

## CHAPTER 9.36

### AMBULANCE SERVICES

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#### **9.36.010: Ambulance Services Established:**

(1) There is hereby established an emergency medical and ambulance service for the use and for the health and welfare of the residents of the City of Kennewick to be operated as a public utility of the City of Kennewick.

(2) The City Council is authorized by RCW 35.21.766 and Chapter 9 of the Kennewick Municipal Code (“KMC”), to set fees, rates and charges to support an ambulance utility and Emergency Medical Services (“EMS”) and ambulance services. More specifically, RCW 35.21.766 affirms the authority of the City to establish a system of ambulance service to be operated as a public utility and provides statutory guidance in setting rates. (Ord. 5211 Sec. 3, 2008; Ord. 2033 Sec. 1, 1977)

#### **9.36.020: Service to Be Provided by Fire Department:**

(1) The purpose of the utility is to regulate users and providers of all ambulance services within the City, including:

- (a) The monitoring and enforcement of industry standards as set forth in applicable chapters of the Revised Code of Washington (and the Washington Administrative Code);
  - (b) The establishment and management of protocols relating to emergency and non-emergency medical services originating in the City of Kennewick, inclusive of response and transport protocols;
  - (c) Ensuring a planned, cooperative effort between medical and transport services to benefit citizens and patients in the City of Kennewick; and
  - (d) The provision of 24-hour Advanced Life Support (“ALS”) service within the City.
- (2) Incidental to the regulation of EMS, the utility is to:
- (a) Collect the fees imposed to assist in paying for the cost of the utility authorized by this Chapter;

- (b) Assist in paying for the particular benefits conferred upon residents and other occupants within the City; and
- (c) Mitigate the burdens on the EMS system by the different users of the system. (Ord. 5211 Sec. 4, 2008: Ord. 3953 Sec. 1, 2000: Ord. 2033 Sec. 2, 1977)

**9.36.040: Reciprocity:** Emergency transport shall be provided within the cities' ambulance response and mutual aid areas to any resident of the cities of Pasco and Richland under the terms of this Section provided that the patient resides in a city that provides emergency ambulance services within its response and mutual aid areas to Kennewick residents under reciprocal terms. (Ord. 5076 Sec. 2, 2005: Ord. 3953 Sec. 3, 2000: Ord. 2082 Sec. 1, 1977)

**9.36.060: Medical Services Fund:**

- (1) A Medical Services Fund has been created under KMC 3.40.173.
- (2) The City Council determines that it is in the best interests of the City and its residents to reaffirm the creation of the utility and to name such utility the "Medical Services Fund" to regulate the provision of Emergency Medical Services (EMS) and ambulance services and to address the burden on the community from demand for EMS and ambulance response and services.
- (3) The utility will regulate the delivery of EMS and non-emergency medical and ambulance services to improve those services by requiring appropriate certifications, training, equipment, staffing, response times (for emergency medical calls), and level of care; and provide EMS and ambulance services through the Kennewick Fire Department and the EMS Program.
- (4) Incidental to its regulatory purpose, the utility will provide a means to support the EMS Program through adequate funding generated by a service fee. (Ord. 5211 Sec. 5, 2008: Ord. 3953 Sec 5, 2000)

**9.36.080: Bill for Ambulance Service:**

- (1) Each person who utilizes the ambulance service ("patient") shall be billed by the City at the rates set by Resolution. The City Manager or designee shall establish a procedure to bill and collect rates for the ambulance service. Under the procedure, the City may elect to bill the patient directly or bill the patient's insurance company, and if the patient's insurance does not cover all the cost of ambulance service, bill the remaining balance to the patient directly. The City may contract with a billing service to bill and collect the rates for the ambulance service.
- (2) Each patient who is a City resident or is employed at and transported from a business within the City, shall be entitled to the resident charge conditioned upon:
  - (a) Patient supplies the City with all requested information and documentation including, but not limited to, insurance information and medical records relevant to billing for ambulance service;
  - (b) The patient assigns to the City the patient's right to receive payment from all applicable third-party payers or any other party statutorily required to pay for the support of the patient.
- (3) A patient who is not a City resident and is not employed at and transported from a place of business within the City shall be subject to a surcharge on transport services at the rate set by resolution.
- (4) All revenue received from direct billing for transport shall be allocated to offset demand costs first and then the remaining, if any, to offset availability costs. (Ord. 5211 Sec. 6, 2008: Ord. 3853 Sec. 7, 2000)

**9.36.085: Utility Rate Setting:**

(1) The City Council finds that it is in the best interests of the citizens of the City of Kennewick that the costs of the Medical Service Fund, after deducting transport charges, be divided among Kennewick residents and occupants in the form of a service fee, consistent with accepted principles of utility rate setting, based upon a calculation of demand costs and availability costs, in accordance with RCW 35.21.766.

