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3 **AN ORDINANCE AMENDING CHAPTER 112: EMERGENCY MEDICAL SERVICES**
4 **OF THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES**
5

6 WHEREAS, the Three Rivers Ambulance Authority is an administrative entity created by
7 an Interlocal agreement which between the City of Fort Wayne (City) and County of Allen
8 (County) governments to provide EMS services to the citizens of Fort Wayne and greater Allen
9 County; and

10 WHEREAS, the Interlocal Agreement, made in 1981 and modified in 1999 established
11 the Three Rivers Emergency Medical Services Cooperative (the Cooperative), of which the City
12 and County are members; and

13 WHEREAS, the Interlocal Agreement(s) as modified also create the Three Rivers
14 Ambulance Authority (TRAA), with the stated goal of funding an uninterrupted, professional,
15 efficient, and cost-effective emergency medical service; and

16 WHEREAS in 1982 an ordinance was passed and codified in Section 112 of the Fort
17 Wayne Code of ordinances further depicting the role TRAA and addressing emergency medical
18 services; and

19 WHEREAS, the Indiana State code which provided original guidance on the formation of
20 TRAA has been recodified and is now governed by IC 36-1-7-1 *et. seq.*, and now in IC 36-1-7-
21 10 (1) it is noted that any agreement between the City and County must be approved by the fiscal
22 body, and in IC 36-1-7-3 (5)(B) it states that all parties in the agreement must be represented;
23 and

24 WHEREAS, separate to the Interlocal Agreement, the City of Fort Wayne has codified
25 rules and regulations related to emergency medical services (noted above), however the makeup
26 of the nine-person TRAA board and appointments thereto, is only noted in the Interlocal
27 Agreement; and

28 WHEREAS, in the Interlocal Agreement as modified and in particular in the 1999
29 modification of the Interlocal Agreement, it stipulates that the Mayor shall make all four (4) City
30 of Fort Wayne appointments; however, this violates the spirit of the Indiana Code, where all
31 parties to the Interlocal Agreement have representation on the board; and

32 WHEREAS, nothing in the Interlocal Agreement or in any State statutes or regulations
33 limits the ability to specify, by ordinance, who shall make appointments to the Board as
34 identified in the Interlocal Agreement

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. Section 112, between Sections 112.75 through 112.99 of the Fort Wayne Code shall be amended, shall add new section § 112.77 and re-number subsequent sections to read as such. All of the aforementioned sections are deleted in their entirety and amended and restated as follows:

ADMINISTRATIVE ENTITIES

§ 112.75 EMERGENCY MEDICAL SERVICES FOUNDATION.

(A) The Emergency Medical Services Foundation (EMS Foundation) is a not-for-profit corporation organized and existing under the laws of the state. Appointments to the foundation shall be handled as described in the foundation's articles of incorporation and bylaws.

(B) The Medical Director shall provide to the EMS Foundation Board of Directors recommendations concerning the following elements of the ambulance service system:

(1) Criteria for the issuance, renewal, suspension and revocation of permits and certifications.

(2) Production standards related directly or indirectly to clinical performance and patient care.

(3) Diagnosis-specific and problem-oriented medical protocols to serve as the required standard of pre-hospital emergency care.

(4) Procedures governing the relative provision of 24-hour medical control.

(5) Procedures and protocols for the operation of the EMS control center.

(6) Procedures for the provision of medical control over the delivery of advanced life support procedures by ambulance personnel.

(7) Standards for the medical control communications system.

(8) Elements of a disaster plan designed to provide prompt quality care and rescue of persons in disaster situations.

(9) Standards, rules and regulations governing volunteer providers.

(C) (1) The EMS Foundation shall perform medical audits when requested by the Medical Director or a designated base station physician, by any physician on his own patient, by any doctor involved in the case, the chairman of the ambulance authority, Medical Director, a certified paramedic, the volunteer advisory council or when in the foundation's discretion it is determined that a specific incident merits investigation or an element of the ambulance service system may be improved and study is warranted.

(2) Audits shall be performed on a diagnosis-specific basis to determine if there exist areas for improvement of treatment.

