

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF BURLESON, BY REPEALING ARTICLE II “EMERGENCY MEDICAL SERVICES” AND ENACTING A NEW ARTICLE II “EMERGENCY MEDICAL SERVICES”; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Burleson ("City Council") seeks to protect the public safety, preserve the quality of life, and promote efficiency within the City; and

WHEREAS, it is in the best interests of the public health and welfare of the people of the City of Burleson to have available to them a regulated prehospital emergency medical services and medical transportation system which can provide quality clinical care with performance measures and standards, with the goal of facilitating the best possible outcomes for each patient;

WHEREAS, through the adoption of a Uniform EMS Ordinance and Interlocal Cooperative Agreement between local governments ("Member Jurisdictions"), the Area Metropolitan Ambulance Authority (the "Authority") was created in 1988 as a governmental administrative agency to administer and operate a prehospital emergency medical services and medical transportation system in a service area comprised of the Member Jurisdictions ("Service Area"); and

WHEREAS, due to the relatively low population and low population density of some portions of the Service Area and the extremely high, start-up and fixed operating costs of a state-of-the-art prehospital emergency medical services and medical transportation system, it is necessary to designate a single provider of emergency and nonemergency ambulance transportation within the City of Burleson in order to maximize clinical proficiency, enhance operational effectiveness, and maximize economies of scale for providing such services; and

WHEREAS, it is the desire of the City of Burleson and the other Member Jurisdictions to amend and restate the Uniform EMS Ordinance in its entirety as set forth herein to reflect necessary changes in accordance with the Restated and Amended Interlocal Cooperative Agreement approved by City Council on even date herewith; and

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary.

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

SECTION 1.

Chapter 30 “Emergency Services” of the Code of the City of Burleson is hereby amended by repealing Article II “Emergency Medical Services” and enacting a new Article II “Emergency Medical Services,” the text of which shall read as follows:

“ARTICLE II: EMERGENCY MEDICAL SERVICES

§ 13-31 STATUTORY AUTHORITY.

This chapter is enacted by the City of Burleson (“this Jurisdiction”), pursuant to Tex. Health and Safety Code § 773.051, which provides that local governments may establish standards for ambulances, and pursuant to Tex. Government Code Chapter 791, which authorizes combinations of local governmental units to contract for the provision of governmental services, including the creation of administrative agencies to promote public health and welfare.

§ 13-32 GENERAL PURPOSES AND INTENT OF ORDINANCE.

It is the purpose of this Ordinance:

- (a) To establish a regulated prehospital emergency medical services and medical transportation system which can provide quality clinical care with performance measures and standards, with the goal of facilitating the best possible outcomes for each patient;
- (b) To establish a mobile integrated healthcare program with effective medical direction and quality assurance and review;
- (c) To form an administrative agency to administer and operate the prehospital emergency medical services and medical transportation system in a service area comprised of member jurisdictions and to administer and operate the mobile integrated healthcare program;
- (d) To designate the administrative agency as the sole-provider of emergency and non-emergency ambulance service within this jurisdiction to maintain consistent, high-quality service while controlling costs through efficiencies and economies of scale;
- (e) To provide for effective medical direction by establishing a multi-jurisdictional emergency physicians advisory board to advise the administrative agency’s board and to provide independent medical oversight for all clinical aspects of prehospital emergency medical services, the administrative agency’s mobile integrated healthcare program, and medical transportation which affect patient care in the service area; and
- (f) To provide for effective coordination and communication between first responder agencies in the service area, the emergency physicians advisory board, and the board of the administrative agency by establishing a multi-jurisdictional first responder advisory board.

