

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, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of January, 2011.


Signed in authentication thereof this 4th day of January, 2011.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney