

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10-2 OF THE CITY CODE
RELATING TO EMERGENCY MEDICAL SERVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 10-2-1 (*Definitions*) of the City Code is amended to read:

(5) DIRECTOR means the director or chief of the Emergency Medical Services Department.

(9) EMERGENCY MEDICAL ~~[TRANSFER]~~ TRANSPORT means the immediate transportation of a patient in an ambulance requiring any or all of the following: monitoring of EKG; administration of intravenous fluids or medications; and ventilation maintenance of the patient's airway.

(10) EMERGENCY MEDICAL ~~[TRANSFER]~~ TRANSPORT REQUEST means a request made by a physician directly or through a registered nurse for an emergency medical ~~[transfer]~~ transport.

PART 2. Subsection 10-2-25(C) (*Purpose, Fees and Enforcement*) of the City Code is amended to read:

(C) The director shall enforce the provisions of this chapter and any other applicable rules or regulations. The director shall adopt and publish rules for franchise holders setting standards and requirements for personnel, equipment, ~~[and]~~ performance, and transport protocols. These rules will be reviewed on an annual basis by the Austin-Travis County EMS Advisory Board.

PART 3. Section 10-2-26(A) (*Private Service*) of the City Code is amended to read:

A) 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[-] provided, however, that this prohibition does not apply to the operation of

1 an air ambulance that is regulated and certified by the U.S. Federal Aviation
2 Administration and that is operating in compliance with state licensing requirements. A
3 provider shall place its equipment and personnel at the disposal of the city manager in the
4 event of a public calamity or major disaster.
5

6 **PART 4.** Section 10-2-40 (*Transfer Operation*) of the City Code is amended to add
7 new sections (E) and (F) and is also amended to read:

8 **§ 10-2-40 TRANSFER OPERATION.**

9 (A) A provider shall have available at its own expense, and staff 24 hours a day,
10 a telephone for transfer service requests. ~~[A provider shall provide a straight line (ring-~~
11 ~~down) telephone into the EMS Communications Center.]~~

12 (B) A provider shall receive referrals for transfer service from the department on
13 a rotating basis or by a method established by the director.

14 (C) A provider must respond to any unscheduled request for transfer service
15 within one hour at any time of the day, any day of the week from the time of the request,
16 or within ~~[one hour]~~ fifteen minutes of a scheduled pickup time. At no time shall a
17 provider establish a contract with any customer for response times longer than the stated
18 expectations above. Failure by a provider to comply with the response times described in
19 this subsection on more than ten percent of its unscheduled and scheduled transfers
20 within a twelve month period may result in termination by the department of the
21 franchise.

22 (D) Unless otherwise specified in a transport protocol approved by the director,
23 [H]if during a transfer within the franchise service area, the patient's condition worsens or
24 the patient suffers an acute condition, the provider will immediately transport the patient
25 to the closest emergency room for treatment or may contact EMS Communications
26 Center to coordinate a rendezvous point for assistance. The transfer provider will provide
27 the director in writing with the specifics of the transport not later than 72 hours after the
28 event. ~~[the attendant or driver of the transfer vehicle shall immediately contact the EMS~~
29 ~~Communications Center and coordinate a rendezvous point with an EMS unit. However,~~
30 ~~if the transfer vehicle is less than five minutes away from a hospital with a 24 hour a day~~
31 ~~emergency room, the transfer vehicle shall proceed to the hospital and notify the~~
32 ~~emergency room as to the vehicle's estimated time of arrival and patient's condition. A~~
33 ~~patient with a worsened or acute condition shall include, but is not necessarily limited to:~~

34 ~~—— (1) a patient who has difficulty breathing;~~

35 ~~—— (2) a patient who has stopped breathing;~~

1 ~~— (3) — a patient in cardiac arrest; or~~

2 ~~— (4) — a patient who is seizing.]~~

3 (E) A provider shall not enter into an agreement with a customer that
4 discourages or prohibits the customer or any other person from calling 911 for an
5 emergency transport of a patient within the city limits or a contracted service area of the
6 department.

7 (F) A provider shall not enter into an agreement with a customer that diminishes
8 or reduces the operational requirements or other duties and requirements placed upon the
9 provider under this chapter or applicable state and federal law.

10 (G)(E)] A provider may conduct neonatal transfers and pediatric intensive care
11 transfers, irrespective of any other provisions of this chapter so long as such transfer is in
12 compliance with applicable state laws.

13
14 **PART 5.** Section 10-2-42 (*Refusal to Give Services*) of the City Code is amended to
15 read:

16 **§ 10-2-42 REFUSAL TO GIVE SERVICES.**

17 A provider or an employee may not refuse to transport a patient requesting transfer
18 service. In the event a provider is unable to respond to a request for transfer within the
19 time parameters required by section 10-2-40(C), the provider may refer the call to the
20 department via 911 but may not refer the call to another provider. The department will
21 either respond to the request or refer the call to another approved provider. The referring
22 provider shall be required to report the referral to the director no later than 72 hours from
23 the time of the request.

24
25 **PART 6.** Section 10-2-65 (*Fee*) of the City Code is amended to read:

26 **§ 10-2-65 FEE.**

27 The City shall require, through the department, payment by a franchise holder for the
28 actual cost which the City incurs in the administration of the franchise, including staff
29 costs for inspection, periodic reports to the Austin-Travis County EMS Advisory Board,
30 the council review of records, and audits, if necessary. Under no circumstances will
31 payments by a franchise holder to the City for administration of the franchise exceed
32 ~~[\$5000]~~ \$10,000 in any one year.

PART 7. Subsection (A) of Section 10-2-80 (*General Standards and Requirements*) of the City Code is amended to read:

(A) All standards and requirements for performance, personnel, vehicles, vehicle maintenance, [and] equipment, and transport protocols for a provider are to be maintained at the department administration office.

PART 8. Subsections (A) and (B) of Section 10-2-82 (*Vehicles*) of the City Code are amended to read:

(A) Each vehicle to be used as a medical transfer vehicle shall comply with the following requirements and such other requirements or modifications as may be established by the department: ~~[upon review by the Austin Travis County EMS Advisory Board and notice to franchise holders:~~

~~(1) Transfer vehicles shall comply with the federal General Services Administration specifications KKK A-1822 minimum requirements.]~~

~~(1)(2)~~ Transfer vehicles shall be utilized no more than ~~[420,000]~~ 250,000 miles if powered by a diesel engine nor more than ~~[80,000]~~ 150,000 miles if powered by a gasoline engine. The vehicle chassis shall not be utilized more than ~~[four]~~ six years from the year of manufacture.

~~(2)(3)~~ Transfer vehicles shall be equipped with tires in sound condition which have been specially designed for heavy duty service with at least 30 percent of the original tread remaining.

~~(3)(4)~~ Transfer vehicles shall comply at all times with the Texas Transportation Code.

~~(4)(5)~~ Each medical transfer vehicle shall be marked distinctly with the name of the company providing transfer service. Vehicles may not display the words "ambulance," "Emergency Medical Services," "EMS," or the EMS "Star of Life" logo.

~~(5)(6)~~ Each vehicle to be used as a medical transfer vehicle shall be equipped as required by 25 Texas Administrative Code, § ~~[157.12.]~~ 157.11.

(B) (1) A provider shall have a preventive maintenance program and records for each transfer vehicle. The maintenance program ~~[and records]~~ shall be based on recommended manufacturer service and inspection intervals. ~~[list: all maintenance intervals between 2,000 and 4,000 miles for engine oil and filter changes. The following systems and/or components shall be inspected a minimum of every 4,000 miles: brake~~

1 ~~systems, electrical systems, chassis components and alignment, climate control systems,~~
2 ~~engine performance and compression readings, exhaust system, engine hoses and belts.]~~

3 (2) A provider shall also maintain vehicle service records specifying all
4 unscheduled repairs and breakdowns and shall provide the director a quarterly report of
5 all transfer vehicle breakdowns and unscheduled repairs. The report shall indicate the
6 vehicle unit number, license plate number, odometer reading, vehicle system and~~or~~
7 component in need of repair~~or~~ or adjustment, and whether or not a patient was on board
8 when the breakdown occurred.
9

10 | **PART 9.** Subsection (C) of Section 10-2-83 (*Personnel*) of the City Code is amended
11 to read:

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12 (C) The director or his designee may ride on a transfer vehicle at any time for
13 the purposes of evaluating the medical and/or driving performance of the EMTs. A copy
14 of an evaluation shall be provided to the provider within 72 hours. The ~~[information]~~
15 evaluation shall indicate performance areas which exceed, meet or do not currently meet
16 expectations. Regarding areas that do not currently meet expectations, the director or his
17 designee should include in the evaluation ~~[Areas not meeting expectations will have~~
18 ~~information indicating]~~ what action must be taken to ensure compliance with
19 performance standards.
20

21 **PART 10.** This ordinance takes effect on _____,
22 2012.

23 **PASSED AND APPROVED**

24 §
25 §
26 §
27 _____, 2012

28 Lee Leffingwell
29 Mayor

30
31
32 **APPROVED:** _____
33 Karen Kennard
34 City Attorney

35 **ATTEST:** _____
36 Shirley A. Gentry
37 City Clerk