(3) An audit shall be primarily problem-solving and educational in nature although from time to time punitive action as a result of audit findings may be necessary and appropriate.

(D) (1) The Medical Director shall be appointed by the EMS Foundation Board and shall serve at the pleasure of the EMS Foundation Board. The Medical Director may be a member of the EMS Foundation, but he shall resign from the foundation board upon his appointment as Medical Director.

(2) The Medical Director shall be compensated by the EMS Foundation.

(3) The Medical Director may delegate duties to qualified base station physicians or others whose expertise is necessary for complete and thorough medical audits.

(4) The Medical Director may appoint an assistant to the Medical Director who shall be at least a certified paramedic, or have equivalent training and experience.

('74 Code, § 9-21) (G-16-82, passed 7-27-82)

§ 112.76 DUTIES OF EMS FOUNDATION AND MEDICAL DIRECTOR.

(A) (1) The EMS Foundation Board of Directors shall have the authority to promulgate regulations, standards and rules necessary to implement the policy and intent of this chapter. They shall constitute one volume to be filed in the office of the City Clerk.

(2) The EMS Foundation Board of Directors shall consider, but not be limited to, the following factors when promulgating regulations, standards and rules:

(a) The protection of the safety and health of the inhabitants of the city, adopting townships and neighboring participating political subdivisions;

(b) Accepted standards of practice for emergency medical care;

(c) Accepted requirements for equipment and supplies to provide advanced life support services;

(d) Federal and state requirements;

(e) Standards and recommendations of federal, state and local professional organizations interested in the provision of quality emergency medical care; and

(f) Recommendations of the Medical Director.

(3) The EMS Foundation Board of Directors shall promulgate standards controlling the following segments of the ambulance service system:

(a) Production standards related directly or indirectly to clinical performance and patient care; including response time consistent with the provisions of § 112.40;

(b) Diagnosis-specific and problem-oriented medical protocols to serve as the required standard of pre-hospital emergency care;

(c) Procedures governing the reliable provision of 24-hour medical control;

(d) Procedures and protocols for the operation of the EMS control center, which may include but not be limited to radio protocols, telephone protocols and other operating standards;

(e) Procedures for the provisions of medical control over the delivery of advanced life support procedures by ambulance personnel, which may include but not be limited to medical control communications standards, radio equipment standards, radio protocol, medical protocol, qualifications of base station physicians or emergency department nurses from whom ambulance personnel may take direction;

(f) In-service training for ambulance personnel, EMTs and dispatchers as recommended by the EMS Foundation;

(g) Standards, rules and regulations governing volunteer providers.

(B) (1) The Medical Director shall be responsible for compliance with the regulations, standards and rules promulgated under this section.

(2) The Medical Director shall have the duty to prescribe and procure narcotics and controlled drugs used within the system.

(3) The Medical Director shall also serve as the medical advisor for the authority as regulated by state law.

(C) (1) The Medical Director, subject to approval of the EMS Foundation Board, shall develop a plan for the rescue and medical care of persons in disaster situations.

(2) The EMS control center shall be authorized to control all ambulances, helicopter rescue units, mutual aid responders and special use vehicles after a government proclamation has established the existence of a disaster situation, whether resulting from tornado, fire, wind, flood, enemy action, or any other common disaster or catastrophe.

(D) The EMS Foundation Board of Directors shall approve the dispatch communications system and the medical control communications system established by the Three Rivers Ambulance Authority. In revising the medical control communications system, the EMS Foundation shall be consulted. Nothing herein shall prevent the Medical Director from promulgating regulations or standards controlling communications systems.

(E) The Medical Director shall issue licenses, permits and certificates.

§ 112.77 THREE RIVERS AMBULANCE AUTHORITY; BOARD APPOINTMENTS

(A) The four (4) persons appointed to the Three Rivers Ambulance Authority (TRAA) board by the City of Fort Wayne, as noted in the 1981 Interlocal Agreement between the City of Fort Wayne and Allen County shall have expertise in Business law, healthcare administration, finance, and business management.

