

**ORDINANCE NO. 20180614-016**

**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 provider license issued by the Texas Department of State Health Services ~~[any ambulance that is equipped with warning lights and horns or sirens for use in responding to emergency calls, as defined~~

~~under the State Traffic Regulations (see Tex. Rev. Civ. Stat. Ann. art. 6701d)].~~

- (7) EMERGENCY CALL means any request for an emergency medical ambulance.
- (8) EMERGENCY MEDICAL SERVICES PERSONNEL means all personnel who are certified by the Texas Department of Health and the department in one of the following classifications:
  - (a) Emergency care attendant (ECA).
  - (b) Emergency medical technician (EMT).
  - (c) Emergency medical technician - intermediate (EMT-I).
  - (d) Emergency medical technician - paramedic (EMT-P).
- (9) EMERGENCY MEDICAL 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 TRANSPORT REQUEST means a request made by a physician directly or through a registered nurse for an emergency medical transport.
- (11) MEDICAL FACILITY means any building or place of business established for the purpose of examination and/or treatment by a licensed physician of individuals who are sick or injured.
- (12) MEDICAL TRANSFER SERVICE means a response made by a medical transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.
- (13) MEDICAL TRANSFER VEHICLE means any motor vehicle, staffed and equipped for the purpose of transporting patients under circumstances which do not constitute an emergency.
- (14) NEONATAL TRANSFER means any transfer to and/or from a medical facility of a high risk newborn infant (premature or term) requiring specialized care.

- (15) PEDIATRIC INTENSIVE CARE TRANSFER means any emergency transfer to and/or from a medical facility of a pediatric patient requiring intensive medical care that is provided by specially trained staff in the service of the receiving or transferring hospital. This specially trained staff shall include a physician and/or a pediatric intensive care nurse and/or a respiratory therapist.
- (16) PROVIDER means an organization or business providing medical transfer services and holding a valid medical transfer services franchise.
- (17) TRANSFER CALL means any request for a medical transfer vehicle that is represented as not constituting an emergency.
- (18) WHEELCHAIR TRANSFER VEHICLE means a motor vehicle equipped to transport patients who can be safely transported by wheelchair under circumstances that do not constitute an emergency.
- (19) WHEELCHAIR TRANSPORT means a transfer of a patient whose medical needs do not require transport by stretcher and who can be transported by wheelchair with supervision.

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

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

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

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

**§ 10-2-40 TRANSFER OPERATION.**

- (B) A provider [~~shall~~] may receive referrals for transfer service from the department on a rotating basis or by a method established by the chief [~~director~~].
- (D) If, as a result of insufficient resource availability, a provider is unable to provide transport services at a time requested by a facility, the provider may offer, and the facility may accept, an alternative arrival time to the facility. The provider shall keep records for each transfer that originates and terminates within the City and for which the arrival time is negotiated. The provider shall file a report of these transports as required by the department.
- (I) A provider may conduct medical wheelchair transports as part of the franchise, but may not provide these services to a facility at no charge. The chief has the discretion to prohibit a provider from providing wheelchair transports due to complaints, non-compliance with this section, or if the chief has information that these transports are endangering the health, safety, or welfare of the public.

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

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

- (A) The books and records of all medical transfer service franchise holders shall be made available at any reasonable time for inspection by the [~~director~~] chief.
- (B) A provider shall provide to the department a monthly report that identifies every transport completed for the previous month. Each report is due no later than the 15<sup>th</sup> day of the month. The department has authority to specify the format and content of the report. The provider shall provide all information required by the department in the report.

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

## § 10-2-61 APPLICATION AND FEE

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

- (1) That the applicant has not been convicted of a felony or of a misdemeanor involving moral turpitude within the last ten years.
- (2) A statement that the applicant has obtained or will obtain liability insurance in accordance with the requirements of this chapter.
- (3) The full name, date of birth, telephone number, permanent residence and mailing address of the applicant. 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 a statement from the Secretary of State certifying that the corporation is in good standing.
- (4) A certificate of assumed name, if such is required by state law to be filed.
- (5) Documentary evidence from the city and county tax assessor-collector that ad valorem taxes on the property to be used in connection with the operation of the proposed medical transfer service have been paid.
- (6) The number, make, model, and style of transfer vehicles, including wheelchair transfer vehicles, proposed to be utilized.

- (7) Description of any past business experience of the applicant, particularly in providing passenger transportation services; identification and description (of any revocation or suspension of) franchise or permit held by the applicant or business before the date of filing the application.
- (8) A sworn statement that the applicant is compliant with all state, federal, and local regulations, including the implementation of a compliance program as required by the Patient Protection and Affordable Care Act of 2010.
- (B) The applicant shall pay the costs for the publication of all notices required by the City Charter and this Chapter for a medical transfer services franchise regardless of whether council grants a franchise to the applicant. The applicant shall deposit a fee as established by ordinance of the council with the director for part of the cost of publication of notices and reprinting of applications for review.
- (C) The failure of an applicant to provide additional information requested in writing by the department within 60 days of the written request may result in rejection of the application for a medical transfer service franchise. The chief has discretion to reject an application under this subsection.
- (D) Between June 24, 2018 and June 30, 2019, the chief may not accept an application for a medical transfer services franchise from an applicant who is not currently providing such services in the city.

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

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

- (A) The chief shall forward each [Copies of each] application for a medical transfer services franchise [shall be forwarded] to the city manager for review and recommendation to the council and to the Austin-Travis County EMS Advisory Board. Upon receipt from the city manager of the city manager's recommendation, [T]he Austin-Travis County EMS Advisory Board shall review the application[s] for a transfer service franchise[s] and make a recommendation[s] to the council. The Austin-Travis County EMS Advisory Board must make its recommendation to council regarding whether to grant or

deny a franchise not later than the 90<sup>th</sup> day after receiving a recommendation from the city manager.

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

**§ 10-2-82 VEHICLES**

(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:

- (1) Transfer vehicles, including wheelchair transfer vehicles, shall be utilized no more than 250,000 miles if powered by a diesel engine nor more than 200,000 ~~[150,000]~~ miles if powered by a gasoline engine. The vehicle chassis shall not be utilized more than six years from the year of manufacture.
- (2) Transfer vehicles, including wheelchair 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) Transfer vehicles, including wheelchair transfer vehicles, shall comply at all times with the Texas Transportation Code.
- (4) Each medical transfer vehicle, including each wheelchair 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," "911," "emergency," "EMS," or the EMS "Star of Life" logo. A provider shall only mark a medical transfer vehicle with the name or logo or another service, a hospital facility, or organization if the provider has a contract with a hospital facility or organization to mark one or more medical transfer vehicles with the name or logo of that hospital facility or organization.
- (5) Each vehicle to be used as a medical transfer vehicle shall be equipped as required by 25 Texas Administrative Code, § 157.11.

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


**§ 10-2-83 PERSONNEL.**

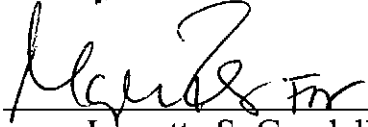
- (A) Each vehicle shall be attended by at least two currently state-certified Emergency Medical Technicians (EMTs). Each EMT shall hold a valid Class C [A] Texas driver's license. Each wheelchair transfer vehicle shall be attended by an employee holding a valid Class C Texas driver's license.

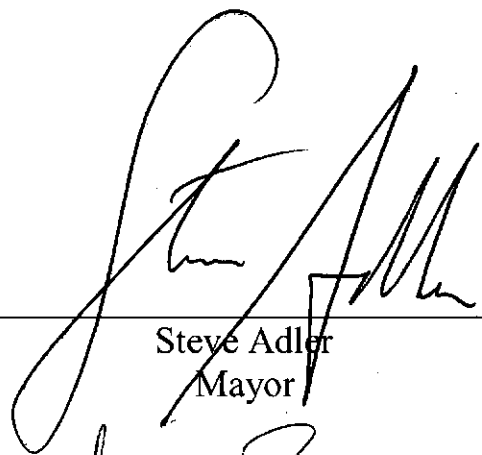
**PART 10.** This ordinance takes effect on June 25, 2018.

**PASSED AND APPROVED**

\_\_\_\_\_, June 14, 2018      §  
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**APPROVED:**  Anne L. Morgan  
City Attorney

**ATTEST:**  Jannette S. Goodall  
City Clerk

 Steve Adler  
Mayor