

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 10-2 (*EMERGENCY MEDICAL SERVICES*) TO AMEND DEFINITIONS; PROVIDE EMERGENCY MEDICAL SERVICES AUTHORITY ON EMERGENCY SCENES; REQUIRE REIMBURSEMENT BY NON-EMERGENCY MEDICAL TRANSFER PROVIDERS IN SOME CIRCUMSTANCES; ENACT REGULATIONS FOR PRIVATE MEDICAL SERVICE OPERATORS AT EVENTS; AUTHORIZE RELATED FEES; AND CREATING AN OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 10-2-1 (*Definitions*) is amended to read:

§ 10-2-1 DEFINITIONS.

In this chapter:

- (1) **ADVANCED LIFE SUPPORT (ALS)** means emergency prehospital care using invasive medical acts. An emergency medical technician-paramedic, licensed paramedic, or advanced emergency medical technician may provide this level of care under the control of a licensed physician and may also provide basic life support care.
- (2) **AMBULANCE** means any motor vehicle or aircraft used, designed, redesigned or constructed, and equipped for the transportation of sick or injured persons.
- (3) **BASIC LIFE SUPPORT (BLS)** means emergency prehospital care using noninvasive medical acts. An emergency care attendant or emergency medical technician may provide this level of care. The provision of this level of care may be under the medical supervision and control of a licensed physician.
- (4) **CHIEF** means the chief of the Austin-Travis County Emergency Medical Services Department.
- (5) **DEPARTMENT** means the Austin-Travis County Emergency Medical Services Department.
- (6) **EMERGENCY MEDICAL SERVICES VEHICLE** means the type of vehicle defined by section 773.003 of the Texas Health and Safety Code and licensed under an emergency medical provider license issued by the Texas Department of State Health Services.

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- (7) EMERGENCY CALL means any request for ~~[an]~~ emergency medical ~~[ambulance]~~ services.
- (8) EMERGENCY MEDICAL SERVICES PERSONNEL means all personnel who are certified by the Texas Department of State Health Services and credentialed by the department medical director in a classification listed in section 773.003(10) of the Texas Health and Safety Code ~~[in one of the following classifications:~~
- (a) ~~Emergency care attendant (ECA).~~
- (b) ~~Emergency medical care technician (EMT).~~
- (c) ~~Emergency medical technician — intermediate (EMT-I).~~
- (d) ~~Emergency medical technician — paramedic (EMT-P)].~~
- (9) EMERGENCY MEDICAL TRANSPORT means the immediate transportation of a patient in an ambulance requiring any or all of the following: monitoring of EKG; administration of intravenous fluids or medications; and ventilation maintenance of the patient's airway.
- (10) EMERGENCY MEDICAL TRANSPORT REQUEST means a request made by a physician directly or through a registered nurse for an emergency medical transport.
- (11) EVENT MEDICAL OPERATOR means an organization, person, or business providing event medical services and holding a valid event medical services permit.
- (12) EVENT MEDICAL SERVICES means the organized provision of medical care at a planned gathering of persons.
- (13~~[4]~~) MEDICAL FACILITY means any building or place of business established for the purpose of examination and/or treatment by a licensed physician of individuals who are sick or injured.
- (14~~[2]~~) MEDICAL TRANSFER SERVICE means a response made by a medical transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

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(15[3]) MEDICAL TRANSFER VEHICLE means any motor vehicle, staffed and equipped for the purpose of transporting patients under circumstances which do not constitute an emergency.

(16[4]) NEONATAL TRANSFER means any transfer to and/or from a medical facility of a high risk newborn infant (premature or term) requiring specialized care.

(17[5]) PEDIATRIC INTENSIVE CARE TRANSFER means any emergency transfer to and/or from a medical facility of a pediatric patient requiring intensive medical care that is provided by specially trained staff in the service of the receiving or transferring hospital. This specially trained staff shall include a physician and/or a pediatric intensive care nurse and/or a respiratory therapist.

(18[6]) PROVIDER means an organization or business providing medical transfer services and holding a valid medical transfer services franchise.

(19[7]) TRANSFER CALL means any request for a medical transfer vehicle that is represented as not constituting an emergency.

(20[18]) WHEELCHAIR TRANSFER VEHICLE means a motor vehicle equipped to transport patients who can be safely transported by wheelchair under circumstances that do not constitute an emergency.

(21[19]) WHEELCHAIR TRANSPORT means a transfer of a patient whose medical needs do not require transport by stretcher and who can be transported by wheelchair with supervision.

PART 2. City Code Chapter 10-2, Article 1 (*General Provisions*) is amended to add new Sections 10-2-2, 10-2-3, and 10-2-4 to read:

§ 10-2-2 ADMINISTRATION.

(A) The chief may administer and enforce this chapter. As applicable, the chief shall set standards for franchise and permit holders concerning personnel, equipment, performance, and transport protocols.

(B) The chief may adopt rules under Chapter 1-2 (*Adoption of Rules*) to administer, implement, and enforce this chapter. The rules must be reasonably designed to promote public health and safety.

§ 10-2-3 COMPLIANCE REQUIRED.

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(A) A person commits an offense if the person:

(1) performs an act prohibited by this chapter;

(2) fails to perform an act required by this chapter; or

(3) violates a rule adopted under this chapter.

(B) A violation of this chapter is a Class C misdemeanor punishable as provided in Section 1-1-99 (*Offenses; General Penalty*).

(C) Proof of a culpable mental state is not required for the prosecution of a violation of this chapter.

(D) An exception to an offense under this chapter may be used as an affirmative defense.

§ 10-2-4 FEE SCHEDULE.

The council shall establish the fees required or authorized under this chapter by separate ordinance.

PART 3. City Code Section 10-2-25 (*Purpose, Fees and Enforcement*) is amended to read:

§ 10-2-25 PURPOSE[, FEES AND ENFORCEMENT].

~~[(A)]~~ The department shall provide continuous, uninterrupted emergency service, including advanced life support services, within the City. The EMS Communications Center is designated by the chief to handle calls for emergency medical services, and shall be available by telephone at all hours.

~~[(B)]~~ The council shall establish fees for emergency services by separate ordinance.

~~[(C)]~~ The chief shall enforce the provisions of this chapter and any other applicable rules or regulations. The chief shall set standards for franchise holders concerning personnel, equipment, performance, and transport protocols.]

PART 4. City Code Section 10-2-26 (*Private Service*) is amended to read:

§ 10-2-26 PRIVATE SERVICE.

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- 120 (A) Except as provided in this section [F]it shall be unlawful for any person,
121 including a provider, other than an employee of the department officially on
122 duty, or an agency of the United States or the State of Texas, to furnish,
123 operate, conduct, maintain, advertise for, or otherwise be engaged in the
124 operation of an emergency ambulance, the providing of emergency medical
125 transport, or the providing of emergency medical services in the City;
126 provided, however, that this prohibition does not apply to the operation of an
127 air ambulance that is regulated and certified by the U.S. Federal Aviation
128 Administration and [that] is operating in compliance with state licensing
129 requirements. [~~A provider shall place its equipment and personnel at the~~
130 ~~disposal of the city manager in the event of a public calamity or major~~
131 ~~disaster.~~]
- 132 (B) A medical transfer service franchise shall be subject to revocation if the holder
133 of the franchise or any company, service or corporation that the holder is
134 affiliated or in partnership with is providing emergency medical services in
135 areas outside the City when not requested by the department and where the
136 City is under separate contract to provide such service. If a provider receives
137 an emergency call from any source to respond either in the City or those areas
138 under contract with the City, it shall immediately notify the EMS
139 Communications Center and shall not respond unless requested to do so by the
140 department.
- 141 (C) The chief may request mutual aid or assistance from a franchise holder to assist
142 with transport services, stand-by services, or other services if:
- 143 (1) resource requests or community needs exceed or are projected to exceed
144 the available resources of the department; or
- 145 (2) the chief determines that available department resources would be better
146 utilized to provide emergency medical services in another capacity.
- 147 (D) Nothing herein shall prevent the department from requesting mutual aid or
148 entering into a mutual aid or automatic aid agreement with another entity that
149 provides emergency medical services in another jurisdiction, regardless of
150 whether the entity is a franchise holder. These entities may only operate within
151 the City when requested by the department.

152 **PART 5.** City Code Chapter 10-2, Article 2 (*Emergency Medical Services*) is amended to
153 add a new Section 10-2-27 to read:

§ 10-2-27 AUTHORITY AT EMERGENCIES.

- (A) The chief or officer of the department in charge at a scene of an emergency involving the provision of emergency medical services may, in collaboration with other on-scene public safety agencies, direct such operation as necessary to ensure the safety, security, and wellbeing of the patient, public, or emergency responders, perform any rescue operation within the scope of the department's capabilities, provide patient care, investigate and protect from the existence of suspected hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the chief may prohibit any person, vehicle, vessel or thing from approaching the scene, and may remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the department and, in the judgment of the chief, any person not actually and usefully employed in the performance of department duties.
- (B) The chief or officer of the department in charge at the scene of an emergency involving the provision of emergency medical services may place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the department to provide patient care, manage and control the emergency scene, and handle emergency apparatuses.
- (C) A person may not obstruct the operations of the department in connection with the provision of patient care, management and control of an emergency scene, or actions relative to other emergencies, or disobey any lawful command of the chief or officer of the department in charge of the emergency, or any part thereof, or any lawful order of a peace officer or fire fighter assisting the department.
- (D) The chief or designee may order the evacuation, operation, or cessation of use of any premises, structure, building system, or vehicle that poses an imminent danger to human life, safety, or health as a result of flooding or other dangerous condition. The order may persist only until the imminent danger is abated.

PART 6. City Code Section 10-2-40 (*Transfer Operation*) is amended to amend Subsections (C) and (E), and to add a new Subsection (J) to read:

- (C) A provider must respond to any unscheduled request for transfer service within ~~[one hour]~~ a time frame prescribed by rule at any time of the day, any day of

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the week ~~[from the time of the request, or]~~. For scheduled requests, a provider must respond within fifteen minutes of [a] the scheduled pickup time unless otherwise agreed upon in writing by the franchise holder and medical facility, nursing home, or residence. [At no time shall a provider establish a contract with any customer for response times longer than the stated expectations above.] Failure by a provider to comply with the response times described in this subsection on more than ten percent of its unscheduled and scheduled transfers within a twelve month period may result in termination by the department of the franchise.

(E) Unless otherwise specified in a transport protocol approved by the chief, if during a transfer within the franchise service area, the patient's condition worsens or the patient suffers an acute condition, the provider will immediately transport the patient to the closest emergency room for treatment or may contact EMS Communications Center to coordinate a rendezvous point for assistance. The transfer provider will provide the ~~[chief]~~ department in writing ~~[with]~~ the specifics of the transport not later than 72 hours after the event.

(J) A provider shall place its equipment and personnel at the disposal of the department in the event of a public calamity, major disaster, or other situations agreed upon by the franchise holder and department.

PART 7. City Code Section 10-2-42 (*Refusal to Give Services*) is amended to read:

(A) A provider or an employee may not refuse to transport a patient requesting transfer service. In the event a provider is unable to respond to a request for transfer ~~[within the time parameters required by]~~ in accordance with section 10-2-40(C), the provider may refer the call to another provider. If the provider is unable to secure transportation with another provider, and the patient's condition requires time sensitive transportation, the provider may refer the call to the department via [911 but may not refer the call to another provider] a method set by the department. The department will either respond to the request or refer the call to another approved provider. The referring provider shall be required to report the referral to the chief no later than 72 hours from the time of the request.

(B) If the department responds to a referral from a provider, a medical facility, a nursing home, or a residence with which the provider has a transportation contract, and the department determines that the patient did not require an emergency response by emergency medical services personnel, or the

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department determines that a delayed response by the provider resulted in an emergency response by the department, the provider shall be responsible for the balance of any ambulance transport fees not reimbursed by another source.

PART 8. Subsection (A) of City Code Section 10-2-82 (*Vehicles*) is amended to read:

(A) Each vehicle to be used as a medical transfer vehicle shall comply with the following requirements and such other requirements or modifications as may be established by the department:

~~[(1) Transfer vehicles, including wheelchair transfer vehicles, shall be utilized no more than 250,000 miles if powered by a diesel engine nor more than 200,000 miles if powered by a gasoline engine. The vehicle chassis shall not be utilized more than six years from the year of manufacture.]~~

~~(2) Transfer vehicles, including wheelchair transfer vehicles, shall be equipped with tires in sound condition which have been specially designed for heavy duty service with at least 30 percent of the original tread remaining.]~~

~~[(3)]~~ 1) Transfer vehicles, including wheelchair transfer vehicles, shall comply at all times with the Texas Transportation Code.

~~[(4)]~~ 2) Each medical transfer vehicle, including each wheelchair transfer vehicle, shall be marked distinctly with the name of the company providing transfer service. Vehicles may not display the words “ambulance,” “Emergency Medical Services,” “911,” “emergency,” “EMS,” or the EMS “Star of Life” logo. A provider shall only mark a medical transfer vehicle with the name or logo or another service, a hospital facility, or organization if the provider has a contract with a hospital facility or organization to mark one or more medical transfer vehicles with the name or logo of that hospital facility or organization.

~~[(5)]~~ 3) Each vehicle to be used as a medical transfer vehicle shall be equipped as required by 25 Texas Administrative Code, § 157.11.

