

[[Expedited]] Bill No. 13-10
Concerning: Emergency Medical Services
Transport Fee - Established
Revised: 5-19-10 Draft No. 2
Introduced: March 23, 2010
Enacted: May 19, 2010
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 [[EXPEDITED]] ACT to:

- (1) authorize the County to impose and collect a fee to recover costs generated by providing emergency medical service transports;
- (2) provide for a schedule of emergency medical services transport fees, fee waiver criteria, permitted uses of fee revenues, and other procedures to operate the emergency medical services fee program;
- (3) prohibit a Local Fire and Rescue Department from imposing a separate emergency medical services transport fee;
- (4) require the Executive to issue certain regulations to implement an emergency medical services transport fee;
- (5) require a certain annual transfer be made as payment of residents' uninsured portion of the emergency medical services transport fee; and
- (6) generally amend County law regarding the provision of emergency medical services;

By adding

Montgomery County Code
Chapter 21, Fire and Rescue Services
Section 21-23A. Emergency Medical Services Transport Fee

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

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

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

2 **21-23A. Emergency Medical Services Transport Fee.**

3 **(a) Definitions.**

4 In this Section the following terms have the meanings indicated:

5 **(1) Emergency medical services transport means transportation by**
6 **the Fire and Rescue Service of an individual by ambulance or**
7 **other Fire and Rescue Service vehicle used for a similar**
8 **purpose. Emergency medical services transport does not**
9 **include transportation of an individual under an agreement**
10 **between the County and a health care facility.**

11 **(2) Federal poverty guidelines means the applicable health care**
12 **poverty guidelines published in the Federal Register or**
13 **otherwise issued by the federal Department of Health and**
14 **Human Services.**

15 **(3) Fire and Rescue Service includes each local fire and rescue**
16 **department.**

17 **(b) Imposition of fee. The County must impose a fee for any emergency**
18 **medical services transport provided in the County and, unless**
19 **prohibited by other law, outside the County under a mutual aid**
20 **agreement.**

21 **(c) Liability for fee. Subject to subsection (d), each individual who**
22 **receives an emergency medical services transport is responsible for**
23 **paying the emergency medical services transport fee.**

24 **(d) Hardship waiver.**

25 **(1) The Fire Chief must waive the emergency medical services**
26 **transport fee for any individual whose household income is at or**

27 below 300 percent of the federal poverty guidelines. An
28 individual must request a waiver on a form approved by the Fire
29 Chief.

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

33 (e) Payment of Residents' Uninsured Portion of the Emergency Medical
34 Services Transport Fee.

35 (1) Tax revenues received by the County must be treated as
36 payment, on behalf of County residents, of the balance of each
37 resident's portion of the emergency medical services transport
38 fee that is not covered by the resident's insurance.

39 (2) The County Council must annually transfer from the General
40 Fund to the Consolidated Fire Tax District Fund an amount that
41 the Council estimates will not be covered by residents'
42 insurance as payment of all residents' uninsured portion of the
43 emergency medical services transport fee.

44 (f) Obligation to transport. The Fire and Rescue Service must provide
45 emergency medical services transport in accordance with applicable
46 medical protocols to each individual without regard to the individual's
47 ability to pay.

48 (g) Restriction on Local Fire and Rescue Departments. A local fire and
49 rescue department must not impose a separate fee for an emergency
50 medical transport.

51 (h) Use of revenue. Except for the transfer received from the General
52 Fund under subsection (e) and in the first fiscal year this fee is
53 implemented, the revenues collected from the emergency medical

54 services transport fee must be used to supplement, and must not
55 supplant, existing expenditures for emergency medical services and
56 other related fire and rescue services provided by the Fire and Rescue
57 Service.

- 58 (i) Regulations; fee schedule. The County Executive must adopt a
59 regulation under method (2) to implement the emergency medical
60 services transport fee program. The regulation must establish a fee
61 schedule based on the cost of providing emergency medical services
62 transport. The fee schedule may include an annual automatic
63 adjustment based on inflation, as measured by an index reasonably
64 related to the cost of providing emergency medical services transports.
65 The regulation may require each individual who receives an
66 emergency medical services transport to provide financial
67 information, including the individual's insurance coverage, and to
68 assign insurance benefits to the County.

69 **[[Sec. 2. Expedited Effective Date.**

70 The Council declares that this legislation is necessary for the immediate
71 protection of the public interest. This Act takes effect on the date when it becomes
72 law.]]

73 **Sec. 2. Implementation.** The emergency medical services transport fee
74 authorized by County Code §21-23A, enacted by Section 1 of this Act, may be
75 collected for any emergency medical services transport that occurs on or after July 1,
76 2010. Collection may occur retroactively to that date if necessary during the first
77 fiscal year the emergency medical services transport fee is implemented.

78 *Approved:*

79

80 *Nancy Floreen*
81 Nancy Floreen, President, County Council

5/21/10
Date

82 *Approved:*

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84

85 Isiah Leggett, County Executive

Date

86 *This is a correct copy of Council action.*

87

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89 Linda M. Lauer, Clerk of the Council

Date