(2) In accordance with RCW 35.21.766, the following cost components shall comprise the service fee:

- (a) Availability Costs. The rates attributable to costs for availability of services shall be uniformly applied across all user classifications within the City.
- (b) Demand Costs. The City has analyzed data on emergency medical responses and determined that demand for service and service usage varies among user classifications. Based on this analysis, the City Council finds that there are distinct differences in demands placed on the utility among classifications and that different demand costs, when applicable, are attributable to and should be accordingly apportioned among each classification.

(3) The City Council further finds that it is in the City's best interest that persons who do not pay the service fee but who receive service (including non-City residents and others) will be charged the full cost of service.

(4) Fee Formula: A monthly service fee for the operation of the utility shall be established from time-to-time by resolution of the City Council in conformity with RCW 35.21.766. The amount of the fee shall be based upon cost of regulating ambulance services and the costs of providing ambulance utility services as determined by a cost-of-service study required by RCW 35.21.766(3). Those costs, after deducting transport charges, shall be divided among the City of Kennewick residents and other occupants based on a calculation of demand costs and availability costs, consistent with accepted principles of utility rate setting including:

- (a) The rate attributable to availability costs of the utility shall be uniformly applied across all user classifications within the utility.
- (b) The rate attributable to demand costs, if not offset by third party billing revenues, shall be established and billed to each user classification based on each user classification's burden on the utility.

The service fee charged by the utility shall reflect a combination of rates attributable to both the availability cost and demand cost. The resulting fees shall be assessed to identifiable user classifications. Fees shall not exceed the revenue requirements to cover the costs of the utility, as authorized by the City Council by adoption of a biennial budget and subsequent amendments.

(5) Classifications: The monthly service fee shall be assessed on each of the following utility user classifications:

- (a) Residential;
- (b) Multi-family residential;
- (c) Adult family homes and group homes;
- (d) Assisted living facilities;
- (e) 24-hour nursing facilities;
- (f) Physicians clinics;
- (g) Schools/government agencies; and
- (h) Commercial/Business.

(6) Collection of monthly utility service fee: The ambulance utility service fees shall be collected on a monthly or bi-monthly basis (as determined by KMC Chapter 14.07) from each owner of a residential dwelling unit (for “residential” classification and for “multi-family residences” to the extent that each unit is separately billed for utilities) and from the owner for classifications other than “residential” and separately billed “multi-family residential” units. The City Manager, or designee, shall be responsible for the billing and collection of the utility service fee.

(7) Responsibility for utility service fee: The owner of the residential and multi-family residential property and all adult residents therein shall be jointly and severally responsible and liable for the utility service fee. The owner of all other classifications shall be jointly and severally responsible and liable for the utility service fee. Notice of the utility service fee shall be sent to the applicant for water and/or sewer services at the service location, unless notarized instructions from the property owner are received by the City requesting that the property owner be billed. In all other cases, the property owner shall be billed. In the event the utility service fee is included in the billing for water and/or sewer charges, any payments received shall be deemed to be first applied against the ambulance utility service fee.

(8) Service Fee Exemptions/Reductions: Any change in occupancy or use of a parcel, or any other change in circumstance that eliminates application of an exemption from the service fee, shall immediately make the affected property subject to applicable service fee. The service fee shall become due and payable as of the date of the change in use and shall continue until the parcel again meets exemption requirements.

(a) Monthly and/or bi-monthly rates shall not be prorated. Initial and final charges may be prorated in accordance with the City’s standard utility proration practices.

(b) Any customer seeking an exemption from payment of the service fee and/or conversion from covered to exempt status, must file a written certification with the Finance Director seeking a determination as to whether a specific parcel satisfies the exemption requirements set forth in this Section.

(c) The combined rates charged shall reflect an exemption for persons who are Medicaid eligible and reside in a nursing facility, boarding home, adult family home, or receive in-home services.

(d) The combined rates charged may reflect an exemption or reduction for designated classes consistent with Article VIII, Section 7 of the State Constitution, and the amounts of any such exemption or reduction shall be a general expense of the utility, and designated as an availability cost, to be spread uniformly across the utility user classifications.

(9) Periodic Service Fee Review: The City Manager or designee will periodically perform financial review and analysis of the utility’s revenues, expenses, indebtedness, fees and accounting, and recommend budgets, fee adjustments and financial policy. Based on such review the City Manager, or designee, shall recommend changes, amendments or additions for adoption by City Council. The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility.

(10) Payment: The service fee shall be collected in accordance with the utility fee collection procedures as provided for in KMC Chapter 14.07. (Ord. 5417 Sec. 1, 2012; Ord. 5211 Sec. 10, 2008)

**9.36.100: Compliance with Medicare and Medicaid Requirements:** The base rate established shall be adjusted for persons who are Medicaid eligible and who reside in a

nursing facility, boarding home, adult family home, or receive in-home services. The service fees and other fees, rates, and charges for the ambulance services authorized by this Chapter shall be construed and implemented in a manner consistent with applicable Medicare and Medicaid requirements. If any method or procedures authorized by this Chapter for the purpose of establishing, implementing, imposing or collection of charges for ambulance service is found to conflict with Medicare and Medicaid requirements, the conflicting part of this Chapter shall be inoperative to the extent of the conflict and such finding or determination shall not affect the operation of the remainder of this Chapter. (Ord. 5211 Sec. 7, 2008; Ord. 3953 Sec. 9, 2000)

**9.36.110: Definitions:** For the purpose of this Chapter, the terms below shall have the following meaning:

(1) “Advanced Life Support” or “ALS” means invasive emergency medical services requiring advanced medical treatment skills as defined in WAC 388-546-0001.

(2) “Ambulance” means a ground vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(3) “Ambulance Service” or “Ambulance Operator” means an agency, public or private, that operates one or more ambulances, responding to a 911 or aid call for service within the City, including advanced life support, basic life support, and transport services.

(4) “Availability Costs” means those costs attributable to the basic infrastructure needed to respond to a single call for service within the utility’s response criteria, including costs for dispatch, labor, training of personnel, equipment, patient care supplies, and maintenance of equipment.

(5) “Basic Life Support” or “BLS” means noninvasive emergency medical services requiring basic medical treatment skills as defined in WAC 388-546-0001.

(6) “Demand Costs” means those costs attributable to the burden placed on the ambulance service by individual calls for ambulance service, including costs related to frequency of calls, distances from hospitals, and other factors identified in a cost-of-service study conducted to assess burdens imposed on the utility.

(7) “Emergency,” when used in conjunction with the ambulance service, refers to that service for which the patient is in immediate need in order to save or sustain his life, or that service which is necessary to prevent serious complications to the health or physical well being of the patient.

(8) “Emergency Medical Care” or “Emergency Medical Service” collectively “EMS” means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ALS and BLS.

(9) “Emergency Medical Technician” or “EMT” means a person who is authorized by the Secretary of the Department of Health to render emergency medical care pursuant to RCW 18.73.081.

(10) “EMS Personnel” means any person who is acting on behalf of the Kennewick Fire Department and who has been certified as a paramedic or emergency medical technician.

(11) “EMS Program” means the provision of emergency medical services by the Kennewick Fire Department.

(12) “First Responder” means a person who is authorized by the Secretary of the Department of Health to render emergency medical care pursuant to RCW 18.73.081.

(13) “Operating an Ambulance” means the use of any ambulance in any of the following manners:

- (a) An ambulance stationed within the City.
- (b) An ambulance dispatched from within or outside the Kennewick City limits which repeatedly or customarily makes trips for hire to pick up the sick or injured from within the City.
- (14) "Paramedic" means a person who is authorized by the Secretary of the Department of Health to render emergency medical care pursuant to RCW 18.71.205.
- (15) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.
- (16) "Person" means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including a government agency.
- (17) "Place of Business" means a business located and operating within the City and paying a service fee under this Chapter.
- (18) "Resident" means a person who utilizes a dwelling unit inside the City as a fixed abode, and is not a guest, visitor, or other temporary inhabitant. A student who is regularly enrolled in an educational institution outside the City but who would normally and regularly be a City resident but for attendance at such educational institution, shall be deemed to reside within the City.
- (19) "Response Time" means the time from the ambulance service being notified by dispatch to arrival of the ambulance on scene.
- (20) "Service Fee" means the service fee levied by the utility upon residents and occupants within the boundaries of the City.
- (21) "System" means the entire system of ambulance services provided by the utility or over which the utility has regulatory control by virtue of contract, franchise, or other service agreement or arrangement legally recognized by the City.
- (22) "Utility" means the City of Kennewick, Washington Emergency Medical and Ambulance Service Utility, including, without limitation, all equipment, employees, agents, supplies, overhead, and other associated costs incurred to deliver all regulatory and ambulance services. (Ord. 5211 Sec. 8, 2008; Ord. 3953 Sec. 9, 2000)

**9.36.120: Business License and Ambulance Service Permit Required:** A person or entity may not conduct or operate an ambulance service within the City without first obtaining from the City both a business license under KMC Chapter 6 and an ambulance service permit pursuant to this Chapter. Applications for an ambulance service permit must be made in writing to the Fire Chief on forms specified by the Department. The Fire Chief shall not issue an ambulance service permit unless the applicant has fulfilled all requirements of this Chapter and any applicable provisions of State laws and regulations relating to ambulance service personnel, equipment, and operations. (Ord. 5211 Sec. 11, 2008)

**9.36.130: Term of Ambulance Service Permit:** Any ambulance service permit issued hereunder shall be for the calendar year, unless suspended or revoked pursuant to this Chapter. Such ambulance service permit may be renewed for each calendar year upon filing and approval of permit application in accordance with Section 9.36.120 of this Chapter and payment of the annual permit fee required by Section 9.36.140. (Ord. 5211 Sec. 12, 2008)

**9.36.140: Annual Ambulance Permit Fee:** At the time the ambulance service permit application and any subsequent permit renewal application is filed with the Fire Chief, the applicant shall pay a fee to the City to cover the cost of processing the application. The permit fee shall be established by resolution. (Ord. 5211 Sec. 13, 2008)

**9.36.150: Conditions of Ambulance Service:** An initial application and any subsequent renewal application for an ambulance service permit shall be filed with the Fire Chief and shall be made on forms provided by the department and shall contain the following information and documents:

- (1) Name, address and telephone number of the applicant. The agency administrator's name and contact number(s) must be kept current. Any change(s) must be conveyed to the department within five (5) working days.
- (2) Business name under which the ambulance service shall operate within the City.
- (3) The number of ambulances to be initially placed in service within the City.
- (4) The number of certified EMT's initially to be employed.
- (5) A roster of all ambulances to be used in the City with proof that each ambulance is currently licensed as an ambulance by the State of Washington.
- (6) A roster of all certified EMT's with proof that each EMT is currently certified by the State of Washington, including the certification level and expiration date.
- (7) Proof that ambulances and personnel are verified trauma providers as provided in WAC Chapter 246-976 as now or hereafter amended, as applicable.
- (8) Proof of insurance.

Prior to the issuance of the ambulance service permit, the application and all necessary records and documents shall be reviewed and all equipment proposed for use shall be inspected by the Fire Chief, or his/her designee, who shall determine whether said records, documents, and equipment conform to the requirements of this Chapter, and any rules or regulations referenced herein or issued hereunder. Upon approval of the application, the Fire Chief shall issue an ambulance service permit to the applicant. (Ord. 5211 Sec. 14, 2008)

**9.36.160: Exhibition of License Required:** For each ambulance provider permitted pursuant to the terms of this Chapter, a business license or a reasonable facsimile thereof shall be prominently displayed at the place of business, and produced upon request. (Ord. 5211 Sec. 15, 2008)

**9.36.170: Severability:** If any provisions of this Chapter or its application to any person or circumstances is held invalid, the remainder of this Chapter or the application of the provision to other persons or circumstances is not affected, and to this end, the provisions of this Chapter are declared to be severable. (Ord. 5211 Sec. 9, 2008; Ord. 3953 Sec. 11, 2000)