

WHEREAS, Indiana Code IC 16-31-5-1 establishes the authority of the Delaware County Commissioners to Establish, operate, and maintain emergency medical services.

WHEREAS, Indiana Code IC 16-31-5-1 (4) establishes the authority of the Delaware County Commissioners to apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

WHEREAS, Indiana Code IC 16-31-5-2 establishes restrictions on the provision of emergency medical services

WHEREAS, this ordinance will require the approval of both the County Commissioners and the County Council to enact all of the changes necessary for the improvement of emergency medical service

WHEREAS, the current EMS charges for services are less than the actual cost for providing the service, and

WHEREAS, an increase in the prices charged for EMS services will complement the changes made by the Delaware County Commissioners on billing and collection, and

BE IT ORDAINED THAT a new ordinance be added to the Delaware County Code. The attached Exhibit A, Sections 1 through 4, containing the substantive provisions of this Ordinance is incorporated into said Code as part of this Ordinance.

BE IT FURTHER ORDAINED THAT:

1. The previous Delaware County Emergency Medical Service Ordinance, 2006-01, 2010-007A, 2011-26A, and all other ordinances that amended or modified Ordinance 2006-01 are hereby repealed.
2. The Emergency Medical Services Ordinance shall incorporate Exhibit A as the Ordinance concerning Emergency Medical Services in Delaware County, IN.
3. All ordinances or parts of ordinances in conflict or inconsistent with provisions of this Ordinance are hereby repealed.
4. Should any Section, Paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force and effect.

Adopted by the Board of Commissioners of the County of Delaware State of Indiana on the

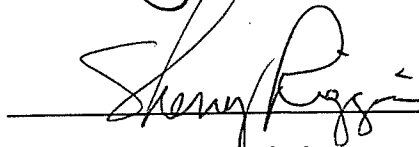
17 day of January, 2017: effective upon Passage.



Shannon Henry, Commissioner



James King Sr, Commissioner



Sherry Riggins Commissioner

Attest:



Steve Craycraft, County Auditor

**EXHIBIT A**

**DELAWARE COUNTY  
EMERGENCY MEDICAL SERVICE CODE**

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## **SECTION 1: PURPOSE**

To establish in Delaware County, a Department of Emergency Medical Service and to provide for the exercise of necessary powers during medical emergencies.

## **SECTION 2: COUNTY EMERGENCY MEDICAL SERVICE PROGRAM; DEFINITIONS AND GENERAL PROVISIONS**

### **A. DEFINITIONS**

1. **“Principal Executive Officer”** of the County as referred to in Indiana Code 10-14-3-29(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the County Board of Commissioners established under Indiana Code 36-2-2
2. **“Director”** of Delaware County EMS is established as the Chief Officer of the department, subject to the direction and control of the County Board of Commissioners, shall be executive head of the Department, and pursuant to Indiana Code IC 16-31-5-1 has direct responsibility for the organization, administration and operation of the Emergency Medical Service department, including the following specific powers and duties:
  - a. The Director, pursuant to Indiana Code IC 16-31-5-1, is responsible to the County Board of Commissioners, and as such shall keep the County Board of Commissioners fully informed on Emergency Medical Service activities and shall provide such reports to the County Board of Commissioners
  - b. The Director shall submit to the County Board of Commissioners a yearly report on the county's comprehensive Emergency Medical Service activities previous year and planned and recommended for the year to come.
  - c. The Director shall ensure that all of the duties and responsibilities of the Emergency Medical Service Agency are completed.
3. **“EMS”** means Delaware County Emergency Medical Service.
4. **“Personnel”** means county EMS officers and employees and emergency medical personnel, unless otherwise indicated.
5. **“Ambulance Billing”** Rates for Services provided by EMS: each run fee charged and collected by the County EMS for providing the following services:
  - A. Basic Life Support
  - B. Basic Life Support Emergency
  - C. Advanced Life Support 1

- D. Advanced Life Support 1 Emergency
- E. Advanced Life Support 2
- F. Specialty Care Transport
- G. Treatment, Non Transport

6.

**A. "Ambulance Replacement Fund" (Fund 4915/283)**

- a. Within the records of the County Auditor's office, there is now established an account designated as the EMS Replacement Ambulance Fund.
- b. Said fund shall be a non-reverting fund maintained by the Auditor of Delaware County.
- c. Any payments made from the EMS Ambulance Replacement Fund shall be appropriated by the County fiscal body;
- d. The Auditor is hereby directed to deposit contribution from Delaware County EMS billing services in the sum of Ten Thousand Dollars (\$10,000) each month.
- e. In addition to the contribution from the Delaware County EMS Billing Services amount the Auditor is hereby directed to deposit the "ALS intercepted fees" that are collected from services rendered by Delaware County EMS from surrounding EMS services. Said ALS intercept fees shall be deposited into the EMS Replacement Ambulance Fund.

**B. Participation Requirements for the Ambulance Replacement Fund are:**

- a. Any EMS service that makes a request for money from the EMS Ambulance Replacement Fund shall be required to be "in service" for a total of 365 days prior to the requested funds and shall remain "in service" for a period of 1,825 days after receiving said ambulance reimbursement funds.
- b. The failure of an EMS service to remain "in service" for all 1,825 days shall require that the funds received or the ambulance purchased to be removed from the EMS service and then provided to one of other county EMS services that qualify.
- c. In the event that any EMS service shall obtain an ambulance pursuant to this fund and shall not remain in-service for the required time, then the non-complying EMS service shall be required to present information to the Delaware County Commissioners as to their reasons why they were out of service and the justification for keeping the ambulance replacement. The Delaware County Commissioners shall review the information provided and determine if the EMS service shall retain the ambulance provided.
- d. All ambulances purchased from the proceeds of this Fund shall be titled in the name of "Delaware County Commissioners" and then shall be leased to the participating agency for a nominal amount per year. At the end of the useful life of the ambulance, the participating agency shall determine if they want to

purchase the ambulance for continued use at its fair market value or obtain another ambulance.

- e. The "useful life" of an ambulance shall be considered to be no more than 10 years. Any proceeds received from the sale of any ambulance to a participating service shall be deposited into the EMS Ambulance Replacement Fund.
- f. Any participating and identified service that is eligible may qualify to anticipate in the EMS Ambulance Replacement Fund that does not want to keep an ambulance after its useful life said ambulance shall be turned over to Delaware County EMS for the sum of \$1 to be used in its service. In the event that Delaware County EMS shall not desire to use said ambulance, said ambulance shall be sold as county surplus material and the proceeds deposited into the EMS Ambulance Replacement Fund.

**C. EMS Medical Supply Fund (4920/322)**

- a. There is a fund, within the records of the County Auditor's office designated as the Delaware County EMS Medical Supply Fund.
- b. The Delaware County EMS Medical Supply Fund is a non-reverting fund.
- c. Delaware County EMS may purchase medical supplies using the proceeds of this specially designated fund and which shall not require appropriation.
- d. The County Auditor is directed to place within said fund the amount of sixteen thousand dollars (\$16,000) each month from the Delaware County EMS Billing Services income.

**D. EMS 457 Supplement Pension Fund (Fund 4907/258)**

- a. There is established an account designated as the Delaware County Supplemental Pension Fund.
- b. Said fund shall serve as a fund to establish a retirement enhancement for EMS personnel where user fees from EMS customer ambulance fees.
- c. Said fund shall be a non-reverting fund.
- d. The Auditor is directed to place within said fund the amount of ten thousand five hundred dollars (\$10,500) each month from the Delaware County EMS Billing Services income.
- e. Should further contributions to the County EMS Pension Supplement Plan Fund be made by EMS personnel, said contributions shall be automatically removed each pay period from their compensation by the Auditor without further approval from this body.
- f. Contributions to the County EMS Pension Supplement Plan Fund be made by Delaware County, as employer, shall automatically be provided by the Auditor without further approval from this body.
- g. Payments made to the Pension Supplement Plan holder, without further approval from this body.

**E. EMS Capital Improvement Fund (4910/263)**

- a. There established an account designated as the Delaware County EMS Capital Improvement Fund.

