

ORDINANCE NO. 2015-32

AN ORDINANCE OF THE CITY OF EAGLE PASS, TEXAS AMENDING CHAPTER 13 (FIRE PREVENTION AND PROTECTION), ARTICLE III, BY ADDING NEW SECTION 13 – 45, OF THE CITY’S CODE OF ORDINANCES TO PROVIDE FOR A PROCEDURE TO CONSIDER THE ISSUANCE OF LETTERS OF AUTHORIZATION FOR NEW EMERGENCY MEDICAL SERVICE PROVIDERS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City of Eagle Pass, is Texas municipal corporation operating as a home rule municipality (“City”) in accordance with the provisions of Chapter 26 of the Texas Local Government Code and the Eagle Pass City Charter; and

WHEREAS, the City created and established a Fire Department, which provides emergency medical services in the City with the goal of providing prompt and efficient transportation of sick and injured patients, after necessary stabilization; and

WHEREAS, pursuant to Tex. Health & Safety Code § 773.003(8), emergency medical services means services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury; and

WHEREAS, emergency medical service providers change over time and new emergency medical services providers are required to obtain a Letter of Authorization (LOA) from the governing body of the municipality in which they wish to operate; and

WHEREAS, this Ordinance does not regulate or apply to: (1) air transfers that do not advertise as an ambulance service and that are not licensed by the Department of State Health Services (Department); (2) the use of ground or air transfer vehicles to transport sick or injured persons in a casualty situation that exceeds the basic vehicular capacity or capability of emergency medical services providers in the area; (3) an industrial ambulance (generally owned and operated by an industrial facility and not for hire); or (4) a physician, registered nurse, or other health care practitioner licensed by this state unless the health care practitioner regularly staffs an emergency medical services vehicle; and

WHEREAS, Tex. Health & Safety Code § 773.051 provides that a municipality may establish standards for an emergency medical services provider that are stricter than the minimum standards in state law or rules of the Department; and

WHEREAS, Tex. Health & Safety Code § 773.057(c) provides that the Department may delegate vehicle inspections to the governing body of a municipality upon the request of the municipality; and

WHEREAS, the City Council desires to amend Chapter 13, Article III, by adopting a new Section 13 - 45 of the City's Code of Ordinances to create a process to evaluate and determine if a Letter of Authorization should be issued to an applicant that wishes to provide emergency medical services within the City; and

WHEREAS, this amendment will not apply to: the renewal of an existing and previously authorized emergency medical services provider that has continuously (no cessation of operation for more than 90 days) operated in the City; or a municipality, county, emergency services district, hospital, or emergency medical services volunteer provider organization in this state that applies for an emergency medical services provider license; and

WHEREAS, the City Council finds and determines that it is in the best interest of and will promote the public health, safety, morals and general welfare of the community to adopt a process to evaluate and determine if a Letter of Authorization should be issued to an applicant to provide emergency medical services within the City and in accordance with state and local law;

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

SECTION 1. That Chapter 13, Article III, Section 13 - 45 of the City's Code of Ordinances is hereby adopted to read as follows:

(a) Application for a Letter of Approval. The applicant shall submit a written request to the City Secretary's Office that contains the following:

(1) a copy of the applicant's emergency medical service provider license and variance, if any, issued by the Department of State Health Services (Department). The applicant shall also submit to the City Secretary's Office any pending applications, renewals, suspensions, revocations or other adverse Department actions; and

(2) a statement or description as to the type of services the applicant will provide in the City including but not limited to being a provider of:

(i) basic life-support emergency medical services that provides a vehicle designed for transporting the sick or injured, has personnel and sufficient equipment and supplies for providing basic life support, and is capable of providing emergency and nonemergency transportation;

(ii) advanced life-support emergency medical services that provides basic life support emergency medical services plus has personnel and sufficient equipment and supplies for providing intravenous therapy and endotracheal or esophageal intubation;

(iii) mobile intensive-care emergency medical services that provides advanced life-support emergency medical services plus has personnel and sufficient equipment and supplies to provide cardiac monitoring,

defibrillation, cardioversion, drug therapy, and two-way radio communication; and

(iv) specialized emergency medical services that uses a vehicle, including a helicopter, boat, fixed-wing aircraft, or ground vehicle is designed for transporting the sick or injured by air, water, or ground transportation plus the provider has personnel and sufficient equipment and supplies to provide for the specialized needs of the patient transported.

(3) a copy of the license or certificate issued by the Department for any emergency care attendants, emergency medical technician, advanced emergency medical technician, emergency medical technician-paramedic, paramedic, licensed physician or other health care professional that will provide emergency medical services for the applicant in the City. The applicant shall also submit to the City Secretary's Office any pending applications, renewals, suspensions, revocations or other adverse Department actions related to the person(s) that will provide emergency medical services.

(4) a copy of the lease or deed or other proof of ownership of:

(i) the applicant's primary place of business in the City, which is the location where the vehicles that are intended to provide emergency medical services in the City are stored and primarily located and where the records of the applicant are located; and

(ii) all equipment necessary for the safe operation as an emergency medical services provider, including emergency medical services vehicles, heart rate monitors, defibrillators, stretchers, and any other equipment the Department determined is required of the applicant;

(5) a copy of all insurance policies and coverages applicable to the applicant, which shall have available limits of at least \$1,000,000 per occurrence and \$2,000,000 general aggregate for the following types of coverages: in force automobile liability insurance; commercial general liability insurance; contractual liability insurance; broad form property damage liability insurance; personal and accidental injury insurance; premises and ongoing operation coverage; errors and omission insurance; and professional liability insurance.

Section 13 – 45 does not apply to: the renewal of an existing and previously authorized emergency medical services provider that has continuously (no cessation of operation for more than 90 days) operated in the City; or a municipal, county, emergency services district, hospital, or emergency medical services volunteer provider organization in this state that applies for an emergency medical services provider license.

(b) Evaluation for the issuance of a Letter of Approval. Upon receipt of a complete application for the issuance of a Letter of Approval (LOA) by the City Council of the City of Eagle Pass, the City Secretary's Office shall distribute the application to the City Fire Department for further evaluation. The City's Fire Department shall have 14 days to investigate, review and comment on the application. The City's Fire Department shall

immediately forward the comments to the City Council for their consideration. In coordination with the City's Fire Department, the City Secretary's Office shall publish a notice in one or more local papers or periodicals notifying the public of the application and setting the matter for a public hearing. The public hearing process may be completed within 45 days after the receipt of a complete application.

(1) In preparing for the evaluation, the City's Fire Department shall gather and present evidence at the public hearing to the City Council:

- (i) if the addition of another licensed emergency medical services provider will interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the City;
- (ii) if the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the City;
- (iii) if the addition of another licensed emergency medical services provider will cause an oversupply of licensed emergency medical services providers in the City;
- (iv) of the number of licensed or certificated emergency medical services personnel, providers, and vehicles in the City; and
- (v) of any other relevant information, including the applicant's corporate status with the Secretary of State and Comptroller of Texas, complaints filed with the Department, disciplinary actions taken against the applicant by the Department, and a copy of the Department's summary of the annual number and types of runs of the emergency medical services providers operating in the City.

(2) In considering whether to grant a LOA, the City Council may issue a LOA only after a public hearing and only if the City Council determines that:

- (i) the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the City;
- (ii) the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the City; and
- (iii) the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the City.

(c) Decision. After holding a public hearing, the City Council shall determine if it shall grant an applicant a LOA based on the forgoing factors. The decision of the City Council is final and binding and not subject to review. If an LOA is granted and the applicant is not yet licensed by the Department, then the LOA is issued subject to the applicant

receiving an emergency medical services provider license from the Department, within 3 months of the date of City Council approval after which the LOA shall become null and void.

SECTION 2. That the City Manager is instructed to make a request on behalf of the City Council for the City of Eagle Pass to be delegated the authority to collect a fee and inspect vehicles that are intended to provide emergency medical services in the City to ensure that the vehicles comply with the criteria and procedures adopted by the executive commissioner and the City;

SECTION 3. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

SECTION 4. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION 5. This Ordinance becomes effective immediately after being passed and approved on third and final reading.

READ, PASSED, AND APPROVED ON FIRST READING on this 6th Day of October, A.D., 2015.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: Villalpando, Hernandez, Ramon, Sifuentes
NAYS: None
ABSTAINED: None
ABSENT: English Cantu

READ, PASSED, AND APPROVED ON SECOND READING, this 20th Day of October, A.D., 2015.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Villalpando, Ramon
NAYS: None
ABSTAINED: None
ABSENT: Hernandez, Sifuentes

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this 3rd Day of
November, A.D., 2015.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Hernandez, Ramon, Sifuentes
NAYS: None
ABSTAINED: None
ABSENT: Villalpando

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney