

ORDINANCE NO. O-2015-98

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO AMEND BY ADDING A DEFINITION OF BASIC LIFE SUPPORT (BLS) AMBULANCES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS; the provision of efficient, timely and professional emergency medical services are a matter of utmost public interest; and

WHEREAS, in 1992, the City of Tyler and Smith County Commissioners Court entered an Interlocal Agreement related to the creation of a Master Contract for Paramedic Ambulance Services; and

WHEREAS, the created administrative agency to monitor the contract, the EMS Administrative Agency, consisting of City and County representatives, is charged with periodically reviewing the controlling documents against current operational issues to determine if amendments to the Master Contract, Attachments to the Master Contract and/or the Interlocal Agreement should be requested; and

WHEREAS, one of the four requested 2015 Amendments to the Master Contract should be incorporated into the Definitions section of the related City Ordinance; and

WHEREAS, the definition of Basic Life Support ambulances should be added to allow the use of BLS ambulances for lower acuity transfers within the system resulting in greater efficiency while freeing up Advanced Life Support (ALS) ambulances for emergencies and high acuity transfers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That Tyler City Code Chapter 1, "General Provision", Article IV. "Ambulances," is hereby amended by adding a definition of *BLS Ambulances* to Section 1-51, to read as follows:

Sec. 1-51 Definitions.

The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall mean the following:

Advanced life support ambulance: Any vehicle which is equipped to provide treatment of life-threatening emergencies through the use of advanced airway management, intravenous therapy, and other advanced pre-hospital care procedures, and which is equipped to transport sick or injured persons to or from health care facilities.

Ambulance: Any privately or publicly owned motor vehicle or helicopter that is specially designed or constructed and equipped with the intent to be used, maintained, and/or operated for the transportation of patients.

Ambulance patient: Any person being transported to or from a health care facility in a reclining position from any point within the "regulated service area."

Ambulance Service Contractor: That entity which is currently under contract with the Tyler/Smith County EMS Administrative Agency to provide all ambulance services in the "regulated service area," except those specifically exempted in this Article

Approved emergency room/department: A health care facility which possesses a Level 4 or higher trauma categorization as defined by the Texas Department of Health.

Approved user-fee limitations: Those membership fees, mileage charges, subsidy payments, if any, and total average bill (exclusive of membership fees and mileage charges) approved for this jurisdiction by the City Council from the uniform schedule of price/ subsidy options.

Base station physician: A physician licensed to practice medicine in Texas, certified by the Medical Control Board, knowledgeable in the pre-hospital emergency medical protocols, EMS radio procedure and the general operating policies of the ambulance system, and a person from whom ambulance personnel may take medical direction by radio or other remote communications device.

BLS Ambulances: BLS means Basic Life Support which is a term used in the State of Texas to define the nature and extent of the training and skills of some or all of the personnel employed by the service unit. BLS ambulances can be utilized for lower acuity transfers within the system resulting in greater efficiency while freeing up Advanced Life Support ambulances for emergencies and high acuity transfers.

Contract service area: The geographic area encompassing the "regulated service area" plus unincorporated areas of Smith County and other counties as may choose to contract with the ambulance service contractor pursuant to a contract incorporating clinical standards and financial provisions consistent with those contained in the master ambulance service contract.

Emergency medical technician (EMT): An individual who is a "specially skilled emergency medical technician" under Chapter 773, Texas-Health and Safety Code, or its successor.

EMS administrative agency: That agency jointly established by the City and Smith County, pursuant to the Inter-local Cooperation Act, for purposes of supervising performance of the master ambulance service contract and to perform various administrative services and functions as defined in the inter-local cooperation agreement between the City and Smith County.

EMS system: That network of individuals, organizations, facilities and equipment whose participation is required to generate a clinically appropriate, pre-planned system-wide response to each request for pre-hospital care and/or inter-facility transport, so as to provide each with patient the best possible chance of survival without disability, given available financial resources and the then-current state of the art EMS technology.

Extraordinary adjustment: A change of the uniform schedule of subsidy/price options which is not a scheduled cost of living adjustment, but is instead an adjustment justified on the basis of either an increase in the system standard of care when costs of implementation and ongoing compliance exceeds the then remaining upgrade reserve, or on the basis of an unusual increase in the cost factor of production when such increase in cost is industry-wide and the result of causes beyond the Ambulance Service Contractor's reasonable control.