- b. Said fund shall serve as to the betterment of Emergency Medical Service coverage, stations, fleet, equipment, and other needs and expenses of Delaware County EMS.
- c. Said fund shall be non-reverting.
- d. The Auditor is directed to place within said fund the amount of Twenty Thousand dollars (\$20,000) each month from the Delaware County EMS Billing Services income.
- e. Any payments made from the EMS Capital Improvement Fund shall be appropriated by the County fiscal body.

**F. EMS Hazmat Supply, Training & Equipment Fund”** (fund number to be determined)

- a. There is established an account designated as the Delaware County EMS Hazmat Supply, Training & Equipment Fund for the purpose of allowing the Delaware County EMS to purchase hazmat supplies and equipment, conduct training on hazardous materials handling and situation and purchase equipment necessary for these circumstances.
- b. Said fund shall be a non-reverting fund and is a specially designated fund limited in it use.
- c. Delaware County EMS may purchase supplies, equipment and conduct training without the necessity of an appropriation for this account.
- d. The Auditor is directed to place within said fund the amount of Four Thousand Five Hundred dollars (\$4,500) each month from the Delaware County EMS Billing Services income.

**G. EMS Overtime Replacement Fund** (fund number??)

- a. There is a fund called Delaware County EMS Overtime Replacement Fund for the EMS service to reimburse the overtime account when shortfalls are suffered due to disasters or emergencies required extra expenditures from the overtime account.. This shall be a fund for the collection of fees from events where EMS is paid
- b. Said fund shall be non-reverting.
- c. The Auditor is here directed to place within said fund Fifty percent (50%) of the fees collected from special events that pay to the Delaware County EMS for the services of the EMS employees.
- d. In the event that the regularly appropriated overtime account is depleted, then the funds in the EMS Overtime Replacement Fund may be transferred to the regular overtime account with the consent of the County Council.

**SECTION 3: COUNTY EMERGENCY MEDICAL SERVICE FEE STRUCTURE AND BILLING;**

1. “Ambulance Billing” rates and services provided by Delaware County Emergency Medical Service (EMS): each run fee charged and collected by the County EMS for providing the following services:

- |                                 |               |
|---------------------------------|---------------|
| A. Basic life support           | BLS           |
| B. Basic life support emergency | BLS Emergency |



- |                                      |                |
|--------------------------------------|----------------|
| C. Advanced Life Support 1           | ALS 1          |
| D. Advanced Life Support 1 emergency | ALS Emergency  |
| E. Advanced Life Support 2           | ALS 2          |
| F. Specialty Care Transport          | Specialty Care |
| G. Treatment, Non Transport          |                |
| H. Ambulance Subscription Service    |                |

**2. Rates.**

- A. Ambulance billing fees for EMS shall be as follows:
- a. The EMS shall charge five hundred fifty dollars (\$550.00) for basic life support services. {Hereinafter referred to as "BLS rate".}
  - b. The EMS shall charge nine hundred fifty dollars (\$950.00) for advance life support 1 emergency services. {Hereinafter referred to as "BLS Emergency rate".}
  - c. The EMS shall charge one thousand two hundred dollars (\$1,200.00) for advance life support services, 2. {Hereinafter referred to as "ALS 1 rate"}
  - d. The EMS shall charge mileage for their service at the rate of fifteen dollars (\$15.00) per mile. {Hereinafter referred to as Mileage Rate}
  - e. The EMS shall charge an hourly rate of one hundred dollars (\$100.00) an hour for waiting or "on call" time at events or activities. The EMS shall also charge a fee of forty-five dollars (\$45.00) per hour for each additional medical personnel needed or a single medical personnel and appropriate equipment covering a scheduled event.
  - f. The EMS shall charge one thousand nine hundred dollars (\$1,900.00) for Specialty Care transportation. Specialty Care is defined as inter-hospital transfers of care. Hazardous Material cases or High Risk Transport services.
- B. The EMS shall charge an additional twenty-five (25%) premium on all services rendered for those services requested from patients that reside out of Delaware County. The regular mileage rate shall apply to these out of county service calls. A "premium charge" shall be assessed for any transport of a patient to any health care facility outside of Delaware County or if the patient requests services of the Delaware County EMS outside the boundaries of the county.
- C. If two patients are transported simultaneously; Delaware County EMS shall charge 75% of the base rate applicable to the level of care furnished to each patient. If three or more patients are transported simultaneously, Delaware County EMS shall charge 60% of the base rate applicable to the level of care furnished to each patient. Each patient shall pay their share of the mileage charge.
- D. The EMS shall charge each ALS treated patient with an intravenous therapy, medication administration, or injection that refuses transport to a health care facility the sum of one hundred dollars (\$100.00) {Hereinafter referred to as a Treatment Non Transport}.
- E. Delaware County emergency medical service shall provide requested Advanced Life ALS Support (ALS) services to outlying and local emergency medical services for a reasonable and appropriate cost. Understanding that the transporting ambulance has the ability to bill the patient or insurance fees associated with ALS treatment may be charged by the transporting service to the patient or insurance subscriber. Delaware

County EMS provides ALS intercept services without question and will invoice the service that it is providing ALS services for:

- a. Fees associated with ALS patient care assistance otherwise known as ALS intercept with another EMS shall be charged to the service requesting the assistance.
  - b. Through interlocal agreements a predetermined dollar amount for services rendered may be negotiated prior to the need for such assistance.
  - c. Fees associated with ALS intercept shall be charged to transporting services.
- F. ALS intercept fee shall be charged to transporting services operating headquarters outside Delaware County Indiana at a rate of five hundred dollars (\$500.00) per assisted transport where Delaware County EMS personnel are utilized by a transporting service with an agreement to provide care to that services patient billed to the collecting transport service.
- G. ALS intercept fees shall be charged to transporting services operating headquarters outside Delaware County Indiana. Those operating with an agreement with Delaware County shall be charged at a rate of two hundred dollars (\$200.00) per assisted transport where Delaware County EMS personnel are utilized by a transporting service with an agreement to provide care to that services patient billed to the collecting transport service.
- H. ALS intercept fees shall be charged to transporting services operating headquarters inside Delaware County Indiana and establish as a primary 911 services and subsidized by Delaware County.
- i. Those operating with an agreement with Delaware County shall be charged at a rate of one hundred dollars (\$100.00) per assisted transport where Delaware County EMS personnel are utilized by a transporting service with an agreement to provide care to that services patient billed to the collecting transport service.
  - ii. In the event that there remain any unpaid ALS intercept fees from any services using Delaware County EMS said unpaid balances shall be turned over to collections once the debt becomes 180 days past due. The corresponding service that has a balance due shall also be responsible for any collection and/or attorney fees incurred.
3. The Delaware County Board of Commissioners' may waive EMS fees. The Delaware County Board of Commissioners' shall waive any EMS fees in any public meeting.
4. Write-offs: The County Commissioners, in a public meeting, may cancel or write-off any unpaid Ambulance Services Charge still owed to the County more than one year after it was incurred if he/she believes there is no likelihood of collection of same.
5. Hardship: the County recognizes that some individuals may fall into hardship from many factors; the county will recognize those who are eligible for hardship status as qualified by IU Ball Memorial Hospital or other Indiana healthcare partner hospitals. Those qualified for hardship status will be extended those services available up to and including bill cancellation or write-off as deemed appropriate by the Director of EMS with approval by the Delaware County Commissioners.
6. The Delaware County Commissioners will offer a reduced cost for those services that are deemed "self pay" by the EMS billing company. The EMS billing company may offer up to a twenty five percent (25%) discounted rate for individuals who are self pay and may

charge at two percent (2%) per month collection fee on the remainder of the balance for monthly payments payable to Delaware County. Any further discounted rates will be approved by the Director of EMS and the Delaware County Commissioners.

**SECTION 4: COUNTY EMERGENCY MEDICAL SERVICE DIRECTOR;**

Administrative chief officers of Delaware County EMS, including but not limited to Director, Deputy Director, and Captain are considered the administrative chief officers. The Director, Deputy Director, and Captain positions may have been elevated from within the ranks of public safety of Delaware County, Indiana to the administrative chief offices position. The present fire and police merit laws of the State of Indiana permit a department head to revert to his prior rank when removed; as said department head. The Delaware County Commissioners past practice has been to establish an ordinance to allow a department head or administrator to be removed or when he/she has chosen to relinquish their position, he/she shall revert to the his/her prior position within their rank and file of Delaware County EMS.