

**ORDINANCE NO. 009-14**

**AN ORDINANCE REPEALING ORDINANCE NO. 012-13 AND 071-13 AND ESTABLISHING NEW PER PERSON USER FEES FOR EMS BASIC LIFE SUPPORT, ADVANCED LIFE SUPPORT LEVEL 1 SERVICE, AND ADVANCED LIFE SUPPORT LEVEL 2 SERVICE, MILEAGE CHARGE, MUTUAL AID, MEDICAID, NURSING HOME SERVICE AND NON EMERGENCY TRANSPORT SERVICE AS IT RELATES TO CORONER CASES; ALL PROVIDED BY THE CITY OF NAPOLEON RESCUE; AND DECLARING AN EMERGENCY**

**WHEREAS**, emergency run activity and particularly emergency medical rescue service run activity is increasing each year; and,

**WHEREAS**, the City continues to investigate different methods to maintain the level of quality of emergency services at a reasonable cost; and,

**WHEREAS**, the City Council desires to implement a fair and equitable user fee which includes a moderate increase from that previously authorized instead of imposing additional taxes in order to operate the rescue service; Now Therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the Napoleon City Fire/Rescue Department, (hereinafter referred to as "the City") shall initiate a new user fee for delivery of emergency medical rescue services rendered by the City within its corporation limits or outside the corporation limits when no contract exists and when not otherwise prohibited by law. The rate of the user fee to be charged shall be that as established in §3 of this Ordinance. Nothing in this Section shall be construed as limiting the authority of the City to charge additional amounts for services and supplies provided that are over and above the base rate services in accordance with a separate fee schedule as approved by motion of Council.

Section 2. That, emergency medical rescue services rendered by the City as a result of utilization of a primary contract or an existing mutual aid contract with another state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state, shall be billed for emergency medical rescue services pursuant to the terms of such contract. Where the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state receives emergency medical rescue services without a contract, then such services shall be billed pursuant to Ohio law or, in the event Ohio law does not apply, such state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state that received the mutual aid shall only be billed an amount not to exceed its established user fee, if any; however, except as may otherwise be provided by Ohio law, when no contract exists, the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state served shall only be responsible for payment to the extent it collects from the end user.

Section 3. That, it is hereby authorized and approved as reasonable and necessary, the following rates for emergency medical rescue services when services are rendered by the City to any person within the corporation limits or to any person outside the corporation limits when not otherwise prohibited by law:

Base Rate per person (user fee) - Basic Life Support (BLS) (emergency and non-emergency) - \$534.71; Advanced Life Support Level 1 (ALS 1) (emergency and non-emergency) - \$822.13; Advanced Life Support Level 2 (ALS 2) (emergency and non-emergency) - \$1,144.32

Loaded Mile charge of \$13.68 (per loaded mile), in addition to user fees. (Rounding of mileage shall be in accordance with Medicare Regulations)

Section 4. Definitions as described in this Ordinance:

**"Advanced Life support, level 1 (ALS1)" (emergency and non-emergency):** as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

**"Advance Life support, level 2 (ALS2)"(emergency or non-emergency):** as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

**"Basic Life Support (BLS)" (emergency and non-emergency):** as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

**"Emergency Medical Rescue Services"** means: the providing of Basic Life Support (BLS)(emergency and non-emergency); Advanced Life support, level 1 (ALS1) (emergency and non-emergency); and/or, Advance Life support, level 2 (ALS2)(emergency or non-emergency).

**"Loaded Mile"** means: mileage traveled from the point of loading the person in the ambulance or other ground transport vehicle and ending with the transport at the point of delivery to the medical facility or landing zone.

Section 5. That, the Finance Director and/or City Manager are authorized and directed to contract with a billing and collection agency, as they deem appropriate, subject to approval by motion of Council, for collection of user fees as a result of emergency medical rescue services being provided by the City.

Section 6. That, any bills that remain unpaid after following collection guidelines as approved by the Finance Director, shall be reviewed annually by the Finance Director and City Manager to determine if further collection efforts are feasible and in the best interest of the City. The decision to reduce or abate an account or to pursue further collection efforts is in the sole combined discretion of the two above mentioned persons. As it relates solely to Medicare claims, the City will accept the Medicare allowed charge as payment in full and may not bill or collect from the patient any amount other than the unmet Part B deductible and Part B coinsurance amounts. As it relates solely to Medicaid claims, the City will accept the Medicaid allowed charge as payment in full. For emergency medical rescue services and ambulance transport being provided by the City to patients in "nursing home" facilities, otherwise covered under Medicaid, the City will accept the minimum payment of \$90.00 for BLS services and \$170.00 for ALS 1 and ALS 2 services, both inclusive of loaded mile, as full and final payment for the medical rescue services and ambulance transport.

Section 7. That, there is hereby established a fee for non-medical transports as it relates to Coroner ordered transports of \$100.00, inclusive of loaded mile.

Section 8. That, all amounts collected as a result of this Ordinance shall be placed into such a fund as established by the Finance Director to be used for the fire and rescue department.

Section 9. That, the City Finance Director and/or City Manager may enter into contracts with insurance companies and other entities responsible for patient payment for emergency medical services rendered to accept discounted amounts.

Section 10. That, in the event that Medicare or Medicaid Regulations, as applicable, conflict with any provision contained in this Ordinance, then the Medicare and/or Medicaid Regulations, as applicable, shall control.

Section 11. That, any services provided from March 1, 2000 to the effective billing date of this Ordinance for which a fee has been or should have been billed pursuant to Ordinance Numbers 53-01, 035-05, 092-06, 034-08, 098-08, 033-10, 013-12, and 012-13 shall not be abated, but shall remain as a valid collectable debt owed to the City, unless otherwise discharged in accordance with law.

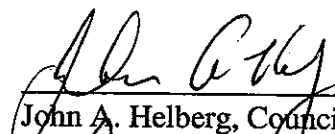
Section 12. That, Ordinance Nos. 012-13 and 071-13 are repealed in their entirety effective at 12:01 AM on April 1, 2014.

Section 13. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.


Section 14. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 15. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect April 1, 2014.

Passed: March 03, 2014

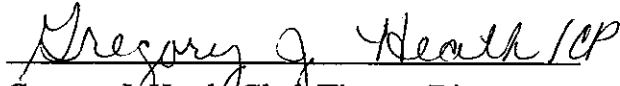
  
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John A. Helberg, Council President

Approved: March 03, 2014

  
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Ronald Behm, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 009-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 15<sup>th</sup> day of March 2014; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

  
Gregory J. Heath, Clerk/Finance Director