

# MEMO

**To:** TOWN COUNCIL

**From:** Joanna Gutierrez, Town Clerk 

**Subject:** Amended Agenda Material regarding Agenda Item 9(a) for the meeting of August 25, 2009

**Date:** August 24, 2009

Attached is an amended resolution for Agenda Item 9(a) relating to the consideration of establishing a medical call-out cost recovery program and a voluntary annual subscription program to enable the Town to bill an end user for emergency medical services.

Received in the Town Clerk's office on the afternoon of August 24, 2009.

jmg/attachment(s)

cc: Chuck Rough  
Dwight Moore  
Enterprise Record  
Paradise Post  
Public View Packet

## TOWN OF PARADISE

Resolution No. 2009-\_\_\_\_\_

### RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, ESTABLISHING AN EMERGENCY MEDICAL SERVICES SUBSCRIPTION AND RELATED FEES, AS WELL AS ESTABLISHING A FEE FOR EMERGENCY MEDICAL SERVICES PROVIDED TO PERSONS WHO ARE NOT MEMBERS OF THE SUBSCRIPTION PROGRAM

**WHEREAS,** the Town of Paradise operates an efficient and emergency medical service trained (basic life support) Fire Department, which provides timely and efficient emergency medical services to the Town of Paradise residents and visitors; and

**WHEREAS,** as the Town has grown, the number of calls for emergency medical services to which the fire department responds has increased substantially over the years; and

**WHEREAS,** the Fire Department and the Town in general are operating under significant budget limitations as a result of California's ongoing public fiscal crisis; and

**WHEREAS,** the high volume of emergency medical service calls requiring responses by the Fire Department represents a significant drain on the finances of both the Fire Department and the Town, and could jeopardize the Town's ability to continue to operate as a needed and necessary emergency medical service provider at the basic life support level; and

**WHEREAS,** operation of an efficient Fire Department, with modern medical services equipment and sufficient numbers of trained professional personnel, is essential for the protection of the health, safety and welfare of the Town of Paradise residents and visitors; and

**WHEREAS,** on \_\_\_\_\_, 2009, the Town Council held a noticed public hearing to consider adopting the Emergency Medical Services Subscription Program and fees;

**WHEREAS,** the Town Council has determined that recovery of certain costs incurred in responding to calls for emergency medical services is essential for the continued operation of the Fire Department as a modern, professional, and efficient fire and emergency medical service provider;

**NOW, THEREFORE, BE IT RESOLVED BY** the Town Council of the Town of Paradise, California, as follows:

**Section 1.** Pursuant to California Constitution Article XI, section 9, the Town Council hereby establishes the Emergency Medical Services Subscription Program, described in Exhibit "A" attached hereto (the "EMS Program" or "Program"). The annual fee for the EMS Program is hereby set in the amounts provided for in Exhibit "A" attached hereto (the "EMS Program Fee"). The EMS Program fee shall be adjusted within the Town's Master Fee Resolution adopted by the Town Council.

**Section 2.** The Town Council hereby establishes a fee for Emergency Medical Services provided by the Town of Paradise Fire Department to person(s) who are not entitled to the benefits of

the EMS Program. The Emergency Medical Services Fee is hereby set in an amount provided for in Exhibit "A" attached hereto.

**Section 3.** The EMS Program, the EMS program fee, and the EMS fee are described in Exhibit "A" (Policy for the Emergency Medical Services Subscription Program and the Emergency Medical Services Fee). For purposes of this resolution, Emergency Medical Services shall be defined in Section 10 of Exhibit "A".

**Section 4.** The EMS fees collected shall be deposited in the following Town budgetary accounts: \_\_\_\_\_.

**Section 5.** This Resolution shall take effect and be in force on the date of its adoption

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise on this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following votes:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

\_\_\_\_\_  
**Frankie Rutledge, Mayor**

**ATTEST:**

**By:** \_\_\_\_\_

**Joanna Gutierrez, Town Clerk**

**By:** \_\_\_\_\_

**Dwight L. Moore, Town Attorney**

## **Exhibit "A"**

### **Policy for Emergency Medical Services Subscription Program and Emergency Medical Services Fee**

#### **1. Policy Purpose**

This Policy is adopted by the Town of Paradise Town Council to set forth certain provisions of the Emergency Medical Services Subscription Program (the "EMS Program") and the Emergency Medical Services Fee (the "EMS Fee") established by Resolution 2009-\_\_\_\_ of the Town of Paradise, Town Council, on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

#### **2. EMS Program Eligibility and Coverage**

2.1 The EMS Program is open to residents of the Town of Paradise and any business located in the Town of Paradise (collectively, "Eligible Participants"). Eligibility may be established through a current utility bill, rental contract, or other forms of identification which clearly reflects residence or business location within the Town limits of the Town of Paradise.

2.2 A subscription to the EMS program will cover all members of a subscriber's household who are permanent residents of the subscribing household, regardless of the location where the Town of Paradise renders the emergency medical services. For business subscriber's, an EMS program subscription will cover all emergency medical services provided to employees at the business address or employees who are elsewhere in the Town of Paradise in the course of their business duties. A business subscriber's EMS program subscription will not cover customers or other visitors to the premises of the business. For businesses who also have residents (such as care facilities and assisted living), coverage is available for employees and/or residents, as described in section 4.4.

#### **3. EMS Program Fees**

3.1 The EMS Program fee shall be set originally at the following amount: \$82 subscription rate per year for residential subscribers and is due and payable by June 30 of each year. The method of calculation for the EMS Program fee for business subscribers is set forth in Section 4.3 herein. The EMS Program fee shall be adjusted periodically by resolution of the Town Council, and may be adjusted within the Town's Master Fee Resolution adopted by the Town Council.

3.2 Non-subscribers shall be billed for EMS services at a flat rate of \$235 per response for first responder services (Basic Life Support) provided by the Town of Paradise Fire Department.

#### **4. Joining the EMS Program**

4.1 Eligible residential participants may join the EMS Program at any time by contacting the Town of Paradise Fire Department and submitting the required application form and

appropriate identification establishing residency between May 1 and June 30 of each year.

4.2 New residents of the Town may join the EMS Program within 30 days of the actual date upon their residency in the Town of Paradise commences upon payment of the full annual fee without a processing charge. This fee will not be prorated. The effective date of enrollment shall be the date payment was made, and enrollment shall run through the end of the fiscal year, June 30.

4.3 Eligible business participants who do not have residents may join the EMS Program under the terms and conditions applicable to residential subscribers, as well as the following provisions: For purposes of calculating the subscription fee applicable to a business, the residential EMS program fee then in effect shall be considered one "unit". The subscription fee for the business with fewer than 20 employees shall be equal to one unit for each five (5) employees of fraction thereof. The subscription fee for a business with more than 20 employees shall be equal to one unit for each ten employees of fraction thereof. A business may not subscribe for partial coverage, and each employee will count as an employee regardless of how many hours the employee works. In order for a business to subscribe to the EMS program, a representative of the business contacts the Town of Paradise Fire Department and completes the required application for enrollment into the EMS program and pays applicable fees. If there is change in the number of employees in the business the business must immediately make notification to the Town of Paradise Fire Department on the required recalculation of fee form.

4.4 Businesses with residents such assisted living facilities, convalescent hospitals, and similar facilities are eligible to join the EMS program on the terms and conditions set forth in this section:

4.4.1 The residents shall be eligible to join the EMS program under the terms and conditions applicable to residential subscribers generally. Otherwise, the Facilities may join the EMS Program, paying one unit for each bed in the Facility.

4.4.2 Facilities may subscribe to the EMS program with respect to all residents but no employees, all employees and no residents, or all residents and all employees. Facilities may not subscribe for partial coverage of residents or partial coverage of employees.

