



CITY OF KIRKLAND
Fire & Building Department
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MEMORANDUM

To: Kurt Triplett, City Manager

From: J Kevin Nalder, Director Fire and Building Department
Mark Jung, Lieutenant

Date: December 20, 2010

Subject: EMS Transportation User Fee

RECOMMENDATION:

City Council adopts the attached ordinance that authorizes EMS transport fees, authorizes the City Manager or his designee to establish a procedure to bill and collect fees, and directs the City Manager or his designee to establish a financial aid policy to provide financial assistance and debt forgiveness to persons that do not have the ability to pay for some or all of the fee.

BACKGROUND:

At the December 7, 2010 meeting, City Council directed staff, to return with an ordinance that authorizes Emergency Medical Services (EMS) Transport User Fees to be levied by the City of Kirkland and incorporates Council direction on key policy issues presented in the staff memo on [EMS transport fees](#).

The following policy direction has been incorporated into the proposed ordinance:

1. Establishes our service commitment in official City policy, "All aspects of Emergency Medical Services the City currently provides, including EMS Transport, shall be provided to all patients without discrimination toward those with no ability or inadequate means to pay."
2. The user fee is set at \$600 plus \$14.00 per mile.
3. The City Manager or his designee is directed to establish a procedure for billing and collecting fees, which will be done based on the framework presented in the December 7, 2010 staff memo.
4. Residents will not be billed for fees in excess of amounts paid by their insurance.
5. Employees transported from their place of employment will be treated as residents for billing purposes.
6. The City Manager or his designee is directed to establish a financial aid program, based on WAC 246-453-001 through 246-453-060.

The following City Council direction has been incorporated into the work plan leading to a March 1, 2011 start date:

1. Staff resources needed to implement the transport user fee have been put in place temporarily, and a process for appointment of regular ongoing positions is underway.
2. Policies, procedures and training are currently being developed in preparation for an on-time start.
3. A billing and collection policy is being developed that fulfills the City's obligation to make a bona fide attempt to bill and collect all transport user fees, but does not send delinquent accounts to an outside collection service.
4. A professional services agreement (PSA) for billing services is being prepared.
5. Staff has taken note of Council questions about billing employees as residents and the collection policy. Detailed reports will be prepared on these issues along with reports and descriptive statistics addressing the overall success of the user fee program. A reporting schedule will be developed later in the implementation process.

With the attached ordinance approved, staff will continue to move the implementation plan forward. Policies, procedures and training are being developed; A PSA for billing is being prepared; the staffing plan is being implemented; and a plan for reporting to the City Council will be developed as the work plan draws to a close on March 1, 2011.

ORDINANCE NO. 4287

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING A NEW CHAPTER 5.75 OF THE KIRKLAND MUNICIPAL CODE TO RECOVER CERTAIN COSTS OF PROVIDING EMERGENCY MEDICAL SERVICES TRANSPORT.

WHEREAS, the City of Kirkland Fire Department currently provides basic life support ("BLS") emergency medical services ("EMS") and emergency medical services transport ("EMS Transport") without charge; and

WHEREAS, RCW 35.27.370(15), made applicable to the City by 35A.11.020, authorizes the City to charge fees of those receiving EMS Transport from the City's Fire Department; and

WHEREAS, such EMS Transport fees are often covered by medical insurance policies, including but not limited to Medicare and Medicaid; and

WHEREAS, funds derived from the voter approved King County Levy are insufficient to fully fund the City's EMS and EMS Transport; and

WHEREAS, as a result, EMS and EMS Transport must be subsidized by funds from the City's General Fund; and

WHEREAS, the City Council finds that those benefiting from the City's EMS Transport should be charged a fee to reimburse the City for at least some portion of the cost of the EMS Transport;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. A new Chapter 5.75 is hereby adopted to read as follows:

Chapter 5.75

EMERGENCY MEDICAL SERVICES TRANSPORT FEES

5.75.010 EMS transport fee imposed.

a. All persons receiving emergency medical services transport ("EMS Transport") by the City's Fire Department after February 28, 2011, shall be charged and billed an EMS Transport fee ("the Fee"). The initial Fee is set at \$600 per transport plus \$14.00 per mile. The Fee shall be adjusted in the future as necessary by resolution of the City Council. The City Manager or his/her designee shall establish a procedure to bill and collect Fees.

b. A resident of the City, or an employee transported from his or her

place of employment within the City, who supplies the City with the medical insurance information and documentation needed to bill his or her insurance provider for the Fee, and who assigns his or her insurance benefits for the same to the City, shall not be billed for that portion of the Fee that is in excess of amounts paid by his or her insurer(s).

c. A person who does not meet the criteria set forth above in subsection B, who supplies the City with the medical insurance information and documentation needed to bill his or her insurance provider for the Fee, and who assigns his or her insurance benefits for the same to the City, shall be billed for that portion of the Fee that is in excess of amounts paid by his or her insurer(s).

d. A person, regardless of residence or status as an employee within Kirkland, who does not supply the City with the medical insurance information and documentation needed to bill his or her insurance provider or who fails to assign such benefits to the City because he or she is unwilling, or because he or she does not have any type of insurance coverage for such charges, shall be billed for the entire Fee.

e. The Fee herein imposed shall not apply to persons transported by the City's Fire Department from jurisdictions outside the City's boundaries so long as those jurisdictions do not charge an EMS transport fee.

f. The use of the term "insurance" or any variation thereof in this section shall include Medicare and Medicaid.

g. The use of the term "EMS Transport" in this section shall mean: Transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the state (Chapter 18.73 RCW). The ambulance must be staffed by an individual who is qualified in accordance with state and local laws as an emergency medical technician basic (EMT Basic). Basic emergency medical technicians perform non-invasive, basic emergency treatment.

5.75.020 Medicare and Medicaid.

Charges for the EMS transport authorized by this Chapter shall be construed and implemented in a manner consistent with Medicare and Medicaid requirements, when applicable. If any method or procedures authorized by this Chapter for the purpose of establishing, implementing, imposing or collection of charges for EMS transport is found to conflict with Medicare and or Medicaid requirements, the conflicting part of this Chapter shall be inoperative to the extent the same conflicts with Medicare and/or Medicaid requirements. The operation of the remainder of this Chapter shall remain unaffected.

5.75.030 Policy and financial assistance.

a. The City's policy is that ability to pay is not a condition of service. All aspects of Emergency Medical Services the City currently provides, including EMS Transport, shall be provided to all patients without discrimination toward those with no ability or inadequate means to pay.

b. The City Manager or his/her designee shall establish a program

consistent with criteria and rules set forth in WAC 246-453-001 through 246-453-060 to provide financial assistance and debt forgiveness to persons that do not have the ability to pay for some or all of the Fee.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, a required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney