

ORDINANCE NO. 2017-30

AN ORDINANCE AMENDING CHAPTER 22, HEALTH, ARTICLE II, EMERGENCY AND NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES, OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, the City Commissioners of the City of Harlingen believe that making high quality and reliable emergency medical services and non-emergency medical transport services available to its residents is of the highest priority and an exercise of its police powers absolutely essential to the health, safety and welfare of the citizens of the City of Harlingen;

WHEREAS, in recognition of the foregoing and as an exercise of its police powers appropriate to the protection of the health, safety and welfare of its residents, the City of Harlingen has entered into an exclusive contract with South Texas Emergency Care Foundation, Inc. (STECF) for both emergency medical services and non-emergency medical transport services; and

WHEREAS, the City of Harlingen City Commission desires to clarify its regulations with regard to the exclusive contractual authorization for the provision of such services; now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN, TEXAS:

SECTION I: That Chapter 22, Health, Article II, Emergency and Non-Emergency Medical Transportation Services of the Code of Ordinances of the City of Harlingen, Texas, is hereby amended as follows. Any numbered section of Chapter 22, Article II, not modified or repealed herein shall remain in force:

The definition of *Non-emergency medical transport service* in Sec. 22-19 is amended to read as follows:

Non-emergency medical transport service means the non-emergency or scheduled pickup from or delivery to a medical facility within the limits of the City of Harlingen of a sick or injured person and when (i) the element of time in transporting said sick or injured person to or from said medical facility is not essential to the health or life of said person or (ii) the transporting of said sick or injured person does not necessarily involve providing emergency prehospital care, emergency medical care, or emergency medical services to said sick or injured person. *Non-emergency medical transport service* shall not include transporting a sick or injured person in a round trip beginning and ending on the same calendar day to and from a medical facility in the City of Harlingen and originating from and returning to a location outside the limits of the City of Harlingen.

Sec. 22-20. Requirement for exclusive authorization to provide services; Violation and penalty

(a) Notwithstanding any license or certificate issued by the Department to perform emergency medical services as an emergency medical services provider or emergency medical services personnel, it shall be unlawful for any person to engage in (i) furnishing or providing emergency prehospital care, emergency medical care, or emergency medical services or (ii) furnishing or providing non-emergency medical transport services by operating, driving, or transporting a sick or injured person in an emergency medical services vehicle or any other vehicle upon the public streets or alleys within the limits of the City of Harlingen unless expressly authorized by exclusive contract with the City or unless acting within the course of such person's employment by an entity that holds such an authorization.

(b) For purposes of this section, "transporting a sick or injured person" shall include but not be limited to being physically present in the emergency medical services vehicle or other vehicle and participating in any capacity in furnishing or providing the emergency prehospital care, emergency medical care, emergency medical services or non-emergency medical transport services.

(c) This section shall not apply and no authorization from the City of Harlingen shall be required, in connection with furnishing or providing emergency prehospital care, emergency medical care, or emergency medical services, to transport a sick or injured person (i) to a hospital within the limits of the City of Harlingen from a location outside the City of Harlingen, (ii) to any medical facility within or outside the City of Harlingen during a disaster or in response to a call for mutual aid, or (iii) by agreement with the provider of emergency medical services and non-emergency medical transport services that holds the exclusive authorization to provide such services under this Ordinance.

(d) **Penalty.** A violation of the foregoing subsection (a) shall be punished by a fine not to exceed \$500.00 for a first offense; and any subsequent violation shall be punished by a fine not to exceed \$1,000.00.

(e) **Report to Department.** Upon a final conviction of a violation of the foregoing subsection (a) by a person holding a license or certificate issued by the Department as an emergency medical services provider or emergency medical services personnel, the name of the person and date and nature of the violation shall be reported to the Department by the Chief of Police.

Sec. 22-21. Reserved Right to Grant Exclusive Contract.

(a) If the City Commission determines it is necessary to provide for the health, safety and welfare of its citizens or to maintain adequate emergency and nonemergency ambulance and medical services, the City Commission reserves the right to:

(1) for such period of time and upon such terms and conditions as it shall determine, to grant an exclusive contract to an emergency medical services provider to furnish emergency medical services and non-emergency medical transport services within the limits of the City of Harlingen; or

(2) render emergency medical services with its own equipment and personnel.

(b) In any event, the City of Harlingen reserves the right to render emergency medical services with its own equipment and personnel and to call upon other emergency medical service providers in the event that an entity authorized as the exclusive provider under this Ordinance is unable or fails to respond to an emergency call, needs assistance at an emergency location, requires assistance in the

event of a disaster which necessitates additional vehicles or personnel, or is otherwise unable to provide emergency medical services.

Sec. 22-22. is hereby repealed.

Sec. 22-23. Requirement for Response to City Originated Emergency Calls.

Any person or entity granted an exclusive contract to provide emergency medical services or non-emergency medical transport services within the limits of the City of Harlingen shall be deemed to have agreed to accept all calls for emergency medical services originating from the fire department or police department of the City or from any 911 dispatch service and originating within the limits of the City of Harlingen. The acceptance of such calls, except for justifiable cause to be determined by the City Commission, shall be a condition for the continuation of the exclusive contract to operate within the limits of the City of Harlingen. Emergency medical services in response to any such calls shall be performed in compliance with the requirements and minimum standards in this subchapter and the Emergency Health Care Act and any other applicable statutes and regulations.

Sec 22-24. Rates for Emergency Medical Services.

Base rates for emergency medical services furnished by the person or entity granted an exclusive contract to provide emergency medical services within the limits of the City of Harlingen shall be fixed by and in accordance with such contract; and any change in such base rates shall be made in accordance with and at such times as may be provided in such contract.

SECTION II. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION III. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

SECTION IV: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

SECTION V: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause true and correct copies of Section I of the Ordinance to be published as an amendment to Chapter 22 of the Code of Ordinances of the City of Harlingen, Texas.

SECTION VI: This Ordinance shall become effective upon publication.

FINALLY ENACTED THIS 16th day of August, 2017 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE,

CITY OF HARLINGEN


Chris Boswell, MAYOR

ATTEST:


Amanda Elizondo, CITY SECRETARY