



## **ORDINANCE NO. 4026-24**

**AN ORDINANCE relating to Ambulance and Emergency First Aid Services, repealing, amending, and recodifying certain sections of Chapter 5.72 of the Everett Municipal Code.**

### **WHEREAS,**

- A.** Chapter 5.72 EMC contains outdated licensing requirements for ambulances and first aid services, which have not been used by many years. One purpose of this ordinance is to repeal those.
- B.** Chapter 5.72 EMC also contains other provisions related to the fire department and EMS services that do not belong in Title 5. The second purpose of this ordinance is to move those sections to an appropriate title of the Everett Municipal Code.

### **NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** The following sections of chapter 5.72 EMC are repealed:

- 5.72.020 (Title-Gender);
- 5.72.030 (Licenses required for ambulance service and certain emergency aid services);
- 5.72.040 (License not transferable);
- 5.72.050 (Required ambulance equipment—Response time);
- 5.72.060 (Standards for ambulance license—Liability insurance);
- 5.72.080 (Standards for ambulance company, ambulance attendant/emergency medical technician license);
- 5.72.090 (Expiration and renewal of license).
- 5.72.100 (Denial, revocation or suspension of license).
- 5.72.110 (Reports)
- 5.72.130 (Emergency medical system);
- 5.72.170 (Penalties);
- 5.72.180 (General Duty).

**Section 2.** EMC 5.72.210 (which also shall be recodified as EMC 3.82.090) is amended as follows:

#### **5.72.210           Operation and funding.**

The following procedures are established for users of the city's fire department ALS and BLS

patient transport service:

A. *Charges to Be Made.* All persons who are transported by fire department emergency paramedic/aid unit shall be charged for all services rendered by the fire department. Each person transported will be billed for all services provided. EMS members and nonmembers, as defined in subsection B of this section, shall be billed at the same rate.

B. *EMS Membership Benefits.* By reason of property tax levies under RCW [84.52.069](#) for EMS, which are levied against property within the corporate limits of the city or are levied against property within the corporate limits of a jurisdiction for which the city has assumed contractual EMS responsibility, each resident of the city and those of contractual jurisdictions, by signing (by recipient or authorized representative) a city-approved EMS membership form containing an assignment of benefits to the city, together with an appropriate release of medical information, shall become an EMS member and be entitled to membership benefits as herein provided. An EMS member receiving transport by the fire department unit shall be deemed to have paid (by reason of the special levy imposed under RCW [84.52.069](#)) that portion of the charges incurred which is not payable by third parties and insurers, including but not limited to any insurance or medical benefits of any nature available to such member. This EMS membership benefit of coverage of charges in excess of available insurance or medical benefits shall cease when or if:

1. A member ceases to be a resident;
2. A member refuses to provide requested information pertaining to third party coverage or to provide appropriate releases of information and assignment of benefit to the city on forms provided by the city; or
3. Such EMS membership benefit is limited or extinguished by amendment or repeal of this chapter.

C. *Nonmembers.* Persons receiving transport by fire department units who are not entitled to an EMS membership shall be required to pay all charges incurred. Where practical, the city, in accordance with procedures to be approved by the finance department, will, with the authorization of a nonmember receiving fire department transport services, first seek payment of charges incurred from such nonmember's insurance or other medical benefit provided. Such nonmember shall remain fully responsible for any amount due which is not paid by such third parties.

D. *Medicare and Medicaid.* Eligible recipients of Medicare and Medicaid benefits shall be charged as the result of transport services by the fire department at only the maximum rate allowed under the Medicare and Medicaid federal programs, and the city shall accept as payment under the Medicare and Medicaid programs only such maximum amount as the city may collect pursuant to the applicable requirements and guidelines of the Medicare and Medicaid programs.

E. *Additions, Purchase, Compliance with Capital Facilities Plan.* Additions and purchases to and



for the fire department EMS and patient transport services shall be made in accordance with the city's budget as the same now exists or as it may hereafter be amended.

F. *Additions, Purchases, Financing.* The cost of making additions, or purchases to and for the fire department EMS and patient transport services, shall be paid from such sources and by such means as the city from time to time may direct, in accordance with state law and applicable regulations of the State Auditor.

G. *Emergency Medical Services Fund.* There shall be created and established in the city's budget a special fund, to be known and designated as the emergency medical services fund. There shall be deposited in the emergency medical services fund: (1) all revenues collected pursuant to the fire department transport service fees established and set forth in subsection N of this section; (2) all revenues collected pursuant to any contract and/or agreement to provide all or a portion of the fire department transport service; (3) appropriations from the city, the county, state and federal government; and (4) such other funds as may be received for the use for fire department transport service. The emergency medical services fund shall be administered in accordance with the state laws and applicable regulations of the State Auditor.

H. *Assistance from Other Funds.* Assistance for fire department EMS and transport services from other funds shall be accounted for in accordance with state law, applicable regulations of the State Auditor, and in accordance with RCW [36.32.470](#).

I. *Fire Department Transport Service Fees and Rates.* Fees for users of the city fire department transport service shall be fixed from time to time at the rates as set by ordinance of the city as amended from time to time; provided, that the fire department may adjust the charges fixed by ordinance yearly for any cost-of-living adjustment (COLA) increase as measured by the Consumer Price Index Pacific Cities and U.S. Cities average for the Seattle-Tacoma-Everett areas; and provided, that the fire chief is authorized to administratively set rates for medical supplies. Rates for services and medical supplies shall be set to provide for recovery of actual costs based upon an average charge, which will be reviewed annually.

J. *Use of Emergency Medical Services Fees.* All proceeds derived from the fire department transport service fees authorized under this section shall be used solely for the operation, maintenance, and capital needs of fire department transport service.

K. *Billing of Emergency Medical Services Fees.* Each patient who utilizes the fire department transport service shall be billed by the city in accordance with the fee schedule adopted in subsection N of this section. The department of finance shall establish a procedure to bill and collect fire department transport service fees for the services rendered. Under the procedure, the city may elect to bill the patient directly or bill the patient's insurance company. If the patient's insurance does not cover all of the cost of the ambulance service, the city will bill the remaining balance to the patient directly. The city may contract with a public or private entity to bill and collect the fire department transport service fees.

L. *Civil Enforcement.* The fire department transport service fees imposed by this section may be collected by appropriate civil action instituted by the city attorney for that purpose.

M. *Fee Determination Criteria.* Fire department transport service fees shall be set at a level to cover the actual costs incurred by the city in providing the fire department transport service. It is the intent of the city that fire department transport service fees shall be charged in exchange for targeted fire department transport service that alleviates the burden placed on such service by its users. In classifying customers served, or ALS, or BLS fire department transport service, the city may, in its discretion, consider any or all of the following factors: the difference in cost of service to various customers; the location of the various customers within the city; the difference of cost of maintenance, operation, repair and replacement of the various equipment used for fire department transport service; the different character of service furnished various customers; and any other criteria or matters which constitute a reasonable ground for distinction.

N. *Fire Department Transport Fee Imposed.* Fire department transport fees shall be as follows:

1. Patients for whom the fire department provides ALS 1 transport shall be billed ~~eight hundred ninety dollars~~ one thousand and thirty nine dollars and thirty two cents (\$1039.32) per transport, the cost of the medical supplies used in the transport, and ~~eighteen dollars and fifty cents~~ twenty-one dollars and sixty cents (\$21.60) per mile. For the purposes of this subsection, "ALS 1" means the following:

Transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including the provision of an ALS assessment or at least one ALS intervention, which means a procedure that is, pursuant to state and local laws, beyond the scope of practice of an emergency medical technician—basic (EMT—basic).

2. Patients for whom the fire department provides ALS 2 transport shall be billed ~~nine hundred eighty dollars~~ one thousand one hundred forty-four dollars and forty-two cents (\$1144.42) per transport, the cost of the medical supplies used in the transport, and ~~eighteen dollars and fifty cents~~ twenty-one dollars and sixty cents (\$21.60) per mile. For the purposes of this subsection, "ALS 2" means as follows:

Transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including either:

- a. At least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion in accordance with approved protocols, including, but not limited to, the American Heart Association Advanced Cardiac Life Support (ACLS) protocol; or
- b. At least one of the following ALS 2 procedures:
  - (1) Manual defibrillation/cardioversion;
  - (2) Endotracheal intubation;



- (3) Central venous line;
- (4) Cardiac pacing;
- (5) Chest decompression;
- (6) Surgical airway; or
- (7) Intraosseous line.

3. Patients for whom BLS transport is provided by the fire department shall be billed seven hundred ninety four dollars and eight cents (\$794.08) ~~six hundred eighty dollars~~ per transport, the cost of the medical supplies used in the transport, and ~~eighteen dollars and fifty cents~~ twenty-one dollars and sixty cents (\$21.60) per mile. For the purposes of this subsection, “BLS” means as follows:

Transportation by ground ambulance vehicle and the provision of medically necessary supplies and services involving noninvasive emergency medical services requiring basic medical treatment skills. The ambulance must be staffed by an individual who is qualified, pursuant to state and local laws, to be an emergency medical technician—basic (EMT—basic).

4. The fire chief is authorized to administratively set the cost of medical supplies. A current list of such costs is available at the fire department.

5. The rates and fees in this subsection N are effective until June 30, 2024. The fire chief, in accordance with subsection I above, will increase these rates and fees effective each July 1 thereafter.

O. *Compliance with Medicare and Medicaid Requirements.* This chapter and the fire department transport service fees hereunder shall be construed and implemented in a manner consistent with applicable Medicare and Medicaid requirements. If any part of this chapter 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

**Section 3.** The following sections of chapter 5.72 EMC shall be recodified as a new chapter 3.82 EMC entitled “Emergency Medical Services” as follows:

Current Code Section	New Code Section
5.72.010 (Definitions)	3.82.010 (Definitions)
5.72.070 (Duties of fire chief)	3.82.020 (Duties of fire chief)
5.72.120 (City emergency medical services director)	3.82.030 (City emergency medical services director)

5.72.140 (Emergency medical response)	3.82.040 (Emergency medical response)
5.72.150 (Ambulance contract)	3.82.050 (Ambulance contract)
5.72.160 (Training)	3.82.060 (Training)
5.72.190 (Findings and declaration)	3.82.070 (Findings and declaration)
5.72.200 (Fire department EMS transportation)	3.82.080 (Fire department EMS transportation)
5.72.210 (Operation and funding)	3.82.090 (Operation and funding)
5.72.220 (Additional funding)	3.82.100 (Additional funding)

**Section 3.** The following is provided for reference and may not be complete:

<b>EMC Repealed/Recodified by this Ordinance</b>	<b>Ordinance History of EMC Repealed/Recodified by this Ordinance</b>
EMC 5.72.010	(Ord. 2792-04 § 2, 2004; Ord. 2308-98 § 1, 1998.)
EMC 5.72.020	(Ord. 2308-98 § 2, 1998.)
EMC 5.72.030	(Ord. 3206-10 § 1, 2010; Ord. 2308-98 § 3, 1998.)
EMC 5.72.040	(Ord. 2308-98 § 4, 1998.)
EMC 5.72.050	(Ord. 2308-98 § 5, 1998.)
EMC 5.72.060	(Ord. 2308-98 § 6, 1998.)
EMC 5.72.070	(Ord. 2308-98 § 7, 1998.)
EMC 5.72.080	(Ord. 2308-98 § 8, 1998.)
EMC 5.72.090	(Ord. 2308-98 § 9, 1998.)
EMC 5.72.100	(Ord. 2308-98 § 10, 1998.)
EMC 5.72.110	(Ord. 2308-98 § 11, 1998.)
EMC 5.72.120	(Ord. 2308-98 § 12, 1998.)
EMC 5.72.130	(Ord. 2308-98 § 13, 1998.)
EMC 5.72.140	(Ord. 2308-98 § 14, 1998.)
EMC 5.72.150	(Ord. 3206-10 § 2, 2010; Ord. 2308-98 § 15, 1998.)
EMC 5.72.160	(Ord. 2308-98 § 16, 1998.)
EMC 5.72.170	(Ord. 2308-98 § 17, 1998.)
EMC 5.72.180	(Ord. 2308-98 § 19, 1998.)
EMC 5.72.190	(Ord. 2792-04 § 1, 2004; Ord. 2308-98 § 23, 1998.)
EMC 5.72.190	(Ord. 2792-04 § 1, 2004; Ord. 2308-98 § 24, 1998.)
EMC 5.72.200	(Ord. 2792-04 § 1, 2004; Ord. 2308-98 § 24, 1998.)
EMC 5.72.210	(Ord. 3722-20 § 1, 2020; Ord. 3205-10 § 1, 2010; Ord. 3049-07 § 1,

	2007; Ord. 2792-04 § 1, 2004; Ord. 2308-98 § 25, 1998.)
EMC 5.72.220	(Ord. 2792-04 § 1, 2004; Ord. 2308-98 § 26, 1998.)

**Section 4.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 5.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 6.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 7.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



Cassie Franklin, Mayor

ATTEST:



Marista Jorve, City Clerk

PASSED: 5/15/2024

VALID: 05/16/2024

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EFFECTIVE DATE: 5/31/2024



ORDINANCE





# Ordinance 4026-24

Final Audit Report

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