

ORDINANCE NO.2021-08 XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 18, "AMBULANCES" BY AMENDING SECTION 18-1, "DEFINITIONS," IN PART, BY ADDING A DEFINITION FOR "COMMUNITY HEALTHCARE PROGRAM," BY AMENDING SECTION 18-2, "GENERAL DUTY OF FIRE DEPARTMENT," BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 18-2, ALSO ENTITLED "GENERAL DUTY OF FIRE DEPARTMENT," AUTHORIZING A COMMUNITY HEALTHCARE PROGRAM, BY AMENDING SECTION 18-3, "FEES CHARGED FOR SERVICES," BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 18-3, ALSO ENTITLED "FEES CHARGED FOR SERVICES," THAT ALLOWS A FEE TO BE CHARGED FOR CERTAIN SERVICES UNDER THE COMMUNITY HEALTHCARE PROGRAM; THROUGH THE AMENDMENT OF APPENDIX A, "SCHEDULE OF FEES," BY AMENDING CHAPTER 18, "AMBULANCES," BY DELETING SECTION 18-28, "AMOUNTS OF CHARGES," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 18-28, ALSO ENTITLED "AMOUNTS OF CHARGES," THAT ADDS FEES FOR CERTAIN SERVICES UNDER THE COMMUNITY HEALTHCARE PROGRAM; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), possesses, pursuant to Chapter 311 of the Texas Transportation Code, as amended, the exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, the City Council has determined that the City Fire Department shall be the sole provider of the emergency ambulance services within the City; and

WHEREAS, the City Council has determined that the City Fire Department may provide nonemergency ambulance services and community outreach services including a community healthcare program within the City, if the Fire Department has sufficient resources to provide such service, but that the Fire Department is under no obligation to provide such nonemergency ambulance services or community healthcare program; and

WHEREAS, the City Council has determined that private entities may provide nonemergency ambulance services and community healthcare programs without a permit issued by the City; and

WHEREAS, the City Council has determined that it is in the best interest of the health and welfare of the citizens of the City of McKinney to revise the ordinances of the City to reflect these determinations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. FINDINGS

All of the above premises are hereby found to be true and correct and are approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDING SECTION 18-1 "DEFINITIONS"

From and after the effective date of this Ordinance, Chapter 18, entitled "Ambulances," of the Code of Ordinances, City of McKinney, Texas (the "McKinney Code") is hereby amended through the amendment of Article I, "In General," by amending Section 18-1, "Definitions," in part, to add a definition for "Community Healthcare Program" in alphabetical order to read as follows:

"Community Healthcare Program" or "CHP" means a discretionary nonemergency outreach program adopted and operated by the Fire Department when time and workload allows that is designed to better serve the needs of McKinney residents who rely heavily on the City's Emergency Medical System ("EMS") for routine medical services by and through the City's Advanced Practice Paramedics ("APPs") working with a resident's healthcare providers to encourage residents toward healthcare options that may be more appropriate than the emergency room. CHP helps provide ongoing personal care for certain qualified residents that is intended to:

- (a) Improve patient outcomes;
- (b) Reduce costs to residents; and
- (c) Decrease reliance on emergency services.

The Community Healthcare Program shall not interfere with and shall be secondary to the Fire Department's primary mission of responding to emergency calls."

Section 3. AMENDING SECTION 18-2 "GENERAL DUTY OF FIRE DEPARTMENT"

From and after the effective date of this Ordinance, Chapter 18, entitled "Ambulances," of the McKinney Code is hereby amended through the amendment of Article I, "In General," by amending Section 18-2, "General Duty of Fire Department," to read as follows:

"Section 18-2. - General Duty of Fire Department.

The Fire Department shall provide all emergency ambulance service within the corporate limits of the City. The City Fire Department may provide nonemergency transfer ambulance service and a Community Healthcare Program."

Section 4. AMENDING SECTION 18-3 "FEES CHARGED FOR SERVICES"

From and after the effective date of this Ordinance, Chapter 18, entitled "Ambulances," of the McKinney Code is hereby amended through the amendment of Article I, "In General," by amending Section 18-3, "Fees Charged for Service," to read as follows:

“Section 18-3. - Fees Charged for Service.

- (a) The fees charged by the City ambulance service shall be as set forth in Section 18-28.
- (b) The City does not regulate fees for nonemergency ambulance service or community healthcare programs not provided by the Fire Department. The City does not accept any responsibility for service or payments arising from nonemergency transfer ambulance service or the Community Healthcare Program. The City may, however, charge a fee to a healthcare program that requests the Fire Department to provide Community Healthcare Program outreach services to its patients, clients, or customers.”

Section 5. AMENDING APPENDIX A, “SCHEDULE OF FEES”

From and after the effective date of this Ordinance, Appendix A, “Schedule of Fees,” of the McKinney Code is hereby amended through the amendment of Appendix A, “Schedule of Fees,” by amending Chapter 18, “Ambulances,” by deleting Section 18-28, “Amounts of Charges,” in its entirety and replacing it with a new Section 18-28, also entitled “Amounts Of Charges,” to read as follows:

“Section 18-28. Amounts of Charges.

- (a) Ambulance Service Charges - Patient charges:
 - (1) a. BLS (basic life support) emergency:
 - (i) Resident 550.00
 - (ii) Nonresident 625.00
 - b. ALS1 (advanced life support - level 1) emergency
 - (i) Resident 650.00
 - (ii) Nonresident 725.00
 - c. ALS2 (advanced life support – level 2) emergency
 - (i) Resident 750.00
 - (ii) Nonresident 825.00
- (2) Cost per loaded mile 15.00
- (3) Extra attendant (CPR) 35.00
- (4) Oxygen 60.00
- (5) Treatment with no ambulance transport:
 - a. Resident:
 - (i) Treated with IV therapy/drugs 100.00
 - (ii) BLS treatment without IV therapy/drugs 75.00

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|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| b. | Nonresident: | |
| (i) | Treated with IV therapy/drugs | 150.00 |
| (ii) | BLS treatment without IV therapy/drugs | 100.00 |
| (6) | Such costs as charged for medical supplies (fees set to cover city's cost) and drugs (at two times the city's cost) not covered by the receiving hospital/facility. | |
| a. | Routine ALS supplies | 100.00 |
| b. | Routine BLS supplies | 50.00 |
| (b) | Payment for services provided at the request of a health care provider or insurer pursuant to the City Fire Department for the administrative and logistics cost of the Community Health Program shall be as follows: | |
| (1) | Home Safety Evaluation | 150.00 |
| (2) | Enrollment Patient Monthly Care | 500.00 |
| (3) | Post Hospital Discharge Visit | 200.00" |

Section 6. REPEALER CLAUSE

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 7. SEVERABILITY CLAUSE

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8. RESERVATION OF RIGHTS

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any Ordinances which 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 9. IMMUNITY

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might

accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 10. INJUNCTIONS

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of McKinney in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the of the McKinney Code.

Section 11. PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the penalty provisions set forth in Chapter 18 of the McKinney Code; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 12. PUBLICATION OF THE CAPTION

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 13. EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 17th DAY OF August, 2021.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney