

ORDINANCE NO. O-2017-13

AN ORDINANCE AMENDING CHAPTER 50 ARTICLE III OF THE CITY CODE OF
ORDINANCE REGULATING EMERGENCY AMBULANCE SERVICE IN THE CITY OF
PHARR; RPROVIDING FOR PENALTY; REPEALING PRIOR ORDINANCES,
PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND
PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDANIED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
PHARR, TEXAS, THAT:

SEC. 50-86. DEFINITIONS. As used herein the following words shall have the meaning indicated:

- (a) **ALS** means advanced life-support emergency medical service vehicle qualification. A vehicle qualifies as an advanced life-support emergency medical services vehicle if it:
 - (1) When response-ready or in-service, authorized EMS vehicles operating at the ALS level shall be staffed at a minimum with one EMT Basic and one AEMT or EMT- Intermediate
 - (2) has sufficient equipment and supplies for providing intravenous therapy and endotracheal or esophageal intubation; and
 - (3) has two-way radio communications.
- (b) **Ambulance** means any vehicle equipped or used for transporting wounded, injured, or sick persons, but specifically excludes funeral coaches and vehicles used for patient transfers.
- (c) **BLS** means basic life-support emergency medical services vehicle qualification. A vehicle qualifies as a basic life-support emergency medical services vehicle if it is designed for transporting the sick or injured and has sufficient equipment and supplies for providing basic life-support.
- (d) **City** means and refers to the City of Pharr, Texas, and its City limits.
- (e) **Emergency ambulance** means an ambulance used, designed or redesigned for the purpose of transporting the sick or injured, providing basic life-support, advanced life-support, or mobile intensive care, the rendering of first aid, and/or assisting in rescue operations while the vehicle is being operated under emergency conditions.
- (f) **Emergency call** means a request for ambulance service in which the element of time in transporting the sick, injured or wounded for medical treatment is essential to the health or life of such person.

- (g) **Emergency circumstances** means the existence of circumstances in which the element of time in transporting the sick, injured or wounded for medical treatment is essential to the health or life of such person.
- (h) **Emergency medical service advisory designee (EMSAD)** means the individual (normally the fire chief or his designee) authorized to oversee the operation of the ambulance service system and the performance of the awarded company under the terms of the contract.
- (i) **Emergency service** means the company that has been awarded the current emergency ambulance service contract and has been granted a license from the City of Pharr in conjunction of the execution of such contract.
- (j) **Licensee** means the company that has been awarded the current emergency ambulance service contract and has been granted a license from the City of Pharr in conjunction of the execution of such contract.
- (k) **MICU** means mobile intensive care unit. Emergency ambulance service that utilizes a vehicle designed and qualified as an advanced life-support emergency services vehicle as defined herein and has sufficient equipment and supplies to provide cardiac monitoring, defibrillation, cardioversion, drug therapy, and two-way radio communication, and when response-ready or in-service, authorized EMS vehicles operating at the MICU level shall be staffed at a minimum with one EMT Basic and one certified or licensed EMT-Paramedic.
- (l) **Response time** means the total elapsed time between the moment the licensee's dispatch center personnel have received a request for services and patient location (i.e., "time call received") and the moment the licensee's responding unit arrives upon the scene of the emergency incident (i.e., "time unit arrived").
- (m) **Transport Service** shall include:
 1. The non-emergency pickup and delivery within the limits of the city of sick, injured, or wounded persons where the element of time in transporting said sick, injured, or wounded persons (patients to or from a hospital, rest home, or other health care facility) is not essential to the health or life of such patient. Such transport vehicles shall be at a BLS as a minimum during the transport of a patient. The transport service regulated hereby does not regulate the pickup of a patient outside the city.
 2. Responding to a 9-1-1 (assisting the city contracted ambulance company). Such transport vehicles shall have as a minimum of a MICU vehicle and a paramedic attendant, unless directed otherwise by City emergency personnel (i.e. major emergency situations with multiple injuries).

