

**Subject: Ordinance #1582 – Relating to Billing for Basic Life Support (BLS) Emergency Medical Services Transport User Fee and Amending RMC Chapter 13.06**

**Proposed Council Action:**

Approve Ordinance No. 1582.

**Dept. Origin:** Clerk’s Office

**Prepared by:** Jennifer Robertson  
 Maili Barber  
 City Attorney’s Office

**For Agenda of:** May 21, 2024 (1<sup>st</sup> Reading)  
 June 04, 2024 (2<sup>nd</sup> Reading)

**Exhibits:** Attached Ordinance #1582 and relevant previous Ordinance #1577 and Resolution #784.

	Initial & Date
<b>Concurred by Mayor:</b>	_____
<b>Approved/form by City Atty:</b>	<b><u>MCB/05-16-24</u></b>
<b>Approved by _____ Director:</b>	_____
<b>Approved by Department Head:</b>	_____

**INFORMATION / BACKGROUND**

City Ordinance 1577 was passed January 2, 2024, and created a new title 3 “Fire Department” in the Ruston Municipal Code (RMC). Over the past couple of decades medical response has increased significantly for the Ruston Fire Department (RFD). Medical response now makes up a significant portion of the RFD’s calls for service. When a person is ill or injured, they may be transported to a hospital. While Advance Life Support (ALS) transports are performed by a contractor for the City, the Basic Life Support (BLS) transports may be performed by RFD. RMC 13.06.010(f) defines “BLS transport” as transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the state (RCW Chapter 18.73).

Like many area agencies, the City charges for BLS transport fees in order to recover costs for providing this service. RMC 13.06.010 “BLS transport user fee imposed” was enacted January 2, 2024, to support the recovery of costs. Although, insurance, Medicare, and Medicaid will reimburse the City for transport fees, the City does not have the capacity nor expertise to handle this work, along with billing, within current staffing resources, and it is in the best interests of the City to contract with a professional ambulance billing service that can provide the City with a high level of customer service for all.

In accordance with City Resolution No. 784; the City entered into an agreement with System Design West, LLC as a vendor/contractor that performs all of the administrative tasks for billing such as BLS transport fees to insurance, obtaining insurance information from patients, and remitting the fees to the City. A new code, section RMC 13.06.030 “Billing for

BLS Transport User Fee” is needed to authorize the City to contract with professional ambulance billing services when needed. Additionally, there is a need to amend RMC 13.06.010 to strike language of a fee waiver as there is no mechanism allowed for this overly broad wavier, and amend a scrivener’s error in RMC 13.06.020 Medicare and Medicaid.

The Ruston City Council held First Reading of this Ordinance on May 21, 2024; and the Ruston City Council adopted this Ordinance at Second Reading during its Regular Council Meeting on June 4, 2024;

**FISCAL CONSIDERATION**

There are fiscal consequences of this legislation and professional services agreement per Resolution #784. In the professional services agreement, the main service fee is a flat fee that the City will pay for the billing services. The flat fee is an amount per transport and reduced as the total volume of transports increases. However, the City does not have the capacity nor expertise to handle this work within current staffing resources and it is in the best interests of the City to contract with a professional ambulance billing service that can provide the City with a high level of customer service for all.

**BOARD OR COMMITTEE RECOMMENDATION**

N/A

**RECOMMENDATION / MOTION**

Approve Ordinance No. 1582

MOTION: I move passage of Ordinance No. 1582 codifying the authority for the City of Ruston to contract BLS Emergency Medical Services Transport User Fee Billing and amendment to RMC 13.06.010 and RMC 13.06.020.

**ORDINANCE NO. 1582**

**AN ORDINANCE OF THE CITY OF RUSTON,  
RELATING TO BILLING FOR BASIC LIFE  
SUPPORT (BLS) EMERGENCY MEDICAL  
SERVICES TRANSPORT USER FEES, AMENDING  
RMC CHAPTER 13.06 AND AMENDING  
SCRIVENER'S ERROR ON RUSTON MUNICIPAL  
CODE (RMC) 13.06.020 – MEDICARE AND  
MEDICAID.**

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**WHEREAS**, in accordance with, City Ordinance 1577, the Ruston Fire Department has been increasing its medical response significantly over the past couple of decades and medical response now makes up a significant portion of their calls for service; and

**WHEREAS**, the Ruston Fire Department performs BLS transport and like many area agencies, the City charges for BLS transport fees in order to recover costs for providing this service; and

**WHEREAS**, RMC 13.06.010(f) defines “BLS transport” as transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the state (RCW Chapter 18.73, now or as hereafter amended); and

**WHEREAS**, although Insurance, Medicare, and Medicaid will reimburse the City for transport fees, the City does not have the capacity nor expertise to handle this work, along with billing, within current staffing resources and it is in the best interests of the City to contract with a professional ambulance billing service that can provide the City with a high level of customer service for all; and

**WHEREAS**, in accordance with City Resolution No. 784; the City entered into a contract with System Design West, LLC as a vendor/contractor that performs all of the administrative tasks

for billing such as BLS transport fees to insurance, obtaining insurance information from patients, and remitting the fees to the City; and

**WHEREAS**, previously RMC 13.06.010 was enacted to provide the City the authority to impose these transport fees and now, a new code section RMC 13.06.030 “Billing for BLS Transport User Fee” is needed to authorize the City to contract with professional ambulance billing services when needed; and

**WHEREAS**, it is necessary to remove the fee waiver language from RMC 13.06.010, as there is no mechanism to implement an overly broad waiver; and

**WHEREAS**, there is a need to amend a scrivener’s error in RMC 13.06.020 Medicare and Medicaid; and

**WHEREAS**, this Ordinance, along with the RMC Chapter 13.06 will benefit the health, safety, and welfare of the people in Ruston; and

**WHEREAS**, the Ruston City Council held First Reading of this Ordinance on May 21, 2024; and

**WHEREAS**, the Ruston City Council adopted this Ordinance at Second Reading during its Regular Council Meeting on June 4, 2024; **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Section 13.06.010 of the Ruston Municipal Code “BLS transport user fee imposed” is hereby amended as follows:

**13.06.010 – BLS transport user fee imposed**

- (a) All persons receiving basic life support emergency medical services transport ("BLS transport") by the City shall be charged and billed a BLS transport user fee ("fee"). The fee is \$900.00 per transport plus \$22.00 per mile. The mayor or

designee is authorized to establish procedures to implement, bill, and collect the fee.

- (b) A resident of the City, who supplies the City with the medical insurance information and documentation needed to bill his or her insurance provider for the fee, and who assigns his or her insurance benefits for the same to the City, shall not be billed for that portion of the fee that is in excess of amounts paid by his or her insurer(s).
- (c) A nonresident, who supplies the City with the medical insurance information and documentation needed to bill his or her insurance provider for the fee, and who assigns his or her insurance benefits for the same to the City, shall be billed for that portion of the fee that is in excess of amounts paid by his or her insurer(s).
- (d) A person, regardless of residence, who does not supply the City with the medical insurance information and documentation needed to bill his or her insurance provider or who fails to assign such benefits to the City because he or she is unwilling, or because he or she does not have any type of insurance coverage for such charges, shall be billed for the entire fee.
- (e) The use of the term "insurance" or any variation thereof in this section shall include Medicare and Medicaid.
- (f) The use of the term "BLS transport" in this section shall mean: transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the state (RCW Chapter 18.73, now or as hereafter amended). The ambulance must be staffed by an individual who is qualified in accordance with state and local laws as an emergency medical technician basic (EMT basic). Basic emergency medical technicians perform noninvasive, basic emergency treatment.
- (g) The use of the term "resident" in this section shall mean: a person whose principal place of residence is within the boundaries of the City.
- ~~(h) As part of implementing this program, the Mayor may waive BLS transport fee charges that would otherwise be paid by the patient out of pocket after the application of any insurance, provided the patient provides the City with the medical insurance information and documentation needed to bill his or her insurance provider.~~

**Section 2.** Section 13.06.020 of the Ruston Municipal Code “Medicare and Medicaid” is

hereby amended as follows:

**13.06.020 – Medicare and Medicaid**

Charges for the BLS transport authorized by this chapter shall be construed and implemented in a ~~manner~~ manner consistent with Medicare and Medicaid requirements, when applicable. If any method or procedures authorized by this chapter for the purpose of establishing, implementing, imposing or collection of charges for BLS transport is found to conflict with Medicare and or Medicaid requirements, the conflicting part of this chapter shall be inoperative to the extent

the same conflicts with Medicare and/or Medicaid requirements. The operation of the remainder of this chapter shall remain unaffected.

**Section 3.** A new section, RMC 13.06.030 “Billing for BLS Transport User Fee” is hereby added to the Ruston Municipal Code as follows:

**13.06.030 – Billing for BLS Transport User Fee**

The City has entered into an agreement with a contractor that will conduct all billing for BLS Transport User Fee(s) in accordance with RMC 13.06.010 and 13.06.020.

- (a) The contractor shall provide to the City specific services related to the billing, payment processing, reporting and reports, and applicable appeals to insurance payers and/or Medicare or Medicaid of EMS patient transport services that are provided to the general public by the City.
- (b) The contractor shall enter into a Professional Services Agreement with the City outlining the scope of services to be provided.
- (c) The contractor is responsible for ensuring any subcontractor or vendor agencies are fully licensed and qualified to perform such work. The contractor is responsible for ensuring that subcontractors or vendor maintain Payment Card Industry (PCI) compliance (includes data security standard), and that the contractor, subcontractor, or vendor must be able to provide a PCI compliance certificate to City annually.
- (d) The contractor shall maintain Industry insurance as required by the laws of Washington State and Pierce County. The contractor shall maintain liability insurance at a limit acceptable to the City and file a certificate with the City.
- (e) The contractor will provide live customer service to billed customers via toll free phone number(s) to answer billing questions.
- (f) The contractor may use a collection agency, a lien process, or other legal methods to recover the past-due balance from the billed customer.

**Section 3. Severability.** If any section, sentence clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 4. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 5. Corrections.** Upon the approval of the city attorney, and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including

but not limited to the correction of scrivener's/clerical errors, references, ordinance number, section/subsection, and any reference thereto.

**Section 6. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

**ADOPTED** by the City council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4<sup>th</sup> day of June, 2024.

**APPROVED** by the Mayor this 4<sup>th</sup> day of June, 2024.

\_\_\_\_\_  
Bruce Hopkins, Mayor

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Laurie Cassell, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jennifer S. Robertson, City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO.: \_\_\_\_\_ 1582 \_\_\_\_\_