

ORDINANCE NO. 2017-08
(Uncodified)

**URGENCY INTERIM COST RECOVERY ORDINANCE FOR EMERGENCY
AMBULANCE SERVICES**

The Contra Costa County Board of Supervisors, as and constituting the Board of Directors of the Contra Costa County Fire Protection District, ordains as follows:

SECTION I. Authority. This ordinance is enacted pursuant to Health and Safety Code sections 13910 through 13919, and Government Code section 25123.

SECTION II. Findings and Purpose.

- A. Effective January 1, 2016, the Contra Costa County Fire Protection District (the “District”) began providing Emergency Ambulance Services in Emergency Response Areas 1, 2 and 5 of Contra Costa County (the “Service Area”) pursuant to the Emergency Ambulance Services contract (the “Ambulance Contract”), between Contra Costa County (the “County”) and the District.
- B. Under the Ambulance Contract, the District is required to employ all resources necessary to continuously provide Emergency Ambulance Services to persons in the Service Area 24 hours a day, every day, when requested by an emergency medical dispatch center.
- C. The District does not possess the infrastructure or personnel necessary to directly perform the Emergency Ambulance Services required under the Ambulance Contract. American Medical Response West (the “Ambulance Services Subcontractor”) provides Emergency Ambulance Services in the Service Area on the District’s behalf under a subcontract with the District (the “Ambulance Subcontract”).
- D. The District responds to a high volume of calls for Emergency Ambulance Services through its Ambulance Services Subcontractor, which deploys personnel to incidents and provides Emergency Ambulance Services treatment and transport to persons at those incidents.
- E. The Ambulance Contract sets the rates the District is authorized to charge for providing Emergency Ambulance Services. During the first year of the Ambulance Contract, the County required the District to charge Emergency Ambulance Services patients the following amounts: (1) an Emergency Ambulance Response base rate of \$2,100; (2) a mileage rate (for each mile traveled with a loaded patient) of \$50.00 per mile; (3) an oxygen administration charge of \$175.00; and (4) a treat and refused transport charge (in some cases) of \$450.00 (the “Original Rates”).
- F. The Ambulance Contract, requires the County, when requested by the District, to increase the Original Rates by the greater of 3%, or the increase in the Consumer Price Index, All Urban Consumers for Medical Care (U.S. city average) (1982-84=100) (“CPI”) for the preceding calendar year. The CPI increase for calendar year 2016 was 3.8%.

- G. The Ambulance Subcontract requires the hourly rates paid by the District to the Ambulance Services Subcontractor to increase annually by the percentage equal to the product of the District's average medical billing collections rate for the preceding calendar year, multiplied by the greater of 3% or the CPI increase for the preceding calendar year.
- H. The District has reasonably calculated its costs of providing Emergency Ambulance Services to persons at an incident. These costs include the District's costs of its Ambulance Services Subcontractor, the costs of its billing and collections subcontractor, and the cost of District staff to provide Emergency Ambulance Services on a per-patient basis. The Emergency Ambulance Services fees established by this ordinance are calculated based on the District's actual costs of providing Emergency Ambulance Services on a per-patient basis, and are equivalent to a 3.8% increase in the Original Rates established by District Ordinance No. 2015-24.
- I. This ordinance is necessary for the District to begin billing patients receiving Emergency Ambulance Services beginning on April 18, 2017, the effective date of this ordinance. A threat to the public health, safety, and welfare would result if the District is unable to begin billing patients receiving Emergency Ambulance Services as of this date. This ordinance is being adopted on April 18, 2017. At the same meeting, the District is adopting a non-urgency ordinance authorizing the District to charge increased emergency ambulance services fees. The effective date of the non-urgency ordinance is May 18, 2017. If the District were only to adopt an Emergency Ambulance Services fee ordinance on a non-urgency basis, it would not be able to begin billing patients receiving Emergency Ambulance Services the increased fees until 30 days after adoption of the ordinance; i.e., May 18, 2017. Because of the high volume of Emergency Ambulance Service calls provided by the District, it would forego a significant amount of revenue if it could not bill Emergency Ambulance Service patients the increased fees for Emergency Ambulance Services until May 18, 2017. The failure to enact this urgency Emergency Ambulance Ordinance would result in the District paying increased rates to its Ambulance Services Subcontractor effective April 1, 2017, without being able to charge increased Emergency Ambulance Services fees until May 17, 2017.

SECTION III. Definitions. For purposes of this ordinance, the following terms have the following meanings:

- (a) "ALS" means advanced life support emergency medical services designed to provide definitive prehospital emergency medical care that are administered by authorized personnel (i) under the direct supervision of a facility designated by Contra Costa County Emergency Medical Services Agency ("CCCEMSA") pursuant to Health and Safety Code section 1798.100, or (ii) by utilizing approved prehospital treatment protocols or standing orders as part of the County EMS system, and which are administered at the scene of an emergency, during transport to an acute care hospital or other approved facility, during inter-facility transfers, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency department or other medical staff of that hospital. ALS may include, without limitation, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy,

administration of specified drugs, and other medicinal preparations, and other specified techniques and procedures.

- (b) “BLS” means basic life support emergency medical services including, but not limited to, emergency first aid and cardiopulmonary resuscitation medical care procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting proper application of cardiopulmonary resuscitation to maintain life without invasive techniques, unless authorized by state law or regulation, until the victim may be transported or until ALS medical care is available.
- (c) “Emergency Ambulance Services” means emergency ambulance services involving the administration of ALS, BLS, or critical care transport, provided in response to 911 calls and/or requests for emergency medical services through a public safety agency where 911 calls are first received for a particular jurisdiction, or prehospital emergency calls received directly by the District.

SECTION IV. Emergency Ambulance Services Fees.

- (a) The Emergency Ambulance Services fees to recover the District’s actual costs of providing Emergency Ambulance Services to each patient are established in the amount specified in Exhibit A attached hereto and incorporated herein.
- (b) During the period beginning April 18, 2017, and continuing through the end of the day on May 17, 2018, the Emergency Ambulance Services fees shall be charged to each person who receives District Emergency Ambulance Services during a single incident.

SECTION V. Fee Collection.

- (a) If the District provides Emergency Ambulance Services to a person through its Ambulance Services Subcontractor, the Fire Chief, or designee, including the District’s Emergency Ambulance Services billing subcontractor, will send an invoice seeking payment of the Emergency Ambulance Services fees to the person, and to the insurance company that provides medical insurance coverage for the person (the “Insurer”) if the person or his or her representative has identified to the District or to its Ambulance Services Subcontractor the Insurer to which the invoice should be sent.
- (b) The Fire Chief, or designee, has approved and adopted policies and procedures for invoicing, billing, and receiving payments for each Emergency Ambulance Services fee charged under this ordinance. The policies and procedures include a process to discharge from accountability accounts that are not collectible.

SECTION VI. No Effect on Emergency Ambulance Services. This ordinance neither expands nor limits Emergency Ambulance Services. Nothing in this ordinance relieves the District from providing Emergency Ambulance Services. Emergency Ambulance Services will continue to be provided without regard to whether a person is insured by an Insurer, and without regard to whether a person has the ability to pay the Emergency Ambulance Services fees.

SECTION VII. No Waiver of Other Means of Cost Recovery. This ordinance does not preclude the District from recovering its Emergency Ambulance Services costs in any other manner authorized by law.

SECTION VIII. Severability. If any fee or provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees or provisions, and the Board declares that it would have adopted each remaining part of this ordinance irrespective of any such invalidity.

SECTION IX. DECLARATION OF URGENCY. This interim ordinance is hereby declared to be an urgency ordinance for the immediate preservation of the public safety, health, and welfare of the County, and it shall take effect immediately upon its adoption. The facts constituting the urgency of this interim ordinance's adoption are set forth in Section II.

SECTION X. Effective Period. This ordinance becomes effective immediately upon passage by four-fifths vote of the Board and shall continue in effect through the end of the day on May 17, 2017. Within 15 days after its passage, this ordinance shall be published once with the names of the directors voting for and against it in the Contra Costa Times, a newspaper published in this County.

PASSED ON _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: DAVID J. TWA,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

ESG:

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Exhibit A

Emergency Ambulance Services Fee Calculation

For each Emergency Ambulance Service call, District shall charge the patient the Emergency Ambulance Response Base Rate, plus mileage costs at the Mileage Rate. If oxygen is administered to a patient, District shall charge the patient the Oxygen Administration Charge, whether transported or not. If a patient is treated and refuses transport, District shall charge the Treat and Refused Transport rate.

1. Emergency Ambulance Response Base Rate..... \$2,180.00
2. Mileage Rate (for each mile traveled with a loaded patient) \$52.00
3. Oxygen Administration Charge \$182.00
4. Treat and Refused Transport \$467.00