SEC. 50-87 CITY LICENSE REQUIRED.

It shall be unlawful for any person to engage in furnishing emergency or non-emergency service within the city by operating or driving or causing to be operated or driven an emergency or non-emergency ambulance upon the public streets of the city without first having obtained a license, which shall be prominently

displayed on the rear driver side of the ambulance, as hereinafter provided. An exception shall be made on emergency services furnished for calls originating outside the city. Air ambulance companies are exempted from licensing requirements of this chapter.

It shall be an affirmative defense to any prosecution brought under this section that the emergency ambulance service in question was provided in response to a call or request from a private citizen or specifically requested by an officer or employee of the city.

SEC. 50.88 APPLICATION FOR LICENSE.

Applications for licenses under this division shall be made to the city manager or his designee and shall contain the following:

- (1) The name and address of the owner(s) of the ambulance service.
- (2) A brief description of the experience and history of the ambulance service as well as a minimum of three references, one of which must be from a hospital located in Hidalgo County, with the name and business phone number of a contact person, capable of evaluating the ambulance service provider in a comprehensive manner.
- (3) A brief description of the method by which emergency ambulance service is to be provided and coordinated with local hospitals, police and fire departments, and 911 emergency service, as applicable, in the city.
- (4) The location and description from which the ambulance(s) will operate within the service delivery districts.
- (5) The number and description of the ambulance(s), including photos, the make, model, year of manufacture, state license number for the current year, motor and chassis number, and a description of the equipment in each ambulance for providing emergency medical service.
- (6) Identity of the persons who will operate the ambulance(s), their social security number, list of training classes, date of issue and numbers of all E.M.S. certifications held by each of such persons pertaining to ambulance and emergency medical service required by the Texas Department of Health.
- (7) A statement that the applicant agrees to comply with this [division and all laws and] ordinances applicable to ambulance or emergency ambulance service, and proof that the applicant has all required licenses and required equipment.
- (8) A statement that the applicant will render satisfactory and efficient ambulance service in accordance with criteria and standards generally recognized in the emergency ambulance business.
- (9) A certificate of insurance verifying insurance in the amounts set forth in this division for the full term of the proposed license.

SEC 50-89. REQUIREMENTS FOR ISSUANCE OF LICENSE.

- (A) The Fire Chief or his/her designee may recommend the issuance of a license to the City Manager if he/she determines:
- (1) That the applicant maintains a sufficient number of ambulances with adequate equipment to efficiently serve the general public in the city and that the granting of such license will promote the health, safety, and general welfare of the general public.
 - (2) That the applicant has filed with the Fire Department or his designee insurance policies providing insurance coverage for each vehicle owned or operated by the applicant for injury to or death of persons in accidents resulting from any cause for which the owner or operator of the vehicle would be liable on account of any liability imposed on such person by law, regardless of whether the ambulance was being driven by the owner or owner's employee, agent, agent, or lessee. Applicant shall provide coverage in all categories equivalent to the 911 contract provider:
 - (3) Liability for injury to any one person, \$1,000,000
 - (a) Liability arising out of one occurrence, for injury to one or more persons arising out of one occurrence, \$1,000,000.
 - (b) Property damage, per occurrence, \$1,000,000.
 - (c) The applicant has provided a certificate of malpractice insurance of \$1,000,000 for each claim. The applicant shall provide malpractice insurance on "occurrence" rather than a "claims made" basis. That is, as long as the incident occurred during the policy period, coverage shall be provided no matter when the claim is made, even if the claim is made several months or years after the actual event took place or after this contract or the insurance policy expires.
 - (d) The certificate of insurance shall show general liability coverage for the applicant in the amount of \$1,000,000.00. If a license is issued, the licensee shall name the city as an additional insured on such policies.
 - (4) That the applicant and applicant's agents and employees hold all licenses required by state laws.
 - (5) That a satisfactory method of communication between licensee and the Fire Department and Police Department, including any agency within the city which may be tasked with enforcement of this chapter, has been agreed upon.
 - (6) All applicants shall make their ambulances available for an inspection at a time and date set by the Fire Chief or his designee.