§ 13-33 DEFINITIONS.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) **Advanced Life Support.** Out-of-hospital care that uses invasive medical acts (as defined in Tex. Health and Safety Code § 773.003(1)).
- (b) **Aeromedical Transportation Unit.** Any rotary or fixed wing aircraft providing basic or advanced life support services and patient transportation that originates within the Service Area.
- (c) **Ambulance Mutual Aid Agreement.** A written agreement between the Authority and one or more entities whereby the signing parties agree to provide backup ambulance service to one another under the terms and conditions specified in the agreement.
- (d) **Ambulance Service.** The transportation of Patients by emergency or non-emergency ambulance.
- (e) **Associate Medical Director.** A licensed physician who assists the Medical Director in carrying out his or her duties under this Ordinance and the Restated and Amended Interlocal Cooperative Agreement.
- (f) **Authority (Metropolitan Area EMS Authority).** The public administrative agency established to administer and operate the Medical Transportation and prehospital emergency medical services system and the program for MIH (as hereinafter defined) established by this Ordinance.
- (g) **Basic Life Support.** Out-of-hospital care that uses noninvasive medical acts (as defined in § 773.003(2), Tex. Health and Safety Code).
- (h) **Board.** The Board of Directors of the Authority.
- (i) **Emergency Care Attendant.** A person certified as an “emergency care attendant” under § 773.046 of the Tex. Health and Safety Code.
- (j) **Emergency Medical Technician (EMT).** A person certified as an “emergency medical technician” under § 773.047 or an “advanced emergency medical technician” under § 773.048 of the Tex. Health and Safety Code, and any other class of EMT recognized by state law or regulation.
- (k) **EMS Communications Center.** The facility designated by the Authority as the central communications center from which all services offered by the Authority shall be dispatched and controlled.
- (l) **First Responder.** Any agency that provides first response to requests for emergency medical services and, in cooperation with the Ambulance Service, provides immediate on-scene care to ill or injured persons but does not transport those persons to healthcare facilities.
- (m) **Medical Director.** The licensed physician retained through a contract with or employed by the Board who is responsible for carrying out his or her duties under this Ordinance and the Restated and Amended Interlocal Cooperative Agreement and for directing the Office of the Medical Director.
- (n) **Medical Transportation.** The transportation of Patients by ambulance, Specialized Mobile Intensive Care Unit, Specialty Care Transport, or Aeromedical Transportation Unit, including both emergency and non-emergency transports, where such transportation originates within the

Service Area.

- (o) **Mobile Integrated Healthcare (MIH).** Services provided by the Authority that are designed to enhance, coordinate, effectively manage, and integrate out of hospital care, in order to improve outcomes, enhance the client's experience of care, and improve the efficiency and effectiveness of healthcare services provided to the enrolled clients.
- (p) **Office of Medical Director.** The clinical office of the Authority through which the Medical Director carries out his/her rights and duties under this Ordinance and the Restated and Amended Interlocal Cooperative Agreement. The Office of the Medical Director is comprised of the Medical Director, and any Associate Medical Directors, and the employees of the Authority in the Office of the Medical Director to assist the medical directors in carrying out the Medical Director's rights and duties under this Ordinance and the Restated and Amended Interlocal Cooperative Agreement.
- (q) **Paramedic.** A person qualified as a certified or licensed "paramedic" as defined by Tex. Health and Safety Code Sections 773.049 and 773.0495.
- (r) **Patient.** An individual who is ill, sick, injured, wounded, or otherwise incapacitated, and in need of or at risk of needing medical care at the scene of a medical emergency or during transport to or from a healthcare facility.
- (s) **Person.** Any individual, firm, association, partnership, corporation, governmental entity, or other group, or a combination of the same acting as a unit.
- (t) **Restated and Amended Interlocal Cooperative Agreement.** The interlocal contract, as it may be amended from time to time, adopted by this Jurisdiction concurrently with the passage of this Ordinance pursuant to Chapter 791 of the Tex. Government Code (the Interlocal Cooperation Act).
- (u) **Service Area.** That geographical area which is contained within the boundaries of all the jurisdictions which become members of the Authority by adopting this Uniform EMS Ordinance and executing the Restated and Amended Interlocal Cooperative Agreement.
- (v) **Special Event.** Any public event located within the Service Area for which standby ambulance service is arranged in advance, and for which an ambulance is hired by the sponsor of the event or other interested party.
- (w) **Specialty Care Transport.** The transportation of a critically injured or ill patient at a level of service beyond the scope of the EMT-Paramedic when the patient's condition requires ongoing care that must be furnished by one or more health professionals in an appropriate specialty area; for example, emergency or critical care nursing, emergency medicine, respiratory care, cardiovascular care, or a paramedic with additional training.
- (x) **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 an Advanced Life Support ambulance.

§ 13-34 EMERGENCY PHYSICANS ADVISORY BOARD

- (a) There is hereby created an Emergency Physicians Advisory Board (“EPAB”) which shall, on behalf of this Jurisdiction, provide independent medical oversight for and advise and inform the Authority on all clinical aspects of Medical Transportation, the Authority’s MIH program, and prehospital emergency medical services in this Jurisdiction, including such services provided by the Authority and First Responders, and shall exercise independent professional judgment in all matters related to Patient care.
- (b) EPAB’s membership and other matters relating to EPAB shall be set forth in the Restated and Amended Interlocal Cooperative Agreement and in the Bylaws adopted by EPAB.

§ 13-35 METROPOLITAN AREA EMS AUTHORITY

By adopting this Ordinance and executing and approving the Restated and Amended Interlocal Cooperative Agreement, this Jurisdiction has joined the Authority, which shall now be known as the Metropolitan Area EMS Authority.

§ 13-36 POWERS AND DUTIES OF METROPOLITAN AREA EMS AUTHORITY

The Authority shall have the following powers and duties:

- (1) The Authority is hereby designated as the sole provider of Ambulance Service and Special Event ambulance standby service within this Jurisdiction, whether directly or indirectly through contractors, pursuant to the terms, conditions and provisions of the Restated and Amended Interlocal Cooperative Agreement, except for those services exempted by Section 13-39(b).
- (2) The Authority shall comply with all terms of the Restated and Amended Interlocal Cooperative Agreement and have all the powers and duties enumerated therein.
- (3) The Authority is required to provide this Jurisdiction with Basic and Advanced Life Support Ambulance Service in accordance with system performance standards and all applicable law, rules and regulations, as well as all patient care standards that the Medical Director may from time to time promulgate;
- (4) The Authority is authorized to operate an MIH program on a non-exclusive basis in this Jurisdiction.
- (5) The Authority shall enter into a First Responder Agreement with this Jurisdiction and may issue, suspend, revoke, and renew permits for the delivery of First Responder services in this Jurisdiction by other agencies, subject to the credentialing process by the Medical Director and subject to rights of appeal to the Board.
- (6) The Authority shall adopt standards approved by the Medical Director governing the operation of Specialized Mobile Intensive Care units and for Specialty Care Transport within the Service Area, including standards limiting the types of patients which may be transported thereby, and, subject to the credentialing process by the Office of the Medical Director, may

issue, suspend, revoke, and renew permits for the operation of such units as required by this Ordinance.

- (7) The Authority shall adopt standards approved by the Medical Director governing the operation of Aeromedical Transportation Units within the Service Area, including standards defining the circumstances under which such units may be deployed to emergency scenes and, subject to the credentialing process by the Office of the Medical Director, may issue, suspend, revoke, and renew permits for the operation of such units as required by this Ordinance.
- (8) The Authority shall adopt standards approved by the Medical Director governing the provision of Special Event ambulance standby service within the Service Area, and, subject to the credentialing process by the Medical Director, may issue, suspend, revoke, and renew permits for the provision of such ambulance standby service; provided, however, nothing contained in this Chapter 5 establishes the Authority as the sole provider of non-ambulance standby emergency medical services, nor shall it limit the authority of the city to regulate, manage, or govern standby emergency medical services and the provider(s) thereof.

§ 13-37 MEMBERSHIP OF METROPOLITAN AREA EMS AUTHORITY

The Authority Board's membership and other matters relating to the Authority shall be set forth in the Restated and Amended Interlocal Cooperative Agreement and in the Bylaws adopted by the Authority's Board.

