



## Legislation Details (With Text)

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2/6/2017	1	City Council	Passed as Amended	Pass
2/6/2017	1	City Council	Amended	Pass
1/18/2017	1	City Council	Accepted with a Recommendation Do Pass	
1/9/2017	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass	Pass
1/4/2017	1	City Council	Introduced and Referred	
1/4/2017	1	President	Referred	

## CITY of ALBUQUERQUE TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-17-31 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy Jones, by request

### ORDINANCE

Amending The Health, Safety, And Sanitation Ordinance (Jones, by request)

AMENDING THE HEALTH, SAFETY, AND SANITATION ORDINANCE.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

ALBUQUERQUE:

SECTION 1. The Health, Safety, and Sanitation Ordinance is hereby amended as follows:

§ 9-4-4-1 SHORT TITLE.

Sections 9-4-4-1 et seq. may be cited as the “Emergency Medical Services (EMS) Ordinance.”

§ 9-4-4-2 FINDINGS AND PURPOSE.

(A) The City Council finds that:

- (1) The EMS system provides a satisfactory level of service to the community at present.
- (2) The EMS system should be based on objectively stated and measurable performance standards and monitored by the Authority Having Jurisdiction (hereinafter “AHJ”).
- (3) The 911 Emergency System is a basic governmental function providing emergency responses through the City Police and City Fire Departments.
- (4) The City, through its 911 System, is the focal point for the receipt of requests for emergency transport of sick and injured persons within the City.
- (5) The City, through its 911 System, is the focal point for the dispatch of responses to requests for emergency transport of sick and injured persons within the city.
- (6) In order to provide satisfactory emergency transport of sick and injured persons within the City, it is necessary to establish a procedure for ambulance transport service under contract with the City.
- (7) The provisions of this Ordinance and any regulations promulgated pursuant to this Ordinance are in addition to those standards and/or requirements promulgated by the state agencies as the standards and/or requirements for ambulance services and prehospital providers, which as minimum standards may not be sufficient for the requisite standard of care in the city.
- (8) The EMS system should ultimately be a regional system to include the City, County, and other governmental entities located within the county.

(B) The purposes of §§ 9-4-4-1 et seq. are:

- (1) To serve the community through the promotion of clinical excellence, reliable response time performance, long range stability of service, and cost containment of the EMS system within the city; and
- (2) To protect the public safety and health through prehospital emergency care and to ensure consistency of ambulance transport services within the city; and
- (3) To establish reasonable rates for cost recovery in dispatching functions, consumable

medical supplies, and staff time of personnel assisting the contractor(s) in the performance of transport duties through contractual agreements with the City.

#### § 9-4-4-3 DEFINITIONS.

For the purpose of §§ 9-4-4-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word *SHALL* is always mandatory and not merely directory.

**911 EMERGENCY SYSTEM.** A publicly supported and funded system for delivering EMS, public fire protection, and law enforcement.

**ADVANCED LIFE SUPPORT (ALS).** Advanced prehospital and interfacility care and treatment including basic and intermediate life support, as prescribed by state regulation, which may be performed only by a person licensed as a Paramedic by the Primary Care and Emergency Medical Services Bureau of the Public Health Systems Division of the New Mexico Department of Health and operating under medical direction.

**AMBULANCE.** Any vehicle, including motor vehicles, watercraft, and aircraft, assigned, used, or intended to be used to transport sick or injured persons, and operated by an ambulance service certificated as such by the New Mexico Public Regulation Commission.

**AMBULANCE TRANSPORT PROVIDER.** Any appropriately certified and contracted person providing emergency transport of sick or injured persons by ambulance within the city.

**BASIC LIFE SUPPORT (BLS).** Prehospital and interfacility care and treatment, as prescribed by state regulation, which can be performed by all appropriately licensed Emergency Medical Technicians, as provided by state law.

**BOARD.** The Medical Control Board.

**BUREAU.** The Emergency Medical Services Bureau of the Community Health Systems Division of the New Mexico Department of Health.

**CHIEF.** The Chief of the Albuquerque Fire Department.

**CITY.** The City of Albuquerque as a governmental entity.

**city.** The City of Albuquerque as geographically defined.

**COMMISSION.** The County Commission of Bernalillo County, New Mexico.

**CONTRACTOR.** A provider or providers of emergency ambulance transport services who is appropriately certified and bound by contractual agreement to the City to engage in ambulance services.

**COUNCIL.** The governing body of the City of Albuquerque.

**DRIVER.** An individual who is qualified as an ambulance or rescue vehicle driver.

**EMERGENCY MEDICAL DISPATCHER.** A person who is trained and certified, pursuant to state law, to receive calls for emergency medical assistance, provide dispatch life support (DLS), pre-arrival medical instructions, dispatch emergency medical assistance, and coordinate its response.