(B) The Mayor shall nominate three (3) members, who shall have collective experience in Business law, healthcare administration, and finance.

(C) Common Council, the fiscal branch of the City of Fort Wayne, shall nominate one (1) member who shall have experience in business management.

1 The member of the TRAA board appointed by Common Council shall be appointed for
2 membership by the Mayor of Fort Wayne in accordance with the 1981 Interlocal
3 Agreement and subsequent amendments.

4 (D) The Mayor may not enter into a future Interlocal Agreement that removes Common
5 Council's ability to nominate at least one (1) member to the TRAA board, or any future
6 emergency service provider or the like.

7
8 (E) The direction contained herein shall supersede any TRAA board appointing authority
9 granted to the Mayor by any Interlocal Agreement, contract, or other document with less
10 governance authority than Fort Wayne City Code.

11
12 (F) Nothing contained herein should be considered to impact or influence how Allen County
13 government makes TRAA board appointments.

14 **§ 112.78 THREE RIVERS AMBULANCE AUTHORITY; DUTIES.**

15 (A) It shall be the duty of the ambulance authority to oversee and manage
16 the ambulance service system created by this chapter in order to provide
17 quality ambulance service to all residents of and visitors to the city and county, as well as other
18 jurisdictions which may join the ambulance service system.

19 The economies of scale realized from multijurisdictional operations of the Three
20 Rivers Ambulance Authority are expected to benefit the taxpayers and residents of all political
21 jurisdictions served by the authority; however, in contracting with each political jurisdiction, the
22 Three Rivers Ambulance Authority shall make such financial arrangements as necessary and
23 appropriate to effect a fair sharing of costs and benefits among the various jurisdictions served.

24 (B) The ambulance authority shall own or be the primary lessee of all emergency equipment
25 used in supplying ambulance services, except equipment utilized by volunteer provider
26 organizations, which may own their own equipment.

27 (C) (1) Generally, the authority shall determine reasonable rates for its services.

28 (2) The ambulance authority may permit the operations contractor to collect accounts
29 representing long distance intercity transfer work, but the operations contractor may not engage
30 on any other collection activity. The ambulance authority shall not bill townships under any
31 applicable statutes for any service to an individual.

32 (3) The ambulance authority shall have the authority to determine its own rates charged for
33 nonemergency ambulance service. Non-emergency rates shall not exceed rates charged in other
34 metropolitan areas for similar services.

35 (D) (1) The ambulance authority shall assure that appropriate in-service training is provided
36 to employees of the operations contractor by requiring the operations contractor to provide the
37 in-service training program.

38 (2) The ambulance authority shall require that all employees of the operations contractor
39 attend in-service training programs.

1 (a) In-service training program shall be attended not less than once every month; each
2 session shall be not less than two hours in duration.

3 (b) In-service training shall include system orientation and management issues, medical
4 audit findings and review, and clinical skill development.

5 (c) In-service training shall be scheduled to permit all employees to fulfill their mandatory
6 obligations to attend.

7 (d) The ambulance authority shall include in its annual report to the Medical Director the
8 extent of the in-service training accomplished. The ambulance authority shall maintain accurate
9 records of attendance at in-service training which shall be provided to the Medical Director for
10 use in considering certificate suspension or revocation and permit renewal.

11 (e) If a certificate holder fails to attend in-service training during any two-month period,
12 the Medical Director shall inquire of the reasons and may, in his discretion and only for good
13 cause, waive the requirement. In any event, a report of the failure to attend shall be made to the
14 Medical Director by the ambulance authority.

15 (f) When appropriate, personnel of participating volunteer providers shall be notified in
16 advance and invited to attend in-service training sessions sponsored by the operations contractor.

17 (E) The ambulance authority shall maintain its records and premises open to inspection by the
18 Medical Director.

19 (F) The ambulance authority shall provide recommendations to the Medical Director for the
20 following elements of the ambulance service system:

21 (1) Dispatch communication system.

22 (2) Medical control communication system.

23 (3) Any other matter requested by the Medical Director relative to the operation and status
24 of the ambulance service system.

