

O-2017-001

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: Richard J. Berry, Mayor**

**FROM: Jon K. Zaman, Director of Council Services**

*Jon 2/17/17*

**SUBJECT: Transmittal of Legislation**

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Transmitted herewith is Bill No. O-17-31 Amending The Health, Safety, And Sanitation Ordinance (Jones, by request), which was passed at the Council meeting of February 6, 2017, by a vote of 8 FOR AND 0 AGAINST.

**Excused: Harris**

**In accordance with the provisions of the City Charter, your action is respectfully requested.**

JKZ:dm  
Attachment  
2/9/2017

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RECEIVED  
ALBUQUERQUE CITY CLERK

**CITY of ALBUQUERQUE  
TWENTY SECOND COUNCIL**

COUNCIL BILL NO. O-17-31 ENACTMENT NO. O-2017-001

SPONSORED BY: Trudy Jones, by request

**ORDINANCE**

**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.**

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1 (6) In order to provide satisfactory emergency transport of sick and  
2 injured persons within the City, it is necessary to establish a procedure for  
3 ambulance transport service under contract with the City.

4 (7) The provisions of this Ordinance and any regulations promulgated  
5 pursuant to this Ordinance are in addition to those standards and/or  
6 requirements promulgated by the state agencies as the standards and/or  
7 requirements for ambulance services and prehospital providers, which as  
8 minimum standards may not be sufficient for the requisite standard of care  
9 in the city.

10 (8) The EMS system should ultimately be a regional system to include  
11 the City, County, and other governmental entities located within the county.

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

13 (1) To serve the community through the promotion of clinical  
14 excellence, reliable response time performance, long range stability of service,  
15 and cost containment of the EMS system within the city; and

16 (2) To protect the public safety and health through prehospital  
17 emergency care and to ensure consistency of ambulance transport services  
18 within the city; and

19 (3) To establish reasonable rates for cost recovery in dispatching  
20 functions, consumable medical supplies, and staff time of personnel assisting  
21 the contractor(s) in the performance of transport duties through contractual  
22 agreements with the City.

23 **§ 9-4-4-3 DEFINITIONS.**

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

27 **911 EMERGENCY SYSTEM.** A publicly supported and funded system for  
28 delivering EMS, public fire protection, and law enforcement.

29 **ADVANCED LIFE SUPPORT (ALS).** Advanced prehospital and interfacility  
30 care and treatment including basic and intermediate life support, as  
31 prescribed by state regulation, which may be performed only by a person  
32 licensed as a Paramedic by the Primary Care and Emergency Medical Services

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1 Bureau of the Public Health Systems Division of the New Mexico Department  
2 of Health and operating under medical direction.

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

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

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

14 **BOARD.** The Medical Control Board.

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

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

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

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

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

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

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

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

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

32 **EMERGENCY MEDICAL SERVICES (EMS).** The services rendered by  
33 licensed Emergency Medical Technicians, certified Emergency Medical

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1 Services First Responders or Emergency Medical Dispatchers in response to  
2 an individual's need for immediate medical care in order to prevent loss of life  
3 or aggravation of physical or psychological illness or injury.

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

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

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

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

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

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

30 **OPERATOR.** Any person, firm, corporation, or public agency who is the  
31 owner or proprietor of EMS response vehicles.

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

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

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

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

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

14       **§ 9-4-4-4 STATE REGULATION.**

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

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

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

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

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

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

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1 § 9-4-4-5 MEDICAL DIRECTOR of the AHJ.

2 (A) Shall maintain medical direction pursuant to the regulations of the  
3 Primary Care and EMS Bureau of the New Mexico Department of Health, or as  
4 otherwise provided by state law.

5 (B) The functions of the Medical Director of the AHJ include but are not  
6 limited to the following:

7 (1) Managing the day-to-day activities of the EMS system pursuant to  
8 protocols written by the Medical Control Board (hereinafter "Board").

9 (2) Acting to restrict all or part of an individual's patient care activities in  
10 accordance with existing state regulations.

11 (3) Liaison with, oversee, and coordinate the activities of the EMS  
12 providers.

13 (4) Taking direction from and being responsible to the Board concerning  
14 matters related to patient care and the delivery of medical services.

15 (5) Acting as a member and chairperson of the Board.

16 (6) Provides Board report to the Providers Advisory Committee.

17 (7) Acting as a liaison with physicians, nurses, other health care  
18 professionals, and the public at large.

19 (8) Auditing and overseeing medical issues as they pertain to training,  
20 quality improvement, and service delivery.

21 (9) Performing other duties as designated by the Fire Chief or his designee.

22 (10) Acting as a liaison between the EMS system and local community,  
23 medical facilities, and regional/state medical directors.

24 (11) Providing educational opportunities when appropriate.

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

27 § 9-4-4-6 MEDICAL CONTROL BOARD.

28 (A) *Membership and Terms.* The members shall consist of licensed  
29 physicians engaged in the practice of emergency medicine. The membership  
30 of the Board shall consist of one emergency department physician or his  
31 designee from each hospital organization operating a full service, 24-hour  
32 emergency department in the city. The Board shall meet no less than once  
33 every two months as determined by its membership. Members other than the

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1 Medical Director of the AHJ shall have staggered terms, the term of  
2 appointment shall be for two years, and there shall be no limit on consecutive  
3 terms. The Medical Director of the AHJ shall serve as a member and  
4 chairperson of the Board without term of appointment.

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

9 (1) Medical control over the delivery of EMS and ambulance services  
10 including the medical control communication system.

11 (2) The effectiveness of the EMS dispatch communication system.

12 (3) Medical protocols (which are the responsibility of all Board  
13 members) to serve as the required standard of care as required by state  
14 regulation.

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

17 **§ 9-4-4-7 PROVIDERS ADVISORY COMMITTEE.**

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

30 **§ 9-4-4-8 911 SYSTEM.**

31 The 911 System shall be the focal point for:

32 (A) Receipt of all requests for assistance for and emergency transport of  
33 sick and injured persons.



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1 (B) Dispatch of all responses to requests for assistance and emergency  
2 transport of sick and injured persons.

3 **§ 9-4-4-9 PROCEDURES FOR BEING INCLUDED IN THE 911 SYSTEM.**

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

8 (B) There shall be at least one contract awarded to provide emergency  
9 transport ambulance services.

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

12 (A) The City through coordinated dispatch shall:

13 (1) Receive, evaluate, and categorize all requests for emergency  
14 transport of sick and injured persons within the community.

15 (2) Dispatch appropriate Fire Department response.

16 (3) Notify ambulance operator as to location and nature of call pursuant  
17 to written protocols prepared by the Medical Control Board.

18 (4) Take control of patient and scene and provide for patient care until  
19 care is transferred to a contracted emergency transport ambulance service.

20 (5) Continue patient care during transport when appropriate or upon the  
21 request of a contractor.

22 (6) Transport patients when medically necessary or when a contracted  
23 ambulance service is either delayed or unavailable.

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

27 **§ 9-4-4-11 JUDICIAL REVIEW.**

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

33 **§ 9-4-4-99 PENALTY.**

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

7 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
8 clause, word, or phrase of this ordinance is for any reason held to be invalid  
9 or unenforceable by any court of competent jurisdiction, such decision shall  
10 not affect the validity of the remaining provisions of the ordinance. The  
11 Council hereby declares that it would have passed this ordinance and each  
12 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
13 any provisions being declared unconstitutional or otherwise invalid.

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

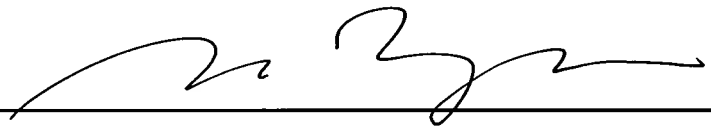
16 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
17 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 6th DAY OF February, 2017  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

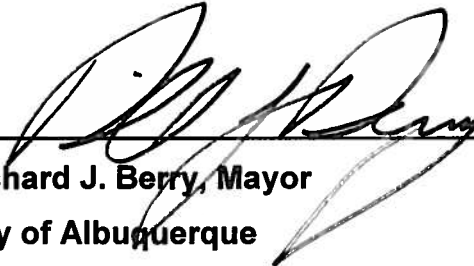
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4 **Excused: Harris**

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8 **Isaac Benton, President**  
9 **City Council**

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12 APPROVED THIS 24<sup>th</sup> DAY OF February, 2017

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15 **Bill No. O-17-31**

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19 **Richard J. Berry, Mayor**  
20 **City of Albuquerque**

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23 **ATTEST:**

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26 **Natalie Y. Howard, City Clerk**

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Mayor Richard J. Berry

**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

**INTER-OFFICE MEMORANDUM**

December 20, 2016


**TO:** Isaac Benton, President, City Council  
**FROM:** Richard J. Berry, Mayor *RJB 23*  
**SUBJECT:** REQUESTING REVISION OF THE EMS ORDINANCE

The Albuquerque Fire Department is requesting revision of the Emergency Medical Services Ordinance. The EMS system in the City of Albuquerque has evolved since the last revision of the Ordinance.

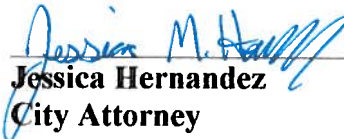
This ordinance is forwarded to the Council for consideration and action.

**Legislation Title: AMENDING THE HEALTH, SAFETY, AND SANITATION  
ORDINANCE**

**Recommended:**

  
\_\_\_\_\_  
**Robert J. Perry**                      **Date**  
**Chief Administrative Officer**                      12/22

**Approved as to Legal Form:**

  
\_\_\_\_\_  
**Jessica Hernandez**                      **Date**  
**City Attorney**                      12/06/16

NHB 10/21/2016

**Recommended:**

  
\_\_\_\_\_  
**David Downey**                      **Date**  
**Fire Chief**                      10-13-16

## **Cover Analysis**

### **1. What is it?**

Revision of the Health, Safety, and Sanitation Ordinance, specifically the Emergency Medical Services Ordinance

### **2. What will this piece of legislation do?**

Revise the EMS Ordinance so that it reflects current EMS system structure and operations

### **3. Why is this project needed?**

The EMS system in the City of Albuquerque has evolved since the last revision of the EMS Ordinance in 1999. Medical Direction and ambulance transport services have evolved.

### **4. How much will it cost and what is the funding source?**

There is no cost associated with this change.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

There is no revenue source associated with this change.

**FISCAL IMPACT ANALYSIS**

TITLE: Revision of EMS Ordinance

Legislation Type: Ordinance  
FUND:

Fire Department

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2017	Fiscal Years 2018	2019	Total
Base Salary/Wages				-
Fringe Benefits at (use applicable rate from OMB)				-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property	-	-	-	-
Indirect Costs 4.10%	-	-	-	-
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<input type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Amount of Grant	-	-	-	-
City Cash Match (110)	-	-	-	-
Department (210)	-	-	-	-
City In-kind Match	-	-	-	-
City IDOH	-	-	-	-
<b>Total Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Number of Positions created 0

**COMMENTS: Revision of the EMS Ordinance.**

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**  
(Enter all other comments)

PREPARED BY:

Amanda Utegil  
FISCAL ANALYST

APPROVED:

Paul Blum 10-13-16  
DIRECTOR (date)

REVIEWED BY:

guntin 10-20-16  
EXECUTIVE BUDGET ANALYST

Donald Roma  
BUDGET OFFICER (date)  
10-20-16

Jacques Blair  
CITY ECONOMIST