**EMERGENCY MEDICAL SERVICES (EMS).** The services rendered by licensed Emergency Medical Technicians, certified Emergency Medical Services First Responders or Emergency Medical Dispatchers in response to an individual's need for immediate medical care in order to prevent loss of life or aggravation of physical or psychological illness or injury.

**EMERGENCY MEDICAL SERVICES SYSTEM (EMS SYSTEM).** A coordinated system of health care delivery that includes centralized access and emergency medical dispatch, trained first responders, medical-rescue services, ambulance services, hospital emergency departments, and specialty care hospitals that respond to the needs of the acutely sick and injured.

**EMERGENCY MEDICAL TECHNICIAN (EMT).** A health care provider, licensed as such by the Emergency Medical Services Bureau of the Community Health Systems Division of the New Mexico Department of Health.

**MAYOR.** The Chief Executive of the City of Albuquerque.

**MEDICAL CONTROL.** Supervision provided by or under the direction of physicians to providers by written protocol or direct communications.

**MEDICAL DIRECTION.** Guidance or supervision provided by a physician, licensed to practice in New Mexico and Board certified in emergency medicine with current experience in the practice of emergency medicine, including authority over and responsibility for emergency medical dispatch, direct patient care and transport of patients, arrangements for medical control, and all other aspects of patient care delivered by a provider.

**MEDICAL DIRECTOR.** A physician, licensed to practice in New Mexico and Board certified in emergency medicine with current experience in the practice of emergency medicine, who is responsible for all medical aspects of an EMS system dealing with the provision of patient care as defined in the New Mexico Department of Health Regulations Governing Emergency Medical Services Medical Direction. This includes the extension of his or her license to prehospital providers; the development, implementation, and evaluation of all medical aspects of an EMS system; and other functions specified in §§ 9-4-4-1 et seq.

**OPERATOR.** Any person, firm, corporation, or public agency who is the owner or proprietor of

EMS response vehicles.

*PATIENT.* An individual who is sick, injured, wounded, or otherwise incapacitated.

*PREHOSPITAL PROVIDER.* Any person who has the duty of caring for a sick, ill, or injured person, who is certified at the EMT-Basic level or higher and who is licensed by the State of New Mexico.

*PROTOCOL.* A predetermined, written medical care plan including standing orders.

*RESCUE SERVICE.* Any ALS and BLS service, municipal, county, or private, excluding law enforcement agencies that are not otherwise providing rescue, that is subject to being dispatched to the scene of an injury or illness to provide rescue and immediate emergency medical care.

*SUBSTANTIAL FINANCIAL INTEREST.* That at the present or in any year within the past two years, a person derived more than \$1,000 per year income from employment by, or business dealings with, one or more EMS operators within Bernalillo County or a contracting organization of such provider.

#### § 9-4-4-4 STATE REGULATION.

(A) It is recognized that certain state agencies, such as the New Mexico Public Regulation Commission and the State EMS Bureau, regulate certain ambulance services and prehospital providers in the community.

(B) It is also recognized that certificates, permits, and/or licenses issued by those state agencies can be suspended and/or revoked only by those state agencies.

(C) It is also recognized that the establishment of rates for ambulance services, certificated by the New Mexico Public Regulation Commission, is solely within the purview of the New Mexico Public Regulation Commission.

(D) It is also recognized that the State EMS Bureau regulates EMS Medical Direction for prehospital providers in the community.

(E) It is intended that any regulations promulgated pursuant to §§ 9-4-4-1 et seq. are in addition to those standards promulgated by the state agencies as the standards for ambulance services and prehospital providers. The standards promulgated by the state agencies are minimum standards which may not be sufficient for the requisite standard of care in the city.

(F) It is intended that the city may enter into joint powers agreements and other arrangements with governmental entities as may be necessary to carry out the purposes of §§ 9-4-4-1 et seq.

#### § 9-4-4-5 MEDICAL DIRECTOR of the AHJ.

- (A) Shall maintain medical direction pursuant to the regulations of the Primary Care and EMS Bureau of the New Mexico Department of Health, or as otherwise provided by state law.
- (B) The functions of the Medical Director of the AHJ include but are not limited to the following:
- (1) Managing the day-to-day activities of the EMS system pursuant to protocols written by the Medical Control Board (hereinafter "Board").
  - (2) Acting to restrict all or part of an individual's patient care activities in accordance with existing state regulations.
  - (3) Liaison with, oversee, and coordinate the activities of the EMS providers.
  - (4) Taking direction from and being responsible to the Board concerning matters related to patient care and the delivery of medical services.
  - (5) Acting as a member and chairperson of the Board.
  - (6) Provides Board report to the Providers Advisory Committee.
  - (7) Acting as a liaison with physicians, nurses, other health care professionals, and the public at large.
  - (8) Auditing and overseeing medical issues as they pertain to training, quality improvement, and service delivery.
  - (9) Performing other duties as designated by the Fire Chief or his designee.
  - (10) Acting as a liaison between the EMS system and local community, medical facilities, and regional/state medical directors.
  - (11) Providing educational opportunities when appropriate.

