Bill No.: 1-25
Concerning: Public Safety – Emergency Medical Services – Insurance Reimbursement – Amendments
Revised: 1/13/2025 Draft No.: 1
Introduced: January 21, 2025
Enacted: April 1, 2025
Executive:
Effective:
Sunset Date: None
Ch.____, Laws of Mont. Co.

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

(1) enable Fire and Rescue Services personnel to inquire about insurance coverage in certain situations;
(2) define certain terms related to the Emergency Medical Services Insurance Reimbursement Program; and
(3) generally amend the law governing the Emergency Medical Services Insurance Reimbursement Program.

By amending
Montgomery County Code
Chapter 21, Fire and Rescue Services
Article V, Section 21-23A

Boldface	*Heading or a defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland, approves the following act:

Sec. 1. Section 21-23A is amended as follows:

21-23A. Emergency Medical Services [Transport] Insurance Reimbursement Program.

(a) *Obligation to [Transport] Provide Service.*

(1) The Fire and Rescue Service must provide emergency medical services [transport] under applicable medical protocols to each individual without regard to the individual's ability to pay.

(2) [Any personnel of the Fire and Rescue Service who respond to a request for an emergency medical services transport must not ask for any information relating to an individual's insurance coverage.] Fire and Rescue Service personnel may only ask for information relating to an individual's insurance coverage when it is reasonably necessary to provide transportation to an appropriate alternative destination, or to provide treatment in place.

(b) *Definitions*. In this Section the following terms have the meanings indicated:

(1) *Alternative destination* means a transport destination other than a hospital emergency department such as a behavioral health facility, primary care office, or urgent care.

[(1)] (2) *Emergency medical services [transport]* means medical care provided [transportation] by the Fire and Rescue Service of an individual by ambulance or other Fire and Rescue Service vehicle used for a similar purpose. *Emergency medical services [transport]* does not include transportation of an individual under an agreement between the County and a health care facility.

[(2)] (3) *Federal poverty guidelines* means the applicable health care

poverty guidelines published in the Federal Register or otherwise issued by the federal Department of Health and Human Services.

[(3)**]** (4) *Fire and Rescue Service* means the Montgomery County Fire and Rescue Service and includes each local fire and rescue department.

(5) *Out of pocket expenses* means any co-payment, deductible, or uninsured portion of the cost of emergency medical services. *Out of pocket expenses* does not include funds recovered from a tortfeasor or their liability insurance.

[(4)**]** (6) *Program* means the Emergency Medical Services **[**Transport**]** Insurance Reimbursement Program.

(7) *Treatment in place* means medical treatment provided at the scene without transport and includes treatment provided in-person, via telehealth, or both.

(c) *Imposition of reimbursement.* The County must impose a reimbursement charge for any emergency medical services **[**transport**]** provided in the County, and, unless prohibited by other law, outside the County under a mutual aid agreement.

(d) *Liability for Reimbursement.* Subject to paragraph (e), each individual who receives **[**an**]** emergency medical services **[**transport**]** is responsible for paying for the emergency medical services **[**transport reimbursement**]**.

(e) *Hardship Waiver.*

(1) The Fire Chief must waive the emergency medical services **[**transport**]** reimbursement for any individual whose household income is at or below 300 percent of the federal poverty guidelines. An individual must request a waiver on a form

approved by the Fire Chief.

(2) The Fire Chief may deny a request for a waiver if the individual who claims financial hardship under this Section does not furnish all information required by the Fire Chief.

(f) *County Residents - Payment of Uninsured Portion of the Emergency Medical Services **[**Transport**]** Reimbursement.*

(1) County residents must not be required to pay any out-of-pocket expense relating to any emergency medical services **[**transport**]** because residents are deemed to have paid any co-payment, deductible, or uninsured portion of the cost of **[**each**]** emergency medical services **[**transport**]** through taxes paid to the County.

(2) Tax revenues the County receives must be treated as payment, on behalf of County residents, of the balance of each resident's portion of the emergency medical services **[**transport reimbursement**]** charge that is not covered by the resident's insurance.

(3) The County Council must annually transfer from the General Fund to the Consolidated Fire Tax District Fund an amount that the Council estimates will not be covered by residents' insurance as payment of all residents' uninsured portion of the emergency medical services **[**transport reimbursement**]** charge.

(g) *Restriction on Local Fire and Rescue Departments.* A local fire and rescue department must not impose a separate charge for **[**an**]** emergency medical **[**transport**]** <u>services</u>.

(h) *Use of Revenue.*

(1) Except for the transfer received from the General Fund under subsection (f), the revenues collected from the emergency

medical services **[**transport**]** reimbursement must be used to supplement, and must not supplant, Fiscal Year 2013 expenditures appropriated in the annual operating budget resolution (not including any expenditures of revenue collected under this program in Fiscal Year 2013) for emergency medical services and other related fire and rescue services provided by the Fire and Rescue Service.

(2) The Fire Chief must create a dedicated account in the fire fund for the revenues collected from reimbursements under this Program. This amount must only be used for increased or enhanced fire and rescue services above the level appropriated in Fiscal Year 2013, as provided in paragraph (1), including new field service positions related to expansion of 4 person staffing or opening of new fire stations; increased training classes or capacity; facility maintenance and repair; new or replacement apparatus, gear, or equipment. Not more than 30**[**%**]** percent of this account may be spent for personnel costs.

(3) (A) **[**15%**]** Fifteen percent of the net Emergency Medical Services **[**Transport**]** Insurance Reimbursement Program revenue must be allocated under a procedure specified in the annual operating budget resolution for the benefit of local fire and rescue departments for:

(i) replacement or augmentation of apparatus owned by a local fire and rescue department;

(ii) facilities owned by a local fire and rescue department;

(iii) training for volunteers;

(iv) gear and equipment for volunteers;

(v) administrative staff to support a local fire and rescue department;

(vi) volunteer recruitment and retention; and

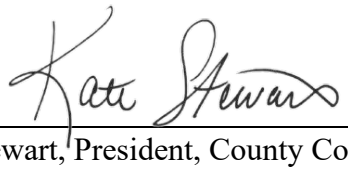
(vii) volunteer stand-by support.

(B) Any administrative staff hired or retained by a local fire and rescue department using revenue allocated under this Section is not a County employee or a member of the separate merit system referred to in Section 21-16(a).

(i) *Regulations; Reimbursement Schedule.* The County Executive must adopt a regulation under method (2) to implement the emergency medical services **[**transport**]** reimbursement program. The regulation must establish a reimbursement schedule based on the cost of providing emergency medical services **[**transport**]**. The reimbursement schedule may include an annual automatic adjustment based on inflation, as measured by an index reasonably related to the cost of providing emergency medical services **[**transports**]**. The regulation may require each individual who receives **[**an**]** emergency medical services **[**transport**]** to provide financial information, including <u>all</u> the individual's insurance coverage, and to assign insurance benefits to the County.

* * *

Approved:



April 1, 2025

Kate Stewart, President, County Council — Date

Approved:

Marc Elrich, County Executive — Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council — Date