(4) Each medical transfer vehicle shall have access to communications equipment capable of radio interoperability with the department’s radio system. The equipment and capabilities are required to be approved by the department.

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- (5) Each medical transfer vehicle shall have GPS enabled equipment and provide real-time access to the department while the medical transfer vehicle is in service.

PART 9. Subsection (D) of City Code Section 10-2-83 (*Personnel*) is amended to read:

- (D) EMTs disciplined or failing, as determined by the Texas Department of State Health Services, to meet medical performance standards, shall not continue to render transfer services as B-EMTs.

PART 10. City Code Section 10-2-99 (*Minimum Penalty*) is repealed.

PART 11. City Code Chapter 10-2 is amended to add a new Article 4 (*Event Medical Services*) to read:

ARTICLE 4 – EVENT MEDICAL SERVICES

Division 1. General Provisions

§ 10-2-110 EVENT MEDICAL OPERATION.

- (A) An event medical operator shall have available at its own expense, and staff at all times when providing services, a telephone for emergency communications with the department.
- (B) If, as a result of insufficient resources availability, an event medical operator is unable to provide sufficient event medical services, the event medical operator must notify the department at least one week prior to the event, or if such notice is impossible, must notify the department immediately. The event medical operator shall reimburse the department for any costs incurred to ensure adequate coverage for the event at the rates set by council by separate ordinance.
- (C) If, during an event, a patient suffers an acute condition, the event medical operator will immediately notify the department via a method determined by the chief. The event medical operator will transfer care to the department upon arrival of department resources but, if requested by the department, must assist in the care of the patient under the direction of the department. On a form and in a manner prescribed by the chief, the event medical operator will provide the department in writing with the specifics of any patient care provided during the event not later than 72 hours after the event.

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- (D) If, during an event, the call volume exceeds the capacity of the event medical operator, or where it can be reasonably expected that the call volume will exceed the capacity of the event medical operator, the event medical operator will immediately notify the department via a method determined by the chief. The event medical operator will transfer control of its responsibilities at the event to the department upon arrival of department resources but, if requested by the department, must assist in the care of the patient under the direction of the department. The event medical operator shall reimburse the department for any costs incurred to ensure adequate coverage for the event at the rates set by council by separate ordinance.
- (E) The chief or an officer of the department may, at their discretion, assume control of an event's medical services at any time to ensure public safety.
- (F) An event medical operator shall not discourage or prohibit any person from calling 911 or requesting emergency medical service.
- (G) All event medical operators must maintain a current written affiliation agreement with the department in accordance with 25 Texas Administrative Code, § 157.14(c)(1)(E).
- (H) An event medical operator shall not advertise its services as "Emergency Medical Services," "EMS," or in any other way that may be construed to imply affiliation or endorsement by the department, including using the EMS "Star of Life" logo. In advertising its services, an event medical operator may use the terms "First Aid" and "Medical," and the red or green cross.
- (I) Event medical operators shall comply with all applicable state laws related to the provision of medical services. An event medical operator that violates a state law related to the provision of medical services commits an offense under this chapter.

Division 2. EVENT MEDICAL SERVICES PERMIT.**§ 10-2-115 PERMIT REQUIRED; APPLICATION.**

- (A) A person, or the person's agent or employee, shall not provide event medical services within the city without an event medical services permit.
- (B) To obtain an event medical services permit, a person must make written application to the chief on a form provided for that purpose.

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(C) To obtain an event medical services permit, a person must submit evidence to the chief that the applicant is covered by:

(1) a general liability insurance policy on a broad form with:

(a) a combined single limit for bodily injury and property damage for each occurrence of at least \$1,000,000;

(b) an aggregate limit for all occurrences for each policy year of at least \$1,000,000;

(c) a provision obligating the insurer to provide the chief with written notice cancellation with ten days of such cancellation; and

(d) an endorsement naming the City as an additional insured.

(2) an automobile liability insurance policy with:

(a) coverage for the person, all passengers, and the person's employees for vehicles, owned, hired, or otherwise used in the applicant's business;

(b) a combined single limit for each occurrence of at least \$500,000;

(c) a provision obligating the insurer to provide the chief with written notice cancellation with ten days of such cancellation; and

(d) an endorsement naming the City as an additional insured.

(D) The application for an event medical services permit must be completed and signed by any person who will own, control, or operate the proposed event medical operation.

(E) An application for an event medical service permit must include all information required by rule adopted under this chapter.

(F) An event medical services permit applicant must submit the prescribed non-refundable fee with the application.

