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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 of the City Code (*Definitions*) is amended to add new definitions of “Chief”, “Emergency Medical Services Vehicle”, “Wheelchair Transfer Vehicle”, and “Wheelchair Transport” as follows:

§ 10-2-1 DEFINITIONS.

In this chapter:

- (1) **ADVANCED LIFE SUPPORT (ALS)** means emergency prehospital care using invasive medical acts. An emergency medical technician-paramedic may provide this level of care under the control of a licensed physician and may provide basic life support care.
- (2) **AMBULANCE** means any motor vehicle or aircraft used, designed, redesigned or constructed, and equipped for the transportation of sick or injured persons.
- (3) **BASIC LIFE SUPPORT (BLS)** means emergency prehospital care using noninvasive medical acts. An emergency care attendant or emergency medical technician may provide this level of care. The provision of this level of care may be under the medical supervision and control of a licensed physician.
- (4) CHIEF means the chief of the Emergency Medical Services Department.
- (5) [(4)] **DEPARTMENT** means the Emergency Medical Services Department.
- ~~[(5)] [DIRECTOR means the director or chief of the Emergency Medical Services Department.]~~
- (6) **EMERGENCY MEDICAL SERVICES VEHICLE** [~~AMBULANCE~~] means the type of vehicle defined by section 773.003 of the Texas Health and Safety Code and licensed under an emergency medical

1 provider license issued by the Texas Department of State Health
2 Services [~~any ambulance that is equipped with warning lights and~~
3 ~~horns or sirens for use in responding to emergency calls, as defined~~
4 ~~under the State Traffic Regulations (see Tex. Rev. Civ. Stat. Ann. art.~~
5 ~~6701d)].~~

- 6
- 7 (7) EMERGENCY CALL means any request for an emergency medical
8 ambulance.
- 9
- 10 (8) EMERGENCY MEDICAL SERVICES PERSONNEL means all
11 personnel who are certified by the Texas Department of Health and
12 the department in one of the following classifications:
13
- 14 (a) Emergency care attendant (ECA).
 - 15 (b) Emergency medical technician (EMT).
 - 16 (c) Emergency medical technician - intermediate (EMT-I).
 - 17 (d) Emergency medical technician - paramedic (EMT-P).
- 18
- 19 (9) EMERGENCY MEDICAL TRANSPORT means the immediate
20 transportation of a patient in an ambulance requiring any or all of the
21 following: monitoring of EKG; administration of intravenous fluids or
22 medications; and ventilation maintenance of the patient's airway.
- 23
- 24 (10) EMERGENCY MEDICAL TRANSPORT REQUEST means a
25 request made by a physician directly or through a registered nurse for
26 an emergency medical transport.
- 27
- 28 (11) MEDICAL FACILITY means any building or place of business
29 established for the purpose of examination and/or treatment by a
30 licensed physician of individuals who are sick or injured.
- 31
- 32 (12) MEDICAL TRANSFER SERVICE means a response made by a
33 medical transfer vehicle or ambulance for the transportation of
34 individuals to or from a medical facility, a nursing home or residence
35 under circumstances which do not constitute an emergency.
- 36
- 37 (13) MEDICAL TRANSFER VEHICLE means any motor vehicle, staffed
38 and equipped for the purpose of transporting patients under
39 circumstances which do not constitute an emergency.
- 40

1 (14) NEONATAL TRANSFER means any transfer to and/or from a
2 medical facility of a high risk newborn infant (premature or term)
3 requiring specialized care.
4

5 (15) PEDIATRIC INTENSIVE CARE TRANSFER means any emergency
6 transfer to and/or from a medical facility of a pediatric patient
7 requiring intensive medical care that is provided by specially trained
8 staff in the service of the receiving or transferring hospital. This
9 specially trained staff shall include a physician and/or a pediatric
10 intensive care nurse and/or a respiratory therapist.
11

12 (16) PROVIDER means an organization or business providing medical
13 transfer services and holding a valid medical transfer services
14 franchise.
15

16 (17) TRANSFER CALL means any request for a medical transfer vehicle
17 that is represented as not constituting an emergency.
18

19 (18) WHEELCHAIR TRANSFER VEHICLE means a motor vehicle equipped
20 to transport patients who can be safely transported by wheelchair under
21 circumstances that do not constitute an emergency.
22

23 (19) WHEELCHAIR TRANSPORT means a transfer of a patient whose
24 medical needs do not require transport by stretcher and who can be
25 transported by wheelchair with supervision.
26

