

**ORDINANCE NO. 20120524-017**

**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

an air ambulance that is regulated and certified by the U.S. Federal Aviation Administration and that is operating in compliance with state licensing requirements. 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.

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

**§ 10-2-40 TRANSFER OPERATION.**

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

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

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

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

- ~~—— (1) a patient who has difficulty breathing;~~
- ~~—— (2) a patient who has stopped breathing;~~

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

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

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

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

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

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

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

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

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

#### **§ 10-2-65 FEE.**

The City shall require, through the department, payment by a franchise holder for the actual cost which the City incurs in the administration of the franchise, including staff costs for inspection, periodic reports to the Austin-Travis County EMS Advisory Board, the council review of records, and audits, if necessary. Under no circumstances will payments by a franchise holder to the City for administration of the franchise exceed ~~[\$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 ~~[120,000]~~ 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~~

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

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

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

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

**PART 10.** This ordinance takes effect on June 4, 2012.

## PASSED AND APPROVED

\_\_\_\_\_, May 24, 2012

§  
§  
§ \_\_\_\_\_  
Lee Leffingwell  
Mayor

APPROVED: \_\_\_\_\_  
Karen M. Kennard  
City Attorney

ATTEST: \_\_\_\_\_  
Shirley A. Gentry  
City Clerk