

ORDINANCE NO. 2021-16
(Uncodified)

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.

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. The District currently charges Emergency Ambulance Services patients the following amounts: (1) an Emergency Ambulance Response base rate of \$2,428.00; (2) a mileage rate (for each mile traveled with a loaded patient) of \$58.00 per mile; (3) an oxygen administration charge of \$203.00; and (4) a treat and refused transport charge (if applicable) of \$520.00.
- F. The Ambulance Contract requires the County, when requested by the District, to increase the previous rates by the greater of (i) and (ii):

- (i) A percentage calculated as follows: The average Consumer Price Index, All Urban Consumers for Medical Care (U.S. city average) (1982-84=100) ("Medical CPI") for the most recent and available three-year period, divided by the following: the average dollar amount received by the District from non-public payers for the most recent three-year billing period (excluding billings that are less than six (6) months old) divided by the average dollar amount received by the District from all payers for the most recent three-year billing period (excluding billings that are less than six (6) months old). For example purposes only, if the average CPI for the most recent three-year period is 3%, and the average amount the District received from non-public payers for the most recent three-year period (excluding billings that are less than six (6) months old) is \$27,000,000, and the average dollar amount received by the District from all payers for the most recent three-year period (excluding billings that are less than six (6) months old) is \$47,000,000, then the percentage would be 5.22%, calculated as follows:
 $.03/(\$27,000,000/\$47,000,000)$.
- (ii) Five percent (5%),

Notwithstanding the foregoing, in no event shall the maximum increase exceed nine percent (9%).

- G. The Ambulance Subcontract requires the hourly rates paid by the District to the Ambulance Services Subcontractor to increase annually by the greater of (i) the percentage increase in CPI, and (ii) three percent (3%).
- 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.

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, at 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) The Emergency Ambulance Services fees shall be charged to each person who receives District Emergency Ambulance Services during a single incident.
- (c) The District Board of Directors (the "Board") may adjust the amount of the Emergency Ambulance Services fees established by this ordinance pursuant to Health and Safety Code section 13916.

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. Effective Date. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KCK:

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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.

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| 1. Emergency Ambulance Response Base Rate | \$2,565.00 |
| 2. Mileage Rate (for each mile traveled with a loaded patient) | \$62.00 |
| 3. Oxygen Administration Charge | \$215.00 |
| 4. Treat and Refused Transport | \$550.00 |