## 5. **General Conditions**

5.1 Subscribers who move within the Town of Paradise will not be required to pay an additional fee, but must submit a change of address form to the Town of Paradise Fire Department.

5.2 Subscribers who leave the Town of Paradise or go out of business prior to the end of the period for which they have paid shall not be eligible for a refund or any portion of the fee.

6. **EMS Fee Applicability**

- 6.1 The Town of Paradise Fire Department shall charge the fee as described in Section 3 who receive Emergency Medical Services from the Town of Paradise Fire Department and who is entitled to the benefits of the EMS Program. The EMS fee shall also be charged to any person refusing treatment on whose behalf a call for Emergency Medical Services was made at his or her request or by any person within the patient's household or business. The EMS fee shall not be charged to any person refusing treatment where the call for Emergency Medical Services was not made at his or her request or was made by a person who is not within the patient's household or business.

7. **EMS Fee Waivers**

- 7.1 In exceptional or unusual circumstances, the Fire Chief, may elect not to charge an otherwise applicable EMS fee pursuant to the following: "exceptional or unusual circumstances" include, but are not limited to the following: (A) cases in which the patient dies before the Town of Paradise Fire Department personnel arrive and care was not provided.
- 7.2 The Fire Chief may not waive an otherwise applicable EMS fee by virtue of a patient's relationship or friendship with any Town employee or by virtue of a patient's employment by the Town of Paradise if the services received occur while the Town employee is off duty/not working.
- 7.3 The Fire Chief shall create a written record for each instance in which an EMS fee is waived, documenting the circumstances involved and the reason for the EMS fee waiver. Each such record shall be maintained by the Fire Department for a period of not less than five (5) years. Annually, the Fire Chief shall submit the report to the Town Council for review and comment.

8. **EMS Fee Exemption**

- 8.1 A patient shall be eligible for a one time exemption from payment of the EMS fee provided all of the following conditions are met:
- 8.1.1 The patient is not a subscriber of the program;
- 8.1.2 The patient is a Town of Paradise resident;
- 8.1.3 The patient is covered by Medi-care insurance or is otherwise eligible for Medi-cal.
- 8.1.4 The patient provides evidence of Medi-care and/or Medi-cal coverage; and
- 8.1.5 The patient pays a cost of 35% of the overall fee charged
- 8.1.6 The patient subscribes immediately to the EMS program and pays applicable fees.
- 8.2 A patient shall be eligible for a one time reduction of 50% applied to the EMS fee provided all of the following conditions are met:
- 8.2.1 The patient is not a member of the EMS program;
- 8.2.2 The patient is not a Town of Paradise resident;

- 8.2.3 The patient is covered by Medi-care insurance or is otherwise eligible for Medi-cal;
  - 8.2.4 The patient provides evidence of Medi-care and/or Medi-cal coverage; and
  - 8.2.5 The patient pays a cost of 50% of the overall fee charged.
- 8.3 Any patient who has used the one time exemption or 50% reduction, has subsequently withdrawn from the EMS program, and has subsequently received emergency medical services shall pay all applicable fees.

9. **Billing and Collection**

- 9.1 The Town of Paradise Fire Department, or a third party biller contracted by the Town, will generate a bill for each patient who has incurred an EMS fee, except for patients for whom fees are waived pursuant to Section 7 above or as a result of the patient's membership in the EMS program. Bills are due upon receipt of the patient. Bills which remain unpaid thirty (30) days following receipt by the patient shall bear interest at the rate of ten percent (10 %) per annum. Bills which remain unpaid for 90 days after receipt by any patient may be referred to a collection agency.

10. **Definition of Emergency Medical Services**

- 10.1 Emergency Medical Services shall mean Basic Life Support as those terms are defined in Section 1797.60 of the California Health and Safety Code as stated in whole as follows:

*1797.60. "Basic life support" means emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.*