Any Ambulance Service License issued under the provisions of this Ordinance may be revoked or suspended by the City upon a finding of any one of the following:
- i. Breach of violation of any of the provisions of this Ordinance, specifically including Section 20 hereof.
 - ii. Discontinuance of operations for more than thirty (30) days.
 - iii. Discrimination in providing services pursuant to this Ordinance to any person on the basis of race, creed, or color.
 - iv. Violation of any federal, state or local law, rule or regulation which are not correctable within thirty (30) days or are considered by competent authority to jeopardize the life or safety of any citizen served.
 - v. Filing or providing false or misleading information in connection with and application hereunder or with any state or local government, health care provider, medical facility or organization relating to or in connection with an application to provide ambulance service.
- (b) Failing to respond fully and timely to any reasonable request from the Licensing Officer for information relating to ambulance service provided in the City.
- (c) Prior to the suspension or revocation of an Ambulance Service License hereunder, the Ambulance Service License holder shall be given thirty (30) days written notice of the proposed action to be taken by the City and shall, upon written request within ten (10) days of such notice, be entitled to a hearing before the City Council upon such hearing, the City shall find that the Ambulance Service License holder has corrected any alleged deficiencies and brought itself in compliance with the provisions of this Ordinance, such Ambulance Service License shall not be suspended or revoked.

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Sec. 12-13-21. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by and court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Sec. 12-13-22. Repeal of Prior Ordinance.

All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith shall be and the same are hereby expressly repealed.

SECTION TWO: This Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Tisdale, seconded by Councilmember Gines, and was adopted by the following vote:

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Barrett		
	Deming			

The President then declared the Ordinance adopted this the 19th day of September, 2023.

ATTEST:

APPROVED:

Keii Campbell
CLERK OF THE COUNCIL

Nathan Barrett
PRESIDENT OF THE COUNCIL



Submitted to and approved by the Mayor, this the 26th day of September, 2023.

APPROVED:

GMJ
MAYOR