§ 10-2-116 PERMIT ISSUANCE; DISPLAY; TRANSFERABILITY.

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- (A) The chief shall issue an event medical services permit to an applicant who complies with the provisions of this article and the applicable rules established by the chief.
- (B) A permit issued to an event medical operator authorizes the permittee and any bona fide employee to engage in event medical services.
- (C) An event medical services permit issued pursuant to this article must be conspicuously displayed in the event medical operator's establishment.
- (D) An event medical services permit, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

§ 10-2-117 PERMIT TERM AND RENEWAL.

- (A) Unless revoked or suspended, an event medical services permit expires two years after the date of issuance.
- (B) To renew the permit, an event medical services operator must complete a new application and pay the prescribed non-refundable fee for a permit.

§ 10-2-118 DUPLICATE PERMIT.

- (A) An event medical services operator may obtain a duplicate event medical services permit to replace a lost or destroyed permit.
- (B) The permittee must pay the required replacement fee.

§ 10-2-119 APPLICATION AFTER REVOCATION OR DENIAL.

If the chief revokes an event medical services permit, or if the chief denies a person's application for an event medical services permit, that person may not reapply for a license for six months after the date of revocation or denial.

Division 3. EVENT MEDICAL OPERATOR REGULATIONS.**§ 10-2-130 GENERAL STANDARDS AND REQUIREMENTS.**

- (A) The chief may adopt by rule standards and requirements for performance, personnel, vehicles, vehicle maintenance, equipment, and medical protocols for event medical operators.

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- (B) Event medical operators working at events designated as Tier 3 or Tier 4 by Section 4-20-21 shall have communications equipment capable of radio interoperability with the department's radio system. The equipment and capabilities are required to be approved by the department. These may be provided by the department, but the department may set a fee for rental of such equipment.
- (C) An event medical operator shall furnish at its own expense all vehicles and necessary equipment which meet the minimum standards of the department in addition to those standards set by all City, county, state, and federal regulations.

§ 10-2-131 VEHICLES.

- (A) This section applies to any transportation utilized by an event medical operator for medical personnel or equipment at or to and from the event, including, motorized vehicles, trailers, off-road or all-terrain vehicles, golf carts, bicycles, micro-mobility devices, or any other device or vehicle which would serve a similar function.
- (B) Any vehicle used by an event medical operator for medical response or for transportation of equipment or personnel shall comply with the following requirements and such other requirements or modifications as may be established by the department:
- (1) vehicles shall comply at all times with the Texas Transportation Code;
 - (2) vehicles used for transportation of non-ambulatory patients must be purpose built for that function and have the capacity to properly secure the patient in the vehicle;
 - (3) each vehicle shall be marked distinctly with the name of the event medical operator providing event medical services. Vehicles may not display the words "ambulance," "Emergency Medical Services," "EMS," or the EMS "Star of Life" logo. An event medical operator shall mark a vehicle only with the name or logo of a hospital facility, or organization if the event medical operator has a contract with a hospital facility or organization to mark one or more vehicles with the name or logo of that hospital facility or organization; and

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(4) an event medical operator must have a preventive maintenance program and records for any vehicle involved in emergency response. The maintenance program shall be based on recommended manufacturer service and inspection intervals.

(C) Unless responding to an emergency within the event space, an event medical operator may not use sirens or emergency lights on a vehicle used at an event without department approval.

§ 10-2-132 PERSONNEL.

(A) No event medical operator personnel shall wear uniforms or clothing that would imply affiliation with the department and must prominently display the name of the event medical operator.

(1) Use of the terms “Emergency Medical Services,” “EMS,” or the EMS “Star of Life” logo, on event medical operator uniforms or clothing is prohibited.

(2) Nothing shall preclude certified or licensed personnel from wearing a Texas Department of State Health Services patch designating their level of certification or licensure on their clothing or uniform.

(3) All personnel of the event medical operator must carry and display identification including their name and the name of the event medical operator.

(B) An event medical operator shall maintain a current personnel file at its local administrative office for each employee. All medical personnel employed by the operator shall be state certified.

(C) The chief or designee may visit an event staffed by a medical event operator at any time for the purposes of evaluating the performance of the event medical operator.

(D) Medical personnel disciplined or failing, as determined by the Texas Department of State Health Services, to meet medical performance standards, shall not continue to render event medical services for an event medical operator.

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PART 12. This ordinance takes effect on September 1, 2026

PASSED AND APPROVED

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_____, 2026

Kirk Watson
Mayor

APPROVED: _____

Deborah Thomas
City Attorney

ATTEST: _____

Erika Brady
City Clerk