27 **PART 2.** In City Code Chapter 10-2 (*Emergency Medical Services*) the word
28 “director” is replaced with “chief”, and the words “emergency medical ambulance”
29 and “emergency ambulance” are replaced with “emergency medical services
30 vehicle”.
31

32 **PART 3.** Subsection (C) of City Code Section 10-2-25 (*Purpose, Fees and*
33 *Enforcement*) is amended to read:
34

35 (C) The chief [~~director~~] shall enforce the provisions of this chapter and
36 any other applicable rules or regulations. The director shall set
37 standards [~~adopt and publish rules~~] for franchise holders concerning
38 [~~setting standards and requirements for~~] personnel, equipment,
39 performance, and transport protocols. These standards [~~rules~~] will be

1 reviewed on an annual basis by the Austin-Travis County EMS
2 Advisory Board.

3
4 **PART 4.** City Code Section 10-2-40 (*Transfer Operation*) is amended to amend
5 Subsection (B), to add new Subsection (D), to renumber existing Subsection (D) as
6 Subsection (E), to renumber the remaining subsections accordingly, and to add
7 new Subsection (I) to read:

8
9 **§ 10-2-40 TRANSFER OPERATION.**

10
11 (B) A provider [~~shall~~] may receive referrals for transfer service from the
12 department on a rotating basis or by a method established by the chief
13 [~~director~~].

14
15 (D) If, as a result of insufficient resource availability, a provider is unable
16 to provide transport services at a time requested by a facility, the
17 provider may offer, and the facility may accept, an alternative arrival
18 time to the facility. The provider shall keep records for each transfer
19 that originates and terminates within the City and for which the arrival
20 time is negotiated. The provider shall file a report of these transports
21 as required by the department.

22
23 (I) A provider may conduct medical wheelchair transports as part of the
24 franchise, but may not provide these services to a facility at no charge.
25 The chief has the discretion to prohibit a provider from providing
26 wheelchair transports due to complaints, non-compliance with this
27 section, or if the chief has information that these transports are
28 endangering the health, safety, or welfare of the public.

29
30 **PART 5.** City Code Section 10-2-45 (*Inspection of Books and Records*) is
31 amended to designate subsections and to add new Subsection (B) to read:

32
33 **§ 10-2-45 INSPECTION OF BOOKS AND RECORDS; MONTHLY REPORTS.**

34
35 (A) The books and records of all medical transfer service franchise
36 holders shall be made available at any reasonable time for inspection
37 by the [~~director~~] chief.

38
39 (B) A provider shall provide to the department a monthly report that
40 identifies every transport completed for the previous month. Each

1 report is due no later than the 15th day of the month. The department
2 has authority to specify the format and content of the report. The
3 provider shall provide all information required by the department in
4 the report.

5
6 **PART 6.** City Code Section 10-2-61 (*Application and Fee*) is amended to
7 amend Subsections (A) and (B) and to add new Subsections (C) and (D) to read:
8

9 **§ 10-2-61 APPLICATION AND FEE**

10
11 (A) Except as provided in subsection D, [A]applications for a transfer
12 vehicle franchise shall be filed with the ~~chief~~ [director] on the form
13 provided by the ~~chief~~ [director]. The applicant shall furnish the
14 following proof and information, which shall be subscribed and sworn
15 to before a notary public:

16
17 (1) That the applicant has not been convicted of a felony or of a
18 misdemeanor involving moral turpitude within the last ten
19 years.

20
21 (2) A statement that the applicant has obtained or will obtain
22 liability insurance in accordance with the requirements of this
23 chapter.

24
25 (3) The full name, date of birth, telephone number, permanent
26 residence and mailing address of the applicant. If the person
27 submitting the application represents a partnership, then
28 such information shall be given on all partners and persons
29 having an interest in the business. If a corporation, the name
30 and location of its principal place of business, the name, date of
31 birth, telephone number and address of all the officers, directors
32 and all stock holders of the organization. If the applicant's
33 business is a corporation or association, a copy of the
34 documents establishing the business and the name, address, and
35 citizenship of each person with a direct interest in the business.
36 Corporate applicants must provide a certified copy of the
37 corporate charter, articles of incorporation, and a statement
38 from the Secretary of State certifying that the corporation is in
39 good standing.
40

- 1 (4) A certificate of assumed name, if such is required by state law
2 to be filed.
3
4 (5) Documentary evidence from the city and county tax assessor-
5 collector that ad valorem taxes on the property to be used in
6 connection with the operation of the proposed medical transfer
7 service have been paid.
8
9 (6) The number, make, model, and style of transfer vehicles,
10 including wheelchair transfer vehicles, proposed to be utilized.
11
12 (7) Description of any past business experience of the applicant,
13 particularly in providing passenger transportation services;
14 identification and description (of any revocation or suspension
15 of) franchise or permit held by the applicant or business before
16 the date of filing the application.
17
18 (8) A sworn statement that the applicant is compliant with all state,
19 federal, and local regulations, including the implementation of a
20 compliance program as required by the Patient Protection and
21 Affordable Care Act of 2010.