First responder: Any person, Fire Department vehicle, Police vehicle, or other vehicle not normally used for purposes of patient transport, but which vehicle and on-board personnel are capable of providing first responder services in medical emergencies.

Helicopter rescue unit: Any rotary wing aircraft providing basic or advanced life support services and patient transportation originating from the scene of emergency incidents which occur within the service area.

Inter-local cooperation agreement: That contract between the City of Tyler and Smith County whose primary purpose is to contract with a single ambulance service provider and to create a joint EMS administrative agency of elected officials to supervise (through objective oversight mechanisms) the ambulance service contract and to perform certain administrative functions including cooperative group-purchasing.

Master ambulance service contract: The ambulance service contract between the EMS administrative agency and the ambulance service contractor.

Medical audit: An official inquiry into the circumstances involving an ambulance run or request for ambulance service, conducted by the Medical Director or a licensed physician designated by the Medical Director, or by the MCB.

Medical control: The direction given ambulance personnel by a base station physician through direct voice contact, with or without vital sign telemetry, as required by applicable medical protocols promulgated by the MCB, and by Chapter 773, Texas Health and Safety Code, or its successors.

Medical Control Board (MCB): The board of physicians established and empowered by this Article to update from time to time the system standard of care, and to monitor compliance with the system standard of care.

Medical director: An emergency physician, expert in the prehospital practice of emergency medicine, appointed by the contractor.

Medical protocol: Any diagnosis-specific or problem-oriented written statement of standard procedures, or algorithm, promulgated by the MCB as the proper standard of prehospital care for a given clinical condition.

Mutual aid agreement: A written agreement between one or more entities whereby the signing parties agree to provide backup ambulance service to one another under conditions and pursuant to terms specific in the agreement.

Paramedic: A person qualified as a certified "paramedic emergency medical technician" as defined by Chapter 773, Texas Health and Safety Code, or its successor.

Person: Any individual, firm, partnership, association, corporation, governmental entity, or other group or combination acting as a unit.

Regulated service area: The combined corporate limits of all member jurisdictions and participating jurisdictions which adopt the uniform EMS ordinance.

Senior paramedic in charge: That person among the certified personnel assigned to an ambulance, not the driver, who is a certified paramedic designated by their employer as the individual in command of the ambulance.

Special event: Any public event located within the service area, for which standby ambulance service is arranged in advance, and for which ambulances are hired by the sponsor of the event or other interested party.

Specialized mobile intensive care unit: A vehicle which is specially constructed, equipped, staffed, and employed in the inter-facility transport of patients whose requirements for en-route medical support are likely to exceed the clinical capabilities of a paramedic level ambulance.

Subsidy/price tradeoff method: The specific method of EMS cost comparison described in the article entitled, "The EMS Subsidy/ Price Tradeoff," by Jack Stout, published in the August, 1988, issue of the "Journal of Emergency Medical Services (JEMS)."

System standard of care: The combined compilation of all priority-dispatching protocols, pre-arrival instruction protocols, medical protocols (i.e., first responders and ambulances), protocols for selecting destination hospital, standards for certification of pre-hospital care personnel (i.e., telephone call takers, first responders, ambulance personnel, and on-line medical control physicians), as well as standards governing requirements for on-board medical equipment and supplies, and licensure of ambulance services and first responder agencies. The system standard of care shall simultaneously serve as both a regulatory and contractual standard.

Uniform schedule of price/subsidy options: The initially established and annually revised listing of per capita subsidy and user fee combinations then currently approved by the EMS Administrative Agency. To avoid cross-jurisdictional subsidization of costs of serving patients in more remote jurisdictions (i.e., which patient transport times and mileage are extended) by way of excessive fee structures charged in less remote jurisdictions (i.e., where patient transport time and mileage are reduced), mileage charges shall be excluded from subsidy/price calculations, and shall be uniform throughout the contract service area. Thus, subsidy payments, if any, shall be applied entirely to reduce the total base rate and add-on charges, excluding mileage, but shall not affect the system-wide charge per loaded mile or membership fee. (Ord. No. O-98-45, 5/27/98) (Ord. No. O-2015-98; 10/28/2015)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED on this the 28th day of October, 2015.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

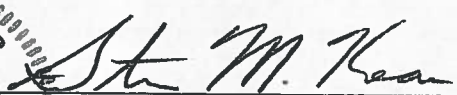
ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK

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STEVEN M. KEAN, DEPUTY
CITY ATTORNEY

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