

Delaware County EMS Ordinance of Fee Structure

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 3, containing the substantive provisions of this Ordinance is incorporated into said Code as part of this Ordinance.

BE IT FURTHER ORDAINED THAT the previous Delaware County Emergency Medical Service Ordinance, 2006-01, 2010-007A, 2011-26A, and all other ordinances that refer to Delaware County EMS are hereby repealed. This ordinance, 2014-__ shall replace the repealed ordinances.

All ordinances or parts of ordinances in conflict with provisions of this Ordinance, said ordinances or parts of ordinances are hereby repealed.

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

_____ day of _____, _____: effective upon Passage.

James King Sr. Commissioner

Larry Bledsoe Commissioner

Sherry Riggan Commissioner

Attest:

Judy Rust County Auditor

EXHIBIT A

DELAWARE COUNTY
EMERGENCY MEDICAL SERVICE

SECTION 1: COUNTY EMERGENCY MEDICAL SERVICE FEE STRUCTURE AND BILLING;

1. **“Ambulance Billing”** Rates for 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
 - 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
 - H. Ambulance Subscription Service

2. Currently Delaware County has not had a increase in fees in several years and there is a need to increase the fees charged for EMS services to complement the changes made by the Delaware County Commissioners, and the associated cost of providing EMS for billing and collection; Ambulance billing fees for EMS shall be as follows:
 - A. The EMS shall charge five hundred and fifty dollars (\$550.00) for basic life support services. {Hereinafter referred to as BLS Emergency rate.}
 - B. The EMS shall charge nine hundred fifty dollars (\$950.00) for advance life support services 1 emergency, {Hereinafter referred to as ALS 1 emergency rate.}
 - C. The EMS shall charge twelve hundred dollars (\$1200.00) for advance life support services, 2 {Hereinafter referred to as ALS 2 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 nineteen hundred dollars (\$1900.00) for Specialty Care transportation.
 - G. The EMS shall charge an additional twenty-five (25%) premium on all services rendered for those services requested form patients that reside out of Delaware County. The regular mileage rate shall apply to these 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.
 - H. 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.

- I. 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}.
- J. Delaware County emergency medical service shall provide requested Advanced Life 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 pre determined 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.
- K. ALS intercept fees 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 without an agreement to provide care to that services patient billed to the collecting transport service.
- L. 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.
- M. ALS intercept fees shall be charged to transporting services operating headquarters inside Delaware County Indiana and established as a primary 911 services and subsidized by Delaware County. 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.
- N. Delaware County EMS “**Delaware Care**” Subscription membership fee shall be twenty five dollars (25.00) for an individual or seventy five dollars (75.00) for a household (ALL permanent family members living at the listed address) whichever is less.

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 and write-off any unpaid Ambulance Service 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 cancelation or write-off as deemed appropriate by the Director of EMS with approval by the Delaware County Commissioners.
6. The Delaware County 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 a 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 2: EMERGENCY MEDICAL SERVICE FUNDS / EMERGENCY MEDICAL SERVICE ACCOUNT DEPOITS

- 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 Ambulance Fund.
 - b. Any payments made from the EMS Ambulance Replacement Fund shall be appropriated by the County fiscal body.
 - c. In order to increase the amount deposited into the County General Fund the Auditor is hereby directed to deposit contribution from Delaware County EMS billing services five thousand dollars (5,000.00) each month.
 - d. In order to maintain the ambulance replacement fund the Auditor is hereby directed to place within said fund the "ALS intercept fees" that are collected from services rendered by Delaware County EMS to surrounding EMS services. All contributions to the EMS Ambulance Replacement Fund shall be deposited into said fund by the Auditor without further approval from this body.
 - e. **Participation Requirements for the Ambulance Replacement Fund are:**
 - i. 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. 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 the other county EMS services that qualify. 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. The Delaware County Commissioners shall review the information provided and determine if the EMS service shall retain the ambulance provided.

- ii. 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. 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.
- iii. Any participating and identified service that is eligible may qualify to participate 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.

B. That, within the records of the County Auditor's office, there is now established an account designated as the Delaware County **"EMS Medical Supply Fund"** A fund (4920/322) to establish a fund where EMS medical supplies may be purchased from, thereby allowing Delaware County Council to eliminate the Medical Supply Budget, in the EMS Budget. Establishing a NON REEVERTING fund from which to purchase Medical Supplies/Equipment by way of the normal claims to process established by the Delaware County Auditor's office. Auditor is directed to place within said fund the amount of twelve thousand five hundred dollars (12,500) each month.

C. That, within the records of the County Auditor's office, there is now established an account designated as the Delaware County **"DCEMS 457 Supplement Pension Fund"** (Fund 4907/258) A fund to establish a retirement enhancement for EMS personnel where user fees from EMS customer ambulance fees. The Auditor is directed to place within said fund the amount of nine thousand two hundred dollars (9,200) each month. That, 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. That 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. That payments made to the Pension Supplement Plan holder shall be automatically provided by the Auditor from the County EMS Pension Supplement Plan Fund, as required by the Pension Supplement Plan holder, without further approval from this body.

- D. That, within the records of the County Auditor's office, there is now established an account designated as the Delaware County "**EMS Capital Improvement Fund**" (4910/263) a NON REEVERTING fund to establish the betterment of Emergency Medical Service coverage, stations, fleet, equipment, and other needs and expenses of Delaware County EMS. The Auditor is directed to place within said fund the amount of sixteen thousand dollars (16,000) each month. Any payments made from the **EMS Capital Improvement Fund** shall be appropriated by the County fiscal body.
- E. That, within the records of the County Auditor's office, a new NON REEVERTING fund shall be established designated as the Delaware County "**EMS Overtime Replacement Fund**" A fund for collection of fees from events where EMS is paid to cover specialty events out of their budgeted overtime. This fund is to be collected and deposited by the Auditor in a non reverting fund to reimburse the overtime account when shortfalls are suffered due to disasters or emergencies requiring extra expenditures from the overtime account. The Auditor is hereby directed to place within said fund fifty percent (50%) of the fees collected with the remaining fifty percent (50%) placed in to the County General Fund. Any payments made from the **EMS Overtime Replacement Fund** shall be appropriated by the County fiscal body.
- F. That, within the records of the County Auditor's office, a new fund shall be established designated as the Delaware County "**EMS Subscription Service**" A NON REEVERTING fund for collection of fees from an established Delaware County EMS subscription service program. Auditor is directed to place within said fund all funds collected for this program. This fund is established to assist with the cost of providing operations for both volunteer and Delaware County EMS services. These funds All contributions to the **EMS Subscription Service Fund** shall be deposited into said fund by the Auditor without further approval from this body. Any payments made from the **EMS Subscription Service Fund** shall be appropriated by the County fiscal body.

SECTION 3: EMERGENCY MEDICAL SERVICE SUBSCRIPTION SERVICE

1. "**EMS Subscription Service**" or "**Delaware Care**" is a membership program. As a membership program, **Delaware Care** allows participants to have control over how much they have to pay out of pocket for local ambulance service from Delaware County whether you have insurance or not. **Delaware Care** doesn't pay your bill like insurance, but guarantees that you pay less out of pocket for medically necessary emergency service than if you were not a **Delaware Care** member.

- A. All residence of Delaware County are eligible to participate in **Delaware Care**.
- B. **Delaware Care** is not insurance. **Delaware Care** is a membership program that simply eliminated any cost that **your insurance does not pay** of your ambulance charges. This membership covers only charges for medically necessary ambulance service provided by Delaware County EMS. **Delaware Care** membership **does not cover ambulance service that is not reasonable and medically necessary**.
- C. **Delaware Care** definition of medical necessity follows the federal government's definition for federal health insurance programs such as Medicare. The specific definition of medically necessary used by federal government programs is: **"Medical necessity is established when the patient's condition is such that the use of any other method of transportation would be hazardous to the patient's health. This implies that alternative, less expensive forms of transportation should be used unless the health of the beneficiary would be at risk by so doing. If transportation other than an ambulance could be utilized without endangering the individual's health, whether or not other transportation is actually available, no payment may be made for the ambulance service. Additionally, Medicare will not reimburse for ambulance transportation if the service planned for the patient at the destination could be provided as effectively and more economically at the patient's location (e.g. nursing home, residence.)"**
- D. Delaware County EMS reserves the full right to ultimately determine whether or not the ambulance transportation was medically necessary for Delaware Care coverage, or to determine if abuse of the program exists.
- E. **Delaware Care** covers medically necessary emergency ambulance service. The Delaware Care membership covers any balance not paid by the members insurance. **Continual or frequent use of ambulance service for non-medically necessary reasons may be considered an abuse of the Delaware Care membership and may result in forfeiture of the membership as determined by the Delaware County Commissioners.**
- F. Certain items are specifically excluded from coverage. Members understand that if ambulance service is used for any of these excluded services, a **Delaware Care** membership will not cover these charges and the member will be financially responsible for the entire amount of the ambulance bill.

The items specifically excluded are:

- Transportation to or from a facility not within **Delaware** County, Indiana;
- Transportation from one facility to another that is solely at the patient's (member's) request, unless the second facility is capable of providing medically necessary care not available at the first facility;
- Services considered by Medicare as "Non-Covered Services" (except for emergency ALS/BLS dual responses);

- Transportation by a non-participating ambulance service or any air ambulance provider;
- Transportation to or from: **Physician's Offices - Pharmacies - Dentist's Offices - Physical Therapy Centers - Renal Dialysis Centers, you will be responsible for 100% of the ambulance bill.**

- G. If you have Medicare coverage** and your ambulance service is unable to demonstrate sufficient medical necessity to bill Medicare, members will be asked to provide documentation from their physician or hospital to demonstrate medical necessity for billing purposes. If as a member you fail to provide proper documentation, or Medicare determines your transport was *not medically necessary*, you will be financially responsible for 60% of the ambulance bill and will be given a credit of 40% of the bill for your membership status. If you wish to appeal Medicare's decision, Delaware County EMS will assist you in your appeal. **If you have private insurance** and your insurance company determines your transport to be *not medically necessary*, you will be financially responsible for 60% of the ambulance bill and will be given a credit of 40% of the bill for your membership status. **If you have no insurance**, you will be financially responsible for 60% of the ambulance bill and will be given a credit of 40% of the bill for your membership status. **For all cases, continual or frequent use of ambulance service for non-medically necessary reasons may be considered abuse of the *Delaware Care* membership and your membership may be cancelled by Delaware County EMS.**
- H. Abuse** is the use of ambulance service for reasons that are *not medically necessary*, when the member either knows, or should know that the ambulance service *would not be considered medically necessary*. **If abuses of ambulance service for non-medically necessary reasons continue after the member has been notified by Delaware County EMS, the member's *Delaware Care* membership may be revoked and cancelled at the sole discretion of Delaware County EMS. Delaware County EMS reserves the sole right in determining when an abusive of use of ambulance service and the *Delaware Care* membership exists. Membership fees WILL NOT be refunded if your membership is cancelled by Delaware County EMS.**
- I. *Delaware Care*** only covers services provided within Delaware County, Indiana, and only when you are transported by a participating emergency medical service.
- J. As a *Delaware Care* member**, Delaware County EMS will bill your insurance for you (excluding auto insurance). You agree to authorize Medicare or your insurance company to send payment directly to Delaware County EMS. Further, you agree to immediately send any payment you may receive from your insurance company to Delaware County EMS as a condition of your membership. By abiding by these terms, Delaware County EMS agrees to accept payments by your insurance company as payment in full, and you will not owe the balance not paid by your insurance. **Failure to abide by these terms will nullify this membership contract and you will owe all charges.**

- K. Membership will be effective once we receive your completed application with your signature and your membership fee. All memberships are valid through December 31, the following year, unless revoked or cancelled by Delaware County EMS. Open enrollment will be held October 1st to December 31st each year.

- L. **Payments for Delaware Care** will be made to an appropriate accounting authority such as the EMS Billing Company who may impose a handling fee for said service. The EMS Billing company shall deposit the monies collected for Delaware Care into the appropriate account as directed by Delaware County and in accordance with the Billing Service Agreement signed by both parties.