22
23 (B) The applicant shall pay the costs for the publication of all notices
24 required by the City Charter and this Chapter for a medical transfer
25 services franchise regardless of whether council grants a franchise to
26 the applicant. The applicant shall deposit a fee as established by
27 ordinance of the council with the director for part of the cost of
28 publication of notices and reprinting of applications for review.

29
30 (C) The failure of an applicant to provide additional information requested
31 in writing by the department within 60 days of the written request may
32 result in rejection of the application for a medical transfer service
33 franchise. The chief has discretion to reject an application under this
34 subsection.

35
36 (D) Between June 24, 2018 and June 30, 2019, the chief may not accept
37 an application for a medical transfer services franchise from an
38 applicant who is not currently providing such services in the city.
39

1 **PART 7.** Subsection (A) of City Code Section 10-2-62 (*Review of Application;*
2 *Public Hearing*) is amended to read:

3
4 **§ 10-2-62 REVIEW OF APPLICATION; PUBLIC HEARING**

5
6 (A) The chief shall forward each [~~Copies of each~~] application for a
7 medical transfer services franchise [~~shall be forwarded~~] to the city
8 manager for review and recommendation to the council and to the
9 Austin-Travis County EMS Advisory Board. Upon receipt from the
10 city manager of the city manager's recommendation, [F]the Austin-
11 Travis County EMS Advisory Board shall review the application[s]
12 for a transfer service franchise[s] and make a recommendation[s] to
13 the council. The Austin-Travis County EMS Advisory Board must
14 make its recommendation to council regarding whether to grant or
15 deny a franchise not later than the 90th day after receiving a
16 recommendation from the city manager.

17
18 **PART 8.** Subsection (A) of City Code Section 10-2-82 (*Vehicles*) is amended to
19 read:

20
21 **§ 10-2-82 VEHICLES**

- 22
23 (A) Each vehicle to be used as a medical transfer vehicle shall comply
24 with the following requirements and such other requirements or
25 modifications as may be established by the department:
- 26
27 (1) Transfer vehicles, including wheelchair transfer vehicles, shall
28 be utilized no more than 250,000 miles if powered by a diesel
29 engine nor more than 200,000 [~~150,000~~] miles if powered by a
30 gasoline engine. The vehicle chassis shall not be utilized more
31 than six years from the year of manufacture.
 - 32
33 (2) Transfer vehicles, including wheelchair transfer vehicles, shall
34 be equipped with tires in sound condition which have been
35 specially designed for heavy duty service with at least 30
36 percent of the original tread remaining.
 - 37
38 (3) Transfer vehicles, including wheelchair transfer vehicles, shall
39 comply at all times with the Texas Transportation Code.
40

1 (4) Each medical transfer vehicle, including each wheelchair
2 transfer vehicle, shall be marked distinctly with the name of the
3 company providing transfer service. Vehicles may not display
4 the words “ambulance,” “Emergency Medical Services,” “911,”
5 “emergency,” “EMS,” or the EMS “Star of Life” logo. A
6 provider shall only mark a medical transfer vehicle with the
7 name or logo or another service, a hospital facility, or
8 organization if the provider has a contract with a hospital
9 facility or organization to mark one or more medical transfer
10 vehicles with the name or logo of that hospital facility or
11 organization. In such case, the name and logo of the company
12 providing the medical transfer service shall be two times larger
13 on each vehicle than the name and logo of the hospital
14 organization, and the design of the markings for each vehicle
15 must be approved in writing by the chief prior to utilization by
16 the provider.

17
18 (5) Each vehicle to be used as a medical transfer vehicle shall be
19 equipped as required by 25 Texas Administrative Code, §
20 157.11.

21
22 **PART 9.** Subsection (A) of City Code Section 10-2-83 (*Personnel*) is amended
23 to read:

24
25 **§ 10-2-83 PERSONNEL.**

26
27 (A) Each vehicle shall be attended by at least two currently state-
28 certified Emergency Medical Technicians (EMTs). Each EMT
29 shall hold a valid Class C [A] Texas driver's license. Each
30 wheelchair transfer vehicle shall be attended by an employee
31 holding a valid Class C Texas driver’s license.
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