

ORDINANCE NO. 42-18

AN ORDINANCE AMENDING CHAPTER 133 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED FIRE DEPARTMENT BY ADDING SECTIONS RELATING TO THE PROVISION OF EMERGENCY AMBULANCE SERVICES AND COST RECOVERY FOR EMERGENCY ACTION TO PROTECT THE PUBLIC HEALTH OR SAFETY OR THE ENVIRONMENT AND DECLARING AN EMERGENCY

WHEREAS, the City has been informed that its current emergency ambulance service company will not renew its service contract with the City in 2019; and

WHEREAS, the City desires to provide emergency ambulance service to its residents; and

WHEREAS, this Council has investigated and researched the City's options for providing emergency ambulance services to its residents and has determined at this time to provide emergency ambulance services to its residents through the City's existing Fire Department.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. Codified Ordinance Section 133.04 is hereby enacted to read as follows:

§133.04. EMERGENCY AMBULANCE SERVICE SYSTEM.

- (a) There is hereby created an emergency ambulance service and general ambulance service system (EMS) within the Fire Department. The EMS system is authorized to provide emergency medical services to the residents of the City. The EMS services are placed under the direction of the Safety-Service Director.
- (b) The Safety Service Director shall be the executive head of the EMS and the chief administrative authority thereof. The Safety Service Director shall establish all rules and regulations for the operation of the EMS service.
- (c) The Safety Service Director (or his/her designee) shall annually report to Council regarding the operation of the EMS.
- (d) General Ambulance Service shall not be authorized if it would jeopardize the ability of the Fire Department to provide emergency ambulance service to the City or to any political subdivision that contracts to receive EMS service from the City.

(e) In the interest of maximum utilization of ambulance equipment and personnel it is the policy of the City that all patients requiring emergency medical attention who become users of the EMS service will be transported to the emergency room of Magruder Hospital, City of Port Clinton, unless authorized by the Medical Director of the EMS, or his/her designee, to transport a patient to a different emergency room facility in accordance with established policies and procedures. If the Safety Service Director or the Fire Chief, or their respective designee, are reliably on notice of an extreme emergency wherein service facilities at Magruder Hospital are known to be overcrowded, EMS personnel may, when authorized, transport patients to the nearest hospital facility from the site of the injury.

(f) All individuals requesting the assistance of emergency ambulance service or who become users of the service upon the direction or authority of another person shall be notified upon request that the use of such service does not include the right to demand transport to a facility other than Magruder Hospital, Port Clinton, Ohio, unless such direction has been given by an attending medical physician upon examination of the patient at Magruder Hospital.

Section 2. Codified Ordinance Section 133.05 is hereby enacted to read as follows:

§133.05 DEFINITIONS.

A. “Advanced Life Support Level 1 (ALS1)” is transport by ground ambulance and the provision of medically necessary supplies and services at a level beyond the scope of an EMT-Basic but within the scope of an EMT-Intermediate or EMT-Paramedic specified in Chapter 4765 of the Revised Code.

B. “Advanced Life Support Level 2 (ALS2)” is ALS1 Service and the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications (except crystalloid fluids) by intravenous administration or by continuous infusion or (2) ground ambulance transportation and the provision of at least one of the following procedures: manual defibrillation or cardioversion; endotracheal intubation; establishment of a central venous line; cardiac pacing; chest decompression; opening of a surgical airway; or establishment of an intraosseous line. The monitoring of the listed interventions that were placed prior to the transport also qualifies as an ALS2 procedure.

C. “Basic Life Support (BLS)” is transport by ground ambulance and the provision of medically necessary supplies and services at a level within the scope of an EMT-Basic specified in Chapter 4765 of the Revised Code.

D. “Emergency” is a situation that requires immediate response for the provision of medical treatment, particularly a situation in which the sudden onset of a medical condition

manifests itself in acute symptoms so severe that the absence of immediate medical attention could reasonably be expected to result in serious harm to an individual's health, significant impairment of a body function, or failure of a body organ or part. An ambulance service may be considered to be of an emergency nature when an individual, at the time of transport, requires health-related assistance including but not limited to the following services: (1) immediate medical attention for a serious injury, an acute illness, or the sudden instability of a physical condition; (2) prophylactic immobilization (e.g. for a possible fracture); or (3) transport to a trauma center.

E. "Indigency" means as the term is defined by the Department of Health and Human Services poverty guidelines in place at the time of service.

F. "Loaded Mile" means the number of miles the patient is transported in the ambulance unit.

G. "Non Transport on Scene Treatment" means when in response to a request for service, medical treatment is rendered to a patient. Treatment may include the provision of BLS services, and the administration of medication, but transportation to a medical facility is declined by the patient.

H. "Non-Resident" means any person who does not maintain his or her permanent residence within the corporate limits of the City of Port Clinton.

I. "Resident" means a person residing within the corporate limits of the City of Port Clinton, with an Ohio Driver's License or state identification card showing a Port Clinton address, and/or voter registration with a Port Clinton address, or such other proof of residency as is acceptable to the Safety Service Director or his/her designee.

J. "Transport" means to carry out or convey a person by publicly owned or operated ambulance being used in response to a call for emergency medical service from one location to another.