(7) As a condition of obtaining a license, the applicant or its designated agent shall execute a hold harmless, defend and indemnification agreement with the city.

(B) The recommendation made by the Fire Chief or his designee may be appealed to the City Manager.

(C) The city Manager shall make a final determination which shall be final and not appealable.

(D) Issuance of License.

(1) After receipt of an application for a license as required by this chapter, the Fire Chief and/or his/her designee shall consider such application and shall review any information the applicant may wish to present.

(2) Upon receipt of a recommendation by the Fire Chief or his/her designee a final determination shall be made by the City Manager, which shall be final and conclusive and without appeal.

(E) License Issuance Requirements.

The public convenience and necessity require the proposed ambulance or transport service for which the application has been submitted. In determining whether public convenience and necessity require the licensing of the proposed ambulance or transport service, the City Manager and/or his/her designee shall consider whether the public is, at the time, adequately served, the financial responsibility of the applicant, the number, kind and type of equipment, certification levels of personnel on units, the schedule of rates proposed to be charged, the increase traffic congestion upon the streets of the city, the demand for increased parking space upon the streets which will result, whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and such other facts as may be relevant to the above, including the services provided by the Fire Department at this time.

Sec. 50-91. Deleted in its entirety.

SEC. 50-91. - REQUIREMENTS FOR LICENSEES.

(a) Minimum equipment and facilities.

(1) The City designated 911 provider shall provide and maintain in a safe and operational manner a minimum number of ambulances, as set forth by contract, with licenses issued by the state department of health in accordance with V.T.C.A., Health and Safety Code §§ 773.001 et seq. and 774.001 et seq.

(2) All persons operating such ambulances and rendering emergency service shall have all licenses and/or certificates required by state law and shall comply with all rules and regulations prescribed by the state department of health. The primary ambulance(s) shall be type I or type III modules equipped with, at a minimum, advanced life-support capability. Except for time down for repairs, both

units must be in service, or immediately available for service. If an ambulance is to be out of service for more than four hours, or if both units are out of service simultaneously, the licensee must obtain replacement units for the period of unavailability and must notify E.M.S.A.D. Units, equipment and supplies shall be maintained in sanitary conditions consistent with state department of health requirements. Each ambulance shall be identified by four-inch letters, numbers or a combination thereof prominently displayed on the sides, front and rear of each unit.

- (3) All other non-emergency ambulance service providers (transport services) shall follow state guidelines on equipment, vehicles, and manpower requirements as set by state guidelines.
- (4) The licensee must demonstrate that a training facility of continuing education for licensee's staff, whether paid or volunteer, is readily available. The licensee shall maintain an office in Hidalgo County which is accessible to the public and staffed at least 30 hours per week during normal working hours.

(b) Personnel and Staffing Requirements.

- (1) All ambulances of the licensee shall be staffed with personnel in accordance with state department of health guidelines and Title 25, Texas Administrative Code.
- (2) Each member of the City's designated 911 provider's staff must have at least one year of EMS field experience, or as otherwise specified by contract
- (3) One hundred percent of the licensee's emergency response staff shall possess current basic EMT or higher qualifications.
- (4) The licensee shall require that all personnel wear uniforms during the performance of their duties, which uniforms shall be adopted by licensee and which will allow the general public to readily identify such personnel as emergency ambulance personnel.
- (5) When on duty, licensee's personnel shall carry on their person photo identification cards and certifications issued by the state department of health establishing their certification.

(c) Operation of Ambulances.

- (1) No company, except as stated in Section 50-87, shall operate any emergency ambulance upon the public streets in rendering emergency services in response to emergency calls unless holding a valid license from the city, and until such ambulance has been certified for such usage by the Fire Chief or his/her designee, and the owner of such ambulance and the person operating same have complied with all rules and regulations prescribed by the city, and shall have complied with the statutes of the state pertaining to the operation of ambulances and are the holders of valid permits and/or licenses for such purpose. Only the designated 9-1-1 provider for the city is eligible to acquire the emergency license.

- (2) No company shall operate any ambulance upon public streets in rendering of non-emergency services, such as transferring patients from hospitals, nursing homes, physicians' offices or other medical facilities or private residences, unless holding a valid license from the city and until such ambulance has been certified for such usage by the Fire Chief or his/her designee, and the owner of such ambulance and the person operating same have complied with the rules and regulations prescribed by the city, and have complied with the statues of the state pertaining to the operation of ambulances and are holders of valid permits and/or licenses for such purposes. It shall be unlawful for any company to operate an ambulance within the city without displaying a valid City of Pharr ambulance license. It is a defense to prosecution if the service originated outside the city.
- (3) License holder's facilities and ambulances are subject to random inspection for ordinance compliance by applicable city staff. License holder shall also make records available for review to applicable city staff to determine ordinance compliance.
- (4)

SEC. 50-92. - TERM OF LICENSE; RENEWAL.

Any license granted shall be valid for a period of one year. Furthermore, upon successful acquisition of a new ambulance service contract the licensee will be required to prepay the fee in reference to the length of time of the contract and complete the renewal application for the license.

In the event of the termination of the ambulance service contract either by the city or the provider, any and all licenses granted in the fulfillment of the contract will become null and void and the licensee's fees paid for the license will be reimbursed on a per year basis only.

SEC. 50-93. - LICENSE FEES.

- (1) *License Fees.* All licenses issued under the terms hereof shall terminate one year from the date of issuance and may be renewed by filing a renewed application at least 30 days prior to such date. Prior to the issuance of an approved license, the applicant shall pay a sum of \$500.00 to the city, which sum is considered as the reasonable and necessary cost to administer this chapter and licenses issued hereunder.
- (2) *Inspection fees.* A successful applicant shall pay for such license the sum of \$150.00 per every ten ambulances presented for inspection. Said sum is considered as the reasonable and necessary cost to administer this chapter and licenses issued hereafter. The license sticker must be displayed clearly on the left rear door of the ambulance. If the ambulance unit fails inspection, the company will be given 30 days to bring vehicle back for re-inspection, if the

ambulance company is not in compliance within those 30 days, the license fee will not be refunded.

SEC. 50-94. - RESPONSE TO CITY-ORIGINATED EMERGENCY CALLS REQUIRED.

Each person filing an application to operate a non-emergency ambulance or ambulance service within the city shall be deemed, by the filing of such application, to agree to respond to all emergency calls originating from the Fire Department or Police Department or contracted 9-1-1 provider and the acceptance of such calls, except for justifiable cause, to be determined by the Fire Chief and/or his designee and shall be a condition for the continuation of the license to operate such ambulance or ambulance service. Failure to comply may result in the revocation of the license. Provided, however, that only the 9-1-1 approved applicant may respond to emergency calls. It is an affirmative defense to prosecution if an ambulance operates in violation of this ordinance and was summoned for emergency mutual aid by the Pharr 9-1-1 provider, Police and/or Fire Department.

SEC. 50-95. - CANCELLATION OF LICENSE.

Should any licensee fail to respond to an emergency call as herein provided for, without justifiable cause, or fail to transfer call, render satisfactory and efficient emergency ambulance service, or provide mutual aid when requested or fail to comply with any of the provisions of this chapter the City Manager shall have the right to cancel any such license upon recommendation from the Fire Chief and/or his designee. The finding of the City Manager on such issue shall be final, conclusive and non-appealable. Any license holder cancelled under this section may not reapply for a license for a period of six months.

SEC. 50-96. - ALLOWABLE CHARGES.

(a) Licensees are authorized to charge the rates prescribed and set forth in this division. The city will not guarantee payment of such fees, nor will it process billing for the licensee. Fees shall be paid by persons receiving the service directly to the licensee. Licensees shall not charge for equipment, medical supplies and/or services provided by the city. Licensees shall not charge more than 125 percent of the Medicare prevailing rate for the City of Pharr and its E.T.J. for transportation.

(b) The following rates shall be charged for emergency ambulance services in the city:

Airway maintenance: BVM	\$25.00
Airway maintenance: Combi/tube	\$125.00
Airway maintenance: ET tube/holder	\$30.00
Airway maintenance: intubation	\$125.00
Airway maintenance: oral airway	\$3.50
Base rate: ALS*	\$600.00

Base Rate: BLS*	\$500.00
Blood sugar: accucheck/glucometer	\$5.00
Blood sugar: blood level strip	\$5.00
Blood sugar: lancets	\$1.00
Cardiac care: CPR	\$150.00
Cardiac care: defib pads	\$90.00
Cardiac care: defibrillation	\$125.00
Cardiac care: EKG electrode	\$2.00
Cardiac care: monitoring	\$75.00
Gloves	\$2.00
Hot pack/cold pack	\$2.00
Immobilization: backboard	\$60.00
Immobilization: cervical collar	\$22.50
Immobilization: head blocks	\$25.00
Immobilization: KED short board	\$100.00
Immobilization: splints	\$20.00
IV therapy: IO needle	\$35.00
IV therapy: IV disposable supplies	\$12.50
IV therapy: IV monitoring	\$65.00
IV therapy: NaCl 500 ml	\$1.50
IV therapy: saline lock disposable	\$22.95
IV therapy: IV start/attempt	\$125.00
Mileage: ALS (per mile)	\$12.00
OB kit	\$22.95
Oxygen: administration	\$43.00
Oxygen: mask	\$3.00
Oxygen: nebulizer	\$3.00

Pharmaceuticals: Adenocard 6 mg	\$115.75
Pharmaceuticals: Adenosine 6 mg	\$115.75
Pharmaceuticals: Albuterol .083%/2.5 mg.	\$4.35
Pharmaceuticals: Aspirin	\$1.00
Pharmaceuticals: Atropine sulfate 0.3 mg.	\$12.50
Pharmaceuticals: Atrovent 0.18 mg	\$15.00
Pharmaceuticals: Benadryl 50 mg	\$5.00
Pharmaceuticals: Dextrose 50%	\$15.00
Pharmaceuticals: Dopamine premix	\$47.75
Pharmaceuticals: Epinephrine 1:10,000 1 mg	\$12.50
Pharmaceuticals: Epinephrine 1:1,000 1 mg	\$10.00
Pharmaceuticals: Lasix 20 mg	\$10.00
Pharmaceuticals: Lidocaine	\$13.50
Pharmaceuticals: Lidocaine drip	\$30.00
Pharmaceuticals: Morphine sulfate 10 mg	\$6.00
Pharmaceuticals: Narcan 1 mg	\$30.00
Pharmaceuticals: Nitro spray	\$25.00
Pharmaceuticals: Oral glucose	\$10.00
Pharmaceuticals: Sodium bicarb 50 ml	\$30.00
Pharmaceuticals: Thiamine 100 mg	\$10.00
Pharmaceuticals: Lorazepam 2 mb	\$12.45
Pulse oximetry	\$27.00
Suctioning supplies	\$21.75
Treatment on-scene, transport refused AMA	\$50.00
Unit sterilization/prep	\$25.00
Waiting time, unusual, over 30 minutes (per ½ hr)	\$37.50
Wound care/bleeding control	\$20.00

Wound care: burn sheet	\$12.50
Wound care: Kerlix	\$3.00
Wound care: sterile 4x4	\$1.00
Wound care: sterile 5x9 ABD pad	\$1.00
Wound care: tape 1"—2"	\$1.50
Wound care: triangular bandage	\$2.00

* If patient is pronounced dead at the scene of an incident after the ambulance is called, charges will be limited to base rate and any supplies used at the scene.