The Medical Director of the AHJ shall be an independent contractor and shall comply with the City purchasing ordinance.

#### § 9-4-4-6 MEDICAL CONTROL BOARD.

(A) *Membership and Terms.* The members shall consist of licensed physicians engaged in the practice of emergency medicine. The membership of the Board shall consist of one emergency department physician or his designee from each hospital organization operating a full service, 24-hour emergency department in the city. The Board shall meet no less than once every two months as determined by its membership. Members other than the Medical Director of the AHJ shall have staggered terms, the term of appointment shall be for two years, and there shall be no limit on consecutive terms. The Medical Director of the AHJ shall serve as a member and chairperson of the Board without term of appointment.

(B) *Functions.* The Board shall be responsible for all aspects of medical control related to patient care and the delivery of medical services. The Board shall meet at the call of its Chairperson. The Board shall address the following matters but not be limited to these topics:

- (1) Medical control over the delivery of EMS and ambulance services including the medical control communication system.
- (2) The effectiveness of the EMS dispatch communication system.
- (3) Medical protocols (which are the responsibility of all Board members) to serve as the required standard of care as required by state regulation.

(C) *Medical Audits.* The Board shall perform medical audits with regard to the provision of EMS when requested by the Medical Director of the AHJ.

#### § 9-4-4-7 PROVIDERS ADVISORY COMMITTEE.

The Mayor shall appoint a Providers Advisory Committee. The Mayor shall appoint one Emergency Medical Technician (EMT) to the Committee from each EMS operator within Bernalillo County. The Mayor shall appoint one additional EMT from the Bernalillo County Fire Department, and one additional EMT from the Albuquerque Fire Department that will serve as the Chair. The Mayor shall appoint one EMT employed by the City Fire Department and one EMT employed by providers of ambulance services. The Providers Advisory Committee shall assist the Board in the performance of their duties through advice and consultation. The Committee shall meet at the call of its chairperson. Initial members shall have staggered terms and, thereafter, the term of appointment shall be for two years, and there shall be no limit on consecutive terms.

#### § 9-4-4-8 911 SYSTEM.

The 911 System shall be the focal point for:

- (A) Receipt of all requests for assistance for and emergency transport of sick and injured persons.
- (B) Dispatch of all responses to requests for assistance and emergency transport of sick and injured persons.

#### § 9-4-4-9 PROCEDURES FOR BEING INCLUDED IN THE 911 SYSTEM.

(A) The Mayor shall enter into at least one contractual agreement with an operator to provide emergency transport ambulance services in the city pursuant to the 911 system. The application and request for proposal for such contracts shall be subject to the City purchasing regulations.

- (B) There shall be at least one contract awarded to provide emergency transport

ambulance services.

#### § 9-4-4-10 PROCEDURES FOR RESPONSES TO REQUESTS FOR EMERGENCY TRANSPORT.

(A) The City through coordinated dispatch shall:

- (1) Receive, evaluate, and categorize all requests for emergency transport of sick and injured persons within the community.
- (2) Dispatch appropriate Fire Department response.
- (3) Notify ambulance operator as to location and nature of call pursuant to written protocols prepared by the Medical Control Board.
- (4) Take control of patient and scene and provide for patient care until care is transferred to a contracted emergency transport ambulance service.
- (5) Continue patient care during transport when appropriate or upon the request of a contractor.
- (6) Transport patients when medically necessary or when a contracted ambulance service is either delayed or unavailable.

(B) The ambulance transport providers shall respond to any request for emergency transport of sick or injured persons which has been referred to the ambulance provider by the City, pursuant to contract with the City.

#### § 9-4-4-11 JUDICIAL REVIEW.

All actions for judicial review must be filed within 30 days of receipt of notice of the determination in the Second Judicial District Court in Bernalillo County. All determinations made by the Mayor shall be sustained unless arbitrary, capricious, contrary to law, clearly erroneous, or not based upon substantial evidence.

#### § 9-4-4-99 PENALTY.

Any person who violates § 9-4-4-5(C)(5) shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances. Every violation shall be a separate misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the



ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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