K. All of the foregoing definitions are subject to automatic adjustment by reason of changes in applicable Medicare regulations and definitions and/or other authorities, including but not limited to the Department of Health and Human Services, and Chapters 4765 and 4766 of the Ohio Revised Code and any applicable provisions of the Ohio Administrative Code, which are incorporated herein by reference.

Section 3. Codified Ordinance Section 133.06 is hereby enacted to read as follows:

§133.06 FEES FOR EMERGENCY MEDICAL SERVICES

(A) A fee shall be charged by the City for each person receiving Emergency Medical Service from the City as follows:

1. Basic Life Support (BLS)	\$ 650.00
2. Advanced Life Support Level 1 (ALS1)	\$ 950.00
3. Advanced Life Support Level 2 (ALS2)	\$1,250.00
4. Transport on Mileage (both BLS and ALS)	\$ 14.00 per mile
5. On scene treatment without transport when transport service is refused by patient	\$ 50.00
6. On site lift assist with or without BLS or ALS	\$ 50.00
7. Wait time for Non-Emergency Transport	\$ 60.00 per quarter hour
8. For DOA Service Runs	\$ 650.00
9. For Helicopter preparation Service Runs will be billed at BLS, ALS1, or ALS2 service provided	\$

(B) The Safety Service Director is authorized to collect the charges for emergency medical services by the City and to enter into, subject to approval of Council, contracts with a third party billing company for the collection of the fees.

(C) Emergency Medical Service personnel shall inquire whether a person receiving emergency medical services is covered by any private or public health insurance plan, and, if the person is covered, shall make further reasonable inquiry to obtain the minimum data required to maintain accurate records and to provide the third party billing company with the information necessary to submit bills to the insurance carrier or public health care program (e.g. Medicare or Medicaid) or to the patient's financially responsible party when required by law. The City and/or its third party billing company shall submit bills for the emergency medical services provided to people to their private insurance providers and/or Federal Health Care Programs such as Medicare and Medicaid for services provided. The City will not balance bill when prohibited by law.

(D) Each person, whether a resident or a non-resident, calling for and/or who receives emergency medical services from the City (a "Patient") will be billed the rates established in this Section for the emergency medical services provided (i.e. BLS, ALS1, ALS2, etc.). The rates and all additional charges established herein are to apply to each patient regardless of whether the ambulance carries or provides services to more than one patient at the same time.

(E) The Safety Service Director may establish by rule an indigent waiver determination policy based on the Department of Health and Human Services poverty guidelines to use in considering waiving the out-of-pocket financial obligations of patients demonstrating a bona fide inability to pay. In such instances the individual requesting the waiver shall have the burden of providing any documentation required, including but not limited to verification of income.

(F) The Safety Service Director, or the authorized third party billing contractor, shall make reasonable efforts to collect amounts due from all Patients of the City for the costs of

services provided.

(G) All fees and charges collected by the City for providing emergency medical services shall be deposited to the Fire Levy Fund and such funds shall be used solely for the purpose of maintenance, operation and replacement of the ambulances and ambulance equipment, and for personnel to operate and maintain the ambulances.

(H) Billing for emergency medical services rendered to another political subdivision shall be as mutually agreed in writing between the City and the other political subdivision, and collected pursuant to the procedures set forth in subsections A through G hereof, as applicable.

Section 4. Codified Ordinance Section 133.07 is hereby enacted to read as follows:

133.07 FIRE CHIEF AS THE EMERGENCY HAZARDOUS MATERIAL MANAGER; LIABILITY FOR COSTS OF SPILLS.

(A) This section is enacted by the City pursuant to the authority of R.C. 3737.80 and R.C. 3745.13 of the Ohio Revised Code, in addition to the Constitutional home rule authority vested in the City.

(B) The Port Clinton Fire Chief is hereby designated as the Emergency Hazardous Material Manager for the City.

(C) It shall be the practice and policy of the City of Port Clinton, that when emergency action is required to protect the public health or safety or the environment, to charge any person responsible for causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment or responsible for the operation of an illegal methamphetamine manufacturing laboratory that has caused contamination of the environment for the necessary and reasonable, additional or extraordinary costs incurred in investigating, mitigating, minimizing, removing, or abating the spill, release, discharge, or contamination, in the course of its emergency action, but, to the extent criteria and methods for response actions prescribed under 40 C.F.R. 300, as amended, may be applied to the type of material involved and the conditions of the spill, release, discharge, or contamination, the person is liable for those costs only if the City employed those criteria and methods in its emergency action. The City will follow the procedure described in R.C. 3745.13, as may be amended, in computing and collecting the costs incurred.

(D) The City hereby adopts the Ottawa County Plan for Response to Hazardous Materials Emergencies (the "Plan") and particularly the reimbursement cost schedule for hazardous materials incidents and the training procedures described in the Plan, as amended from time to time, as approved and adopted by the Ottawa County Emergency Management Agency.

Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an

open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the City may continue to proceed with the development of its EMS service through the Fire Department so that the service will be ready to commence operations no later than July 1, 2019; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2018

President of Council

Attest: _____
Clerk of Council

Approved _____, 2018

Mayor