

TRAVIS COUNTY EMERGENCY SERVICES DISTRICT No. 2



PFLUGERVILLE FIRE DEPARTMENT
203 E. PECAN STREET
PFLUGERVILLE, TEXAS 78660
(512) 251-2801



October 11, 2021

Mayor Victor Gonzales
Councilman Doug Weiss
Councilman Ceasar Ruiz
Councilman Omar Pena
Councilman Mike Heath
Councilman David Rogers

Mayor Gonzales and City Councilmembers:

The Board of Commissioners for Travis County ESD No. 2 (ESD 2) convened a special meeting on October 5, 2021, to discuss the City's proposed franchise ordinance which passed on first reading on September 28th. The board authorized me to provide this letter to express ESD 2's comments and concerns regarding the proposed ordinance.

As you may know, ESD 2 recently responded to the City's request for proposals for emergency medical services (EMS), which provided more detail about ESD 2's excellent service capability at a minimal cost to the City, which is proposed at approximately \$2 million. This is roughly equal to a tax rate of \$0.028 based on the City's 2021 certified appraisal roll of \$7,185,467,524, or roughly \$6.60 per month for an average homestead in the City. The City's independent consultants' have recognized and acknowledged that ESD 2 "provides service that meets or exceeds all fire service and EMS response standards" and that ESD 2 "has an excellent operations plan designed to deliver critical services to emergency events." (See AP Triton FIRE & EMS ASSESSMENT (June 2021), pages v and 97).

The other respondents to the City's request for proposals were all private for-profit ambulance services. As noted in our Rebuttal Analysis to the AP Triton Report, which I provided to you on September 14, 2021, "(f)or-profit ambulances have some of the highest EMS billing rates and have aggressive billing collection practices. They also operate at the lower end of quality service as they have lower wages for employees and struggle to meet basic response times standards. ... For-profit EMS will identify the minimum level of service needed to be profitable and will accept significant lapses in response times. An example of these minimal levels of service resulting in a significant increase in response times can be seen in Bastrop, Texas and throughout Milam County. Some examples there include ambulance response times of 47 to 55 minutes in

some cases.” (citing Wright, 2018). I have attached a couple of news articles regarding these issues for your information.

Given these facts about for-profit ambulance services and the pool of respondents to the City’s request for proposals, and the terms and apparent intent of the franchise ordinance, ESD 2 has concerns about the potential reduction in the level of care provided to the citizens of Pflugerville if a contract is awarded to one of the private for-profit ambulance services and the franchise ordinance is adopted. As the City’s own consultant recognized, contracting with a private for-profit ambulance company “can often lead to unstable models as many proposals often lead to a ‘race to the bottom,’ meaning bidders will submit bids at the lowest possible cost to secure the contract then either reduce deployment to meet the margin or ask the City for rate increases.” (See AP Triton FIRE & EMS ASSESSMENT (June 2021), page 106).

We assume that the City of Pflugerville will award its proposed franchise to the successful bidder in the current EMS request for proposal process. The ordinance appears to attempt to prohibit any entity, other than the City’s franchised EMS service provider, from providing any level of EMS service within the City after the effective date of the ordinance. A recent revision of the ordinance, which has not been acted upon by the city council yet, changes the proposed effective date to January 1, 2022. The franchise ordinance defines EMS as “(t)he provision of basic or advanced life support and transportation of patients to an emergency room of a hospital for emergency pre-hospital care.” The ordinance does not distinguish between EMS provided as a component of a first-responder organization (see Health & Safety Code 773.003(16)) or EMS provided by an entity that provides ambulance transport services. The ordinance states that:

“It shall be unlawful for any person or service to furnish, operate, advertise or otherwise engage or profess to be engaged in the service or operation of EMS or non-emergency ambulance transfer service that originates at an address within the city ... “(Sec. 13.03)

The ordinance also states:

“It shall be unlawful for any person to furnish, operate, advertise or otherwise engage or profess to be engaged in the operation of EMS or non-emergency ambulance transfer service from a point originating and ending within the streets of the city without a franchise as provided by this article.” (Sec. 13.21.)

The ordinance language so broadly defines EMS, it appears to attempt to prohibit ESD 2 from providing EMS as part of its first-responder services. The ESD 2 board and leadership, which have been studying EMS service provision in the community, are concerned that the proposed ordinance may have unintended consequences within our community.

If the ordinance was not intended to prohibit ESD 2 from providing first response EMS services, it needs to be revised and clarified. If the ordinance is intended to prohibit ESD 2 from providing first response EMS services, the ESD 2 Board, has serious concerns regarding the quality of services that will be provided to the citizens of Pflugerville.

Emergency medical services have two components, first response and transport services. First response services are typically delivered by firefighters arriving on fire apparatus, usually before the ambulance. ESD 2 provides these services. These responders are trained at a minimum as emergency medical technicians and capable of delivering basic life support (BLS), and if trained certified appropriately can also deliver advanced life support (ALS). BLS includes intermediate airway adjuncts, high performance cardiopulmonary resuscitation, basic administration of approximately six emergency pharmaceutical drugs, and bleeding and wound treatment, and other basic care. ALS provides the highest level of care and includes advanced airway techniques, approximately 30 pharmaceutical drugs, cardiac monitoring and treatment, stroke care, and additional advanced medical knowledge, skills, and abilities.

First response services are critical in EMS for two reasons. First response services are typically able to get to emergencies first and begin basic treatment and care before an ambulance arrives. This allows for more timely care and is particularly important for a patient who is suffering from a life-threatening condition or injury. The other advantage of first response services is it allows for quicker and more efficient on scene time which contributes to getting the patient to a hospital faster.

The ESD 2 board and leadership are concerned about the potential impacts of awarding an exclusive franchise to provide EMS within the City if that provider is a private EMS provider. We also have concerns about the impacts that decision will have on the ESD 2's first response services. These include:

1. **Increased on scene time for ESD 2 units which will affect our overall response time capability.** The longer our units are on scene, the less available they are to answer other emergency calls. This requires units from other territories to respond in those cases, which has significant effects on response times. A reduction to the number of medicals calls the ESD 2 responds to may have to be reduced to maintain our deployment standards.
2. **Differences in clinical protocols between the ESD 2 providers and for-profit providers.** This can create clinical issues on scene where ESD 2 personnel are operating under a different set of medical protocols than the for-profit service.

3. **For profit services typically have newer and less experienced providers.** Their credentialing period can range between 5-14 days whereas the ESD 2 credentialing period is typically 45 days. This will create situations where ESD 2 personnel may be the more experienced provider on scene, and there will likely be situations where ESD 2 personnel must make clinical decisions for the newer less experienced for-profit provider. Having a provider that has less experience and training as the lead provider is not in the best interest of the patient and can lead to sentinel events (which are patient safety events that result in death, permanent harm, or severe temporary harm, are typically well publicized and will result in public complaints).
4. **Pflugerville residents and ESD 2 personnel will be put in difficult circumstances as they will be the ones on scene waiting for the for-profit ambulance.** This would be due to well documented longer response times and in cases like Milam County where in a four-month period “there were 28 instances where there was no available ambulance to respond to emergencies. In 12 cases, firefighters went above and beyond the call of duty and transported patients to hospitals in fire trucks and their personal vehicles” (Tuggle, 2021).

Each concern and issue raised are a direct result of for-profit service provider in the community. ESD 2 board and leadership believe this is a decision with negative ramifications for residents of Pflugerville and we urge you to consider these concerns in your decision-making process.

Finally, the proposed ordinance purports to apply to the “City’s jurisdictional limits.” It is unclear what the City’s intent is through this language. The ordinance should be clarified to apply to the boundaries of the municipality.

Please add this letter to the City’s official record for the second reading of the proposed franchise ordinance. ESD 2 remains committed to continuing our work with the City to address these important public safety issues.

Sincerely,



Michael R. Bessner

Board President

Travis County Emergency Services District No. 2