§ 13-38 FIRST RESPONDER ADVISORY BOARD

- (a) There is hereby created a First Responder Advisory Board ("FRAB") which shall advise and inform the Authority and EPAB on matters related to first response and prehospital emergency medical services in the Service Area.
- (b) The FRAB's membership and other matters relating to the board shall be set forth in the Restated and Amended Interlocal Cooperative Agreement and in the Bylaws adopted by the FRAB.

§ 13-39 VIOLATIONS.

- (a) It shall be unlawful:
 - (1) To knowingly give false information to induce the dispatch of an ambulance or Aeromedical Transportation Unit.
 - (2) To perform duties as an ECA, EMT, Paramedic or emergency ambulance dispatcher without current credentials issued by the Office of the Medical Director, unless participating in a training program approved by Office of the Medical Director;
 - (3) To permit a person to work as an ECA, EMT, Paramedic or emergency ambulance dispatcher without current credentials issued by the Office of the Medical Director, unless participating in a training program approved by Office of the Medical Director;
 - (4) To use, or cause to be used, any Ambulance Service other than the

- Authority, except as permitted in subsection (b) below;
- (5) For any person or entity other than the Authority to provide Ambulance Service within this Jurisdiction, unless pursuant to a written agreement with the Authority;
 - (6) For any person to provide Medical Transportation originating in the Service Area without a permit issued by the Authority;
 - (7) For any agency to provide First Responder services without a First Responder permit issued by the Authority, unless pursuant to a First Responder Agreement with the Authority or a written automatic aid or mutual aid agreement with this Jurisdiction;
 - (8) To use an ambulance for the transportation of persons other than in connection with the transportation of a Patient.
- (b) It shall be a defense to any alleged violation of this section that a vehicle is being used or service is provided solely in any of the following manners:
- (1) As a privately owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated or helpless;
 - (2) Rendering service as an ambulance at the request of the EMS Communications Center upon the declaration of a disaster by this Jurisdiction, the State of Texas, or the United States; or a declaration of a major catastrophe or extreme system overload by the Chief Executive Officer of the Authority;
 - (3) Any ambulance owned or operated by the federal or state government;
 - (4) Ambulance mutual aid calls when rendered pursuant to an Ambulance Mutual Aid agreement approved by the Authority;
 - (5) Special Event ambulance standby coverage, so long as such service is provided without charge by an emergency medical services volunteer provider, as defined in Tex. Health and Safety Code § 773.003(13), or the Authority has first declined to provide coverage and the entity providing coverage has been issued a permit by the Authority;
 - (6) Wheelchair transport services for persons other than Patients, when the service is not provided by ambulance; and
 - (7) Medical Transportation of a Patient where the transport originates outside the Service Area.

§ 13-40 PENALTIES.

- (a) Any person convicted of violating the provisions of Section 13-39 shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500 (Tex. Penal Code §12.23).
- (b) This Section does not serve to limit any other remedies available to the Jurisdiction in law or equity.
- (c) Each violation of this Ordinance shall constitute a separate offense.

§ 13-41 TRAFFIC LAWS; EXEMPTION.

When the driver of an emergency medical response vehicle has reasonable grounds to believe that an emergency exists, as determined by the EMS Communication Center, the vehicle shall be treated as an “authorized emergency vehicle” within the meaning of Chapter 546 of the Tex. Transp. Code and shall be exempt from traffic laws as provided therein.

§ 13-42-13-69 Reserved”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Burleson, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Burleson, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person convicted of violating the provisions of the Code of the City of Burleson Section 13-39 as enacted by this Ordinance shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500 (Tex. Penal Code §.12.23). This Section does not serve to limit any other remedies available to the Jurisdiction in law or equity. Each violation of this Ordinance shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Burleson is hereby directed to give notice of the passage of this ordinance by causing the caption or title and penalty clause of this ordinance to be published as required by Section 36 of the Charter of the City of Burleson.

SECTION 7.

All other provisions of Chapter 13 of the Code of the City of Burleson, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 8.

This Ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

PASSED AND APPROVED:

First Reading: the ____ day of _____, 20____.

Final Reading: the ____ day of _____, 20____.

Ken Shetter, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney