



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 7, 2023

FROM: FIRE DEPARTMENT WARDS: ALL

SUBJECT: REVIEW OF FRANCHISE FOR EMERGENCY MEDICAL TRANSPORT WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE AND EXTEND TERM OF CURRENT FRANCHISE AND OPERATIONAL AGREEMENT SIX-MONTHS WITH OPTION FOR THE CITY MANAGER TO EXTEND ANOTHER SIX-MONTHS

ISSUE:

The current Franchise Ordinance 7440 (ORDINANCE) and the 2018 ALS First Responder Operational Agreement (AGREEMENT) are going to expire. American Medical Response (AMR) has submitted a new application to extend the current ORDINANCE and AGREEMENT, which was reviewed by the Safety, Wellness and Youth Committee on October 18, 2023. Extending the ORDINANCE and current AGREEMENT will allow time for the Fire Department to work with AMR on a new Operational Agreement.

RECOMMENDATIONS:

That the Council:

1. Approve the extension Application for Medical Transport Ambulance Franchise from American Medical Response Ambulance Service, Inc. to perform Advanced Life Support and Basic Life Support transport services.
2. Approval of the First Amendment to the 2018 ALS AGREEMENT for an additional six months, through May 8, 2024, with an option for another six-month extension approved by the City Manager or his designee, through November 8, 2024; while a new AMR operational agreement is being negotiated.
3. Adopt a resolution to extend the ORDINANCE to November 8, 2024.

COMMITTEE RECOMMENDATIONS:

On October 18, 2023, the Safety, Youth and Wellness Committee met with Chair Jim Perry, Vice Chair Chuck Conder and Council member Gaby Plascencia, to review and discuss the application and medical transport ORDINANCE for AMR. After discussion, the Committee recommended that the City Council approve the extension of the ORDINANCE by resolution and the AGREEMENT for one year—two (2) six (6) month periods with the second six (6) month option approved by the City Manager or his designee, if needed for the completion of a new AMR operational agreement.

The Committee also requested the Fire Department return in six months to report on AMR's performance.

LEGISLATIVE HISTORY:

Applications for the extension of the Medical Transport Franchise are covered under Chapter 5.66 of the Riverside Municipal Code (RMC), which identified the rules, laws, and process that the City Council has identified for ambulance to operate within the City such as franchise/permit fees, application process, service requirements, mutual aid requires, personnel and rates. Section 5.66.050 requires that upon receipt of an application, the Medical Transport Franchise Administrator shall conduct an investigation to determine if the applicant meets all requirements of the governing RMC Chapter.

The Fire Chief, or designee, is the controller of the ambulance franchise and has the responsibility under the RMC to act as the ambulance franchise "Administrator". The Administrator's investigation is to include consulting with and, if possible, obtaining the assessment of the application by the Health Officer or the Local EMS Agency. (RMC Section 5.66.50)

The Administrator is required to prepare and issue a report to the Safety, Wellness and Youth Committee, present a copy to the applicant, and request a meeting of the Committee be called to consider the report and other testimony. (RMC Section 5.66.050)

BACKGROUND:

The County of Riverside Department of Public Health is the local Emergency Medical Services Agency (REMSA) for the area that includes the City of Riverside. In 2015, the County of Riverside and American Medical Response Ambulance Service (AMR) entered into an agreement as the exclusive emergency ambulance service for the County of Riverside. Working with REMSA the City of Riverside entered into an AGREEMENT on November 8, 2018, for ambulance service within the City of Riverside that is expiring on November 8, 2023.

The Riverside Municipal Code requires that emergency ambulance providers operate under a franchise with the City of Riverside. On October 9, 2018, the City adopted Ordinance No. 7440, granting AMR a franchise to operate authorized ambulance services on City streets, subject to the terms of the ordinance, for a term of five years expiring on June 30, 2023. The term of the ORDINANCE can be extended by resolution of the City Council for a period up to three years, for a total term not to exceed the City Charter limitations for franchises, which is thirty-five years. (RMC Section 5.66.020, 5.66.090, City Charter Section 1302.)

The City of Riverside has historically used the same ambulance provider that Riverside County Emergency Medical Services Agency (REMSA) has contracted with for 9-1-1 Advance Life Support Services. The City of Riverside has retained administration of our Emergency Medical Services (EMS), which is required under the Health & Safety Code 1797.201, to allow the City of Riverside to administer franchise agreements and ambulance permits in accordance with the Riverside Municipal Code 5.66 "Ambulances". The previous two franchises and operational agreements were executed with five-year terms, from 2010 to 2018. In 2018, a new franchise ordinance and operational agreement were executed, which the term of service from 2018 to 2023.

There is one difference between the REMSA Gound Advanced Life Support (ALS) Emergency Ambulance Service and the City of Riverside ALS First Responder Agreement, which includes an

increased response time for the for the ALS provider. AMR is allowed eleven (11) minutes and fifty-nine (59) seconds to arrive on scene verses within the REMSA contract AMR is given (9) nine minutes and fifty-nine (59) seconds. This difference has provided support that includes funding for the City of Riverside Fire Departments Paramedic program, Emergency Medical Coordinator and a Dispatch Emergency Medical Dispatcher Coordinator, which are all required for our current emergency medical system.

In Calendar year 2022 the City of Riverside Fire Department responded to a total of 44,299 incidents with AMR responding to a total of 37,148 incidents within the Riverside Zone. The City of Riverside Fire Department met its requirement and was on scene with (7) seven minutes and (55) seconds 90% of the time. AMR response time met 90% with REMSA's review of AMR's delayed responses. REMSA did not report on raw compliance statics in 2022.

DISCUSSION:

To extend the current ORDINANCE to November 8, 2024, and to amend the current AGREEMENT to extend six-months—to May 8, 2024--with an option for the City Manager or his designee to extend another six-months—to November 8, 2024--while a new Operational Agreement is being negotiated with AMR.

Current Ambulance Service:

AMR is currently the only 9-1-1 Originated Call Franchise provider within the City of Riverside.

Franchise Applicant:

AMR is based in the City of Riverside and has submitted a renewal application for a Medical Transport Franchise for 9-1-1 Originated Calls for the service within the city. A copy of the application is included as Attachment #1 to this report, including AMR Ambulance's supporting documentation requesting a Medical Transport Franchise.

Medical Transport Franchise Administrator's Findings:

The Administrator is required to review AMR Ambulance's franchise application and has investigated in accordance with the Riverside Municipal Code with the following conclusions:

1. Consulted with Riverside County EMS Agency (REMSA) to determine whether it had any evidence or data indicating that there was an unmet public health or safety concerns. The following has been identified and can be referenced in attachment #3 of this report. In the "Performance Period Fiscal Year 2021/22 Requested Earned Annual Renewal" it outlines why AMR did not earn it annual renewal, which is outlined in the information below:
 - AMR did not earn their contractual annual renewal for the following:
 - i. Did not meet minimum (90%) or enhanced (91%) response time performance for the months of February, March, April, May, and June 2022 for Riverside County.
 - ii. Submission of monthly compliance reports within 15 days of the end of each month.
 - iii. Submitted an incomplete annual report (missing 5 months of data).
 - iv. Non-compliant with ALS mandate, sending BLS ambulances to ALS level calls outside of the approved Emergency Medical Dispatch program approved by REMSA.
 - AMR Response time and overall performance in the Riverside City Subzone:

- i. Within the Riverside Zone AMR did meet the 90% adjusted compliance with the delay response exemptions.
 - ii. AMR was non-compliant with the Advance Life Support (ALS) mandate, sending Basic Life Support (BLS) ambulances to ALS level calls, which is outside of the current 2018 ALS First Responder Agreement (AMR & City of Riverside). ALS ambulances provide advance medical care with Paramedics, while BLS ambulances provide a lower level of care with Emergency Medical Technicians. When a BLS ambulance responds for a medical aid, it requires the paramedic from the Riverside Fire Department to ride with the BLS ambulance crew to continue advanced medical care treatment when it is clinically indicated. Patients with critical medical needs now only have one paramedic providing the needing medical treatment, when there should be two.
 1. CY 2022: Total of 1,403 incident BLS ambulance responded.
 - a. 922 times RFD paramedics transported with the patient.
 2. CY 2023 Total 230 incident BLS ambulances responded.
 - a. 140 times RFD paramedics transported with the patient.
 - iii. Delayed Responses:
 1. AMR was delayed on 5,813 per RFD Computer Aided Dispatch. REMSA found 2,198 to be delayed. AMR cites hospital bed delays.
2. City of Riverside Contractual Review:
 - AMR did not submit Response Times and Response Time Standards for Services quarterly as stated in the 2018 ALS First Responder Agreement in Schedule “A” Section IV.
 - AMR was non-compliant with the ALS mandate, sending BLS ambulances to ALS level calls, which is outside of the current 2018 ALS First Responder Agreement.
 - Breach of Contract Letter:
 - i. March 14, 2023, letter sent to AMR due to delayed response for non-payment during the 2022 billing cycle.
3. Conducted Customer Satisfaction Surveys with representatives of the three main area hospitals and ten area additional convalescent hospitals within the city. In all cases, the facilities were satisfied with the services AMR provided.
4. Ensure AMR maintained a valid Certificate of Accreditation by the Commission of Accreditation of Ambulance Services (CAAS).

One of the requirements of the ordinance granting the franchise is that the provider enter into an operational agreement with the City. The current AGREEMENT between the City and AMR is coterminous with the County of Riverside’s 911 Agreement, which is currently in effect and is scheduled to expire, after all extensions are granted, on June 30, 2030.

Based on these findings, the Riverside Fire Department recommends a six-month extension—to May 8, 2024—with an option for the City Manager or his designee to approve for another six-month extension—to November 8, 2024, until a new AMR operational agreement can be negotiated. During this period Riverside Fire Department will research multiple options to ensure residents have access to high level emergency medical care provided as quickly as possible. Such options include renewing with AMR with enhanced performance metrics and expectations, contracting with another private ambulance service, or exercising the city of Riverside’s right to operate its own ambulance service within the Riverside Fire Department. It is anticipated the results of this research will be brought back to the Safety and Wellness Committee within the next six months.

STRATEGIC PLAN ALIGNMENT:

The item contributes to Strategic Priority No. 2 Community Well-Being and Goal No. 2.6 – Strengthen community preparedness for emergencies to ensure effective response and recovery.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – This agreement with AMR will ensure the citizens, visitors and employees to the City of Riverside are provided with emergency transportation service services when a medical emergency is presented.
2. **Equity** – Providing emergency transportation services for all citizens, visitors and employees to the City of Riverside so emergency services are equitable for everyone.
3. **Fiscal Responsibility** – The Riverside Fire Department is a prudent steward of public funds and ensures that relationships between public and private partnerships are leveraged.
4. **Innovation** – Riverside is inventive and timely in meeting the community’s changing needs by updating the emergency service franchise agreement to ensure emergency service transportation is available when called.
5. **Sustainability & Resiliency** – Riverside is committed to meeting the needs of the present without compromising the needs of the future and ensuring the City’s capacity to provide emergency services to the community.

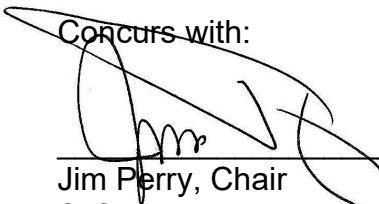
FISCAL IMPACT:

The total fiscal impact of this agreement is estimated to be \$152,000.11 per month in fees, per the agreement (paid to the City by AMR), plus additional penalties and other fees, which vary from month to month and are unknown at this time. In addition, the Ambulance Application Franchise Fee of \$1,858, per RMC Section 5.66.030, has been paid by AMR.

AMR Operational Agreement: Per the 2018 ALS First Responder Agreement (AMR & City of Riverside) in FY 2022 the City of Riverside Fire Department received \$2,401,576.47, which includes delayed response penalties accrued by AMR.

Prepared by: Steve McKinster, Deputy Fire Chief
 Approved by: Michael D. Moore, Fire Chief
 Certified as to
 availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
 Approved by: Mike Futrell, City Manager
 Approved as to form: Phaedra Norton, City Attorney

Concurs with:



 Jim Perry, Chair
 Safety, Wellness, and Youth Committee

Attachments:

1. Application for Medical Transport Ambulance Franchise
2. 2021-2022 AMR Annual Response Time Report
3. Performance Period Fiscal Year 21/22 Requested Earned Annual Renewal
4. AMR Customer Surveys 2023
5. AMR Mid-Year FY22-23 Compliance Report
6. Fire Amendment #18-1108.3
7. Presentation