25 (G) In the event of an emergency in which the public health and safety are threatened by the
26 inadequate performance of an existing operations contractor, or by the absence of qualified bids
27 at reasonable costs for the performance of the required services, the ambulance authority may act
28 as operations contractor for the duration of the emergency but in no event longer than one year.

29 (H) The ambulance authority may contract for services from neighboring providers. Such
30 contractors shall be subject to medical audits by the EMS Foundation. Consideration for such
31 services may be financial or in kind. Nothing in this chapter shall be construed as prohibiting
32 the ambulance authority from receiving or rendering emergency mutual aid without formal
33 agreement.

34 (I) The duties listed herein are in addition to and supplemental to the duties, functions, and
35 powers granted to the Ambulance Authority pursuant to the Three Rivers Emergency
36 Medical Services Interlocal Cooperative Agreement as amended.
37

1 **§ 112.79 AUTHORITY'S ANNUAL REPORT.**

2 The Chair of the board of the ambulance authority shall report annually to the Common
3 Council and the county Commissioners on the status of the ambulance service system. The report
4 shall include, but not be limited to, the financial condition of the ambulance authority, the
5 subsidy supplied by the city, medical case audits, recommendations for improvements and
6 regulations promulgated during the year. The report shall incorporate the reports of the EMS
7 Foundation and the ambulance authority made to the Medical Director.

8 **§ 112.80 AUTHORITY'S RESPONSIBILITY FOR COMPETITIVE BIDDING**
9 **PROCESS.**

10 The Three Rivers Ambulance Authority shall utilize a competitive bidding process to contract
11 with an operations contractor. Said competitive bidding process shall be designed to attract
12 nationwide competition and to that end the bidding process shall, in addition to complying with
13 state law, include but not be limited to the following procedures:

14 (A) Advertisements for bids shall include national circulation in one or
15 more ambulance industry periodicals.

16 (B) The Three Rivers Ambulance Authority may not allow the operations contractor to
17 engage directly in billing and collection activities.

18 (C) The Three Rivers Ambulance Authority must remain the owner or primary lessee of all
19 equipment essential to its operation, except that volunteer providers may own their own
20 equipment.

21 (D) The Three Rivers Ambulance Authority shall conduct a publicized pre-bid conference
22 which shall be open to the public.

23 (E) A pre-bid screening process shall be employed to exclude consideration of bids from any
24 company which cannot demonstrate financial stability and reputability.

25 (F) A broad investigative release form must be executed by all bidders, owners, operators and
26 key personnel.

27 (G) The Ambulance Authority may directly operate the ambulance service as operations
28 contractor during such periods and for such reasons as is set forth in the Cooperative Agreement.

29 (H) The bid request document shall provide fully detailed definitions and performance
30 standards governing clinical performance, response time performance, maintenance
31 requirements, and other operational standards so that, assuming all bidders are pre-qualified to
32 participate, bid price shall be the principal remaining consideration in the award of the contract.
33 However, where bid prices are not more than 10% apart, the Three Rivers Ambulance Authority
34 may consider corporate experience, salary schedules, and such other factors to select the lowest
35 responsible and responsive bidder.

36 (I) Nothing in this section shall be construed as preventing the city Department of Emergency
37 Medical Services from bidding, provided they otherwise qualify and provided further that the
38 department's full cost of providing said service shall be reflected in the department's bid price,
39 and any subsidization of ambulance service by the city shall be in the form of money payment to

1 the Three Rivers Ambulance Authority so as to benefit equally any bidder who may choose to
2 participate.

3 **§ 112.99 PENALTY.**

4 (A) Any person convicted of violating the provisions of this chapter shall be fined not less
5 than \$100 nor more than \$500. This does not serve to limit any other remedies available to the
6 city in law or equity.

7 (B) Each day that any violation of this chapter is committed or permitted to continue shall
8 constitute a separate offense.

9
10 **SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and
11 any and all necessary approval by the Mayor.
12

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14
15 _____
16 Russell Jehl, Council Member
17
18

19 APPROVED AS TO FORM AND LEGALITY
20

21 _____
22 Joseph G. Bonahoom, Council Attorney