SEC. 50-97. -RECORDS REQUIRED.

The licensee shall keep true and accurate records of its activities in the City including the following:

- (1) The number of emergency calls made;
- (2) The name of the person requesting emergency service, and the location thereof;
- (3) The time that the call was received, the time that the ambulance was dispatched and the time of arrival at the destination (the response time);
- (4) The nature of the call; and
- (5) The charges made for the call.

SEC. 50-98. - CITY'S RIGHT OF INSPECTION.

The city reserves the right to periodically inspect each and every licensee, including inspection of all permits, licenses, certificates, records, and equipment of licensees to ensure that all requirements of this division are being met, that the equipment provided meets all legal requirements, and to ensure that the personnel operating ambulances and rendering service hold current valid certifications issued by the state department of health and are properly trained in the operation of the ambulance, the use of all equipment and the performance of all required procedures.

SEC. 50-99. RESERVED RIGHTS OF CITY.

The city reserves the right to grant an exclusive contract for emergency ambulance service for such period of time as it deems necessary to a qualified licensee upon terms and conditions to be agreed upon between the parties, subject to the requirements and conditions of this division. Only the City Designated 911 Provider shall respond to 911 emergency calls. The city also reserves the right to render emergency ambulance service with its own equipment and personnel or as it sees fit.

SEC. 50-101. ASSUMPTION OF RISK, INDEMNITY OF CITY.

The licensee, as a condition of the issuance of a license under this division, agrees to assume all risks incident to or in connection with the operation of an ambulance service within the city and its extraterritorial jurisdiction, and agrees to be solely responsible for all accidents, injuries or damages of whatever nature to persons or property caused by or resulting from the licensee's operation. The licensee shall indemnify and hold harmless the city, its officers, agents and employees from any and all claims, suits, losses, damages, liens, or injuries to persons or property of whatever nature arising directly or indirectly from the licensee's operation.

SEC. 50-102. PENALTY FOR VIOLATION; INJUNCTION AND OTHER REMEDIES.

Any person, company, licensee or emergency service provider who knowingly violates any provision of this chapter may be fined no more than \$1,000 per violation or have its license canceled by the City Manager on recommendation of the Fire Chief or his or her designee. In addition to the above, the city may enforce this chapter through injunctive relief and any other relief in a court of competent jurisdiction. This section is applicable only to any person, company, licensee, or emergency service provider engaged in the business of providing emergency medical services.

SEC. 50-103- MONTHLY REPORT REQUIRED

Licensees shall file a monthly written report to the Fire Chief or his or her designee within ten days after the last day of each month, setting forth the date and time of each emergency call, the origin thereof, the address where such call was made, the place where such user was delivered, the elapsed time between receipt of call and completion of service.

SECTION 20: REPEAL OF CONFLICTING ORDINANCE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 21: SEVERABILITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof.

SECTION 22: PUBLICATION; EFFECTIVE DATE

The Ordinance shall take effect and be in force 120 days from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication may also be in caption form as allowed under Section 9 of the Pharr City Charter.

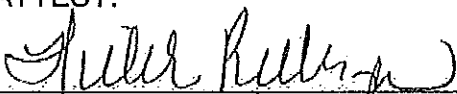
PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 6th day of March, 2017.

CITY OF PHARR, TEXAS



AMBROSIO HERNANDEZ, MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 20th day of March, 2017.

CITY OF PHARR, TEXAS



AMBROSIO HERNANDEZ, MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED THE THIRD READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS on this the 3rd day of April, 2017.

CITY OF PHARR, TEXAS



AMBROSIO HERNANDEZ, MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

