

Emergency Medical Services Cost Recovery Ordinance

It is hereby ORDAINED by the County of Rappahannock, Virginia, that the Rappahannock County Code be amended to add a new Article II to Chapter 95: Emergency Response, to read as follows:

The Board of Supervisors, after notice and public hearing, finds that making reasonable charges for the use of emergency medical services vehicles (sometimes referred to as "ambulances"), including charging insurers for ambulance services as authorized by §38.2-3407.9 of the Code of Virginia, is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare. This is done pursuant to the authority of §32.1-11.14 and §38.2-3407.9 of the Code of Virginia.

The County of Rappahannock has by virtue of Chapter 21 of the Rappahannock Code, §32.1-111.14 B. of the Code of Virginia and a Fire and Rescue Services Agreement dated 5 October 1998, caused the provision of emergency medical service vehicles in Rappahannock County by the following volunteer organizations, which are deemed to be instrumentalities of the County:

Amissville Volunteer Fire and Rescue Company, Inc.

Flint Hill Volunteer Fire Company, Inc.

Washington Volunteer Fire and Rescue Company, Inc.

Sperryville Volunteer Rescue Squad, Inc.

Castleton Community Volunteer Fire Company, Inc.

Chester Gap Volunteer Fire and Rescue Company, Inc.

Pursuant to §22-8 of the Rappahannock County Code, persons who own real and personal property located within Rappahannock County pay a "fire and rescue" tax on such property. Funds generated by said tax help to pay for life support and ambulance services provided in Rappahannock County by the aforesaid volunteer organizations. Therefore, the Board of Supervisors finds that such people are entitled to a waiver of any fees provided for by this Chapter that are not paid by other sources in as much as they have already paid for these services through their taxes.

**Definitions:**

"Emergency medical services vehicle," or "ambulance," means any vehicle that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless, and includes mobile intensive care units.

"Ambulance services" means the transportation by ambulance of

any person requiring resuscitation or emergency relief or where human life is endangered, and the provision of Life Support during transport.<sup>1</sup>

“Advanced life support (ALS) personnel” means an individual trained to the level of the emergency medical technician-intermediate (EMT-Intermediate) or paramedic. The EMT-Intermediate is defined as an individual who is qualified, in accordance with State and local laws, as an EMT-Basic and who is also qualified in accordance with State and local laws to perform essential advanced techniques and to administer a limited number of medications. The EMT-Paramedic is defined as possessing the qualifications of the EMT-Intermediate and also, in accordance with State and local laws, as having enhanced skills that include being able to administer additional interventions and medications.

**Ambulance Service Charge Imposed:** An Ambulance Service Charge is hereby imposed by the County of Rappahannock for ambulance services rendered to any person transported from a location within Rappahannock County to a hospital or other medical facility by any of the volunteer organizations listed in section \_\_\_\_\_. No one will ever be denied ambulance service, or receive a reduced level of Life Support, due to inability to pay or lack

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<sup>1</sup> VAC §38.2-3407.9 C.

of insurance.

**Amount of Ambulance Service Charge:** The amount of the Ambulance Service Charge shall be calculated by adding:

1. a flat fee based on the level of Life Support provided during transport; plus,
2. a fee based on the number of miles the patient is transported.

An Ambulance Service Charge may be waived in whole or in part as provided by sections \_\_\_\_ and \_\_\_\_\_ of this Article. Such a waiver will forgive and release the person who incurred the Ambulance Service Charge from paying the amount waived.

The levels of Life Support are as follows: <sup>2</sup>

**Basic Life Support (BLS)** means transportation by ambulance and medically necessary supplies and services, plus the provision of BLS ambulance services. 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).

**Advanced life support level 1 (ALS1)** means transportation by ambulance, medically necessary supplies and services and either an ALS assessment by ALS personnel or the provision of at least one ALS intervention.

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<sup>2</sup> Source: 42 CFR 414.605

**Advanced life support level 2 (ALS2)** means either transportation by ambulance, medically necessary supplies and services, and the administration of at least three medications by intravenous push/bolus or by continuous infusion, excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate); or transportation, medically necessary supplies and services, and the provision of at least one of the following ALS procedures:

- (1) Manual defibrillation/cardioversion.
- (2) Endotracheal intubation.
- (3) Central venous line.
- (4) Cardiac pacing.
- (5) Chest decompression.
- (6) Surgical airway.
- (7) Intraosseous line.

The specific fee amounts to be charged for each level of Life Support, and for each mile of transport by ambulance, shall be set from time to time by resolution of the Board of Supervisors. A current schedule of such fees shall be kept in the Office of the County Administrator and available for public inspection.

**Automatic Waivers:** Any Ambulance Service Charge that is not paid by another source, whether that source is insurance, Medicare or Medicaid, is waived in its entirety for:

1. Persons in the custody of the Sheriff of Rappahannock County.
2. County employees, including employees of the Rappahannock County School Board and of any Constitutional Officer, transported from their place of work.
3. Persons who have a place of residence in Rappahannock County as indicated by having an assigned 911 address, and their spouses, ancestors and descendants who reside at the same address. For the purposes of this provision, "descendants" include children and grand children, whether natural or adopted, and foster children.
4. Children 18 years of age or younger who require emergency medical service and transport while attending school or a school-related activity.
5. Victims of crime as identified by the Commonwealth's Attorney.
6. Persons, including veterans, who are totally and permanently disabled as defined by §151-48 C. of this Code.

Amounts waived under this provision include co-payments and deductions.

The County Administrator shall keep a record of all automatic waivers granted and which of the six above-listed provisions justified the waiver; however, no other documentation need be retained to support the waiver.

**Examples of Automatic Waivers:**

1. A person who qualifies for an automatic waiver incurs an Ambulance Service Charge of \$400. That person has no insurance and there is no other source of payment. The full \$400 is waived.

2. A person who qualifies for an automatic waiver incurs an Ambulance Service Charge of \$400. That person has insurance, or some other source, that pays \$300. The remaining \$100 is waived.

**Financial Hardship Waivers:** Any person who does not qualify for an Automatic Waiver who is billed an Ambulance Service Charge under this Article that is not paid in full by another source, may request a waiver from the County Administrator as to any amount still owed to the County in excess of \$50. This waiver shall relieve that person of the obligation to pay to the County any amount still owed to the County in excess of \$50. A financial hardship waiver shall not relieve a person from paying

up to \$50 of the remaining Ambulance Service Charge not paid by another source. The financial hardship waiver shall be granted in accordance with standards adopted from time to time by the Board of Supervisors.

**Examples of Financial Hardship Waivers:**

1. A person who does not qualify for an automatic waiver has a bill for an Ambulance Service Charge of \$400. Insurance pays for \$300, leaving \$100 still owed. If the person qualifies for a hardship waiver, then the person will pay \$50 to the County of Rappahannock. The other \$50 is waived.
2. A person who does not qualify for an automatic waiver has a bill for an Ambulance Service Charge. Insurance pays so that the amount still owed is \$50 or less. If the person qualifies for a hardship waiver, then the person will pay the amount still owed to the County of Rappahannock as this amount will not exceed \$50.
3. A person who does not qualify for an automatic waiver has a bill for an Ambulance Service Charge of \$400. The person does not have insurance. If the person qualifies for a hardship waiver, then the person will pay \$50 to the County of Rappahannock. The other \$350 is waived.

To be eligible for a financial hardship waiver a person shall submit an affidavit on a form satisfactory to the County

Administrator stating ????.

No documents submitted by an applicant for a hardship waiver, nor copies thereof, shall be kept by the County, but they shall be returned to the applicant upon the granting or the denial of the waiver. The County Administrator shall keep a record of all hardship waivers granted with a written notation as to the basis for the waiver.

A person who has in the year the ambulance service is rendered, exhausted the limits on their insurance policy, or any limits set by any other source of payment, shall be granted a hardship waiver.

No personal banking information or copies of tax forms will be required.

**Billing and Collections:** All persons who use ambulance services will be asked to provide information regarding available insurance coverage or other possible sources of payment. If a person indicates they have insurance that may cover the Ambulance Service Charge, or some portion thereof, they will be asked to sign an assignment of benefits as provided by §38.2-3407.9 A. of the Code of Virginia sufficient to cause the insurer to pay to the County of Rappahannock so much of the Ambulance Service Charge as is covered by the policy of insurance.

Billing and collection services will be provided by a billing agent. No County personnel, nor member of any volunteer fire or rescue squad or company will solicit or accept payment from or on behalf of any person transported. Any inquiries regarding billing or collection procedure will be referred to the billing agent, or to the County Administrator.

All consumers of ambulance services will receive written notification of the amount billed to their insurance carrier, Medicare, Medicaid or other source of payment.

The billing agent shall first bill the full amount of any Ambulance Service Charge to the possible sources of payment identified by the person who used the ambulance service. Only after such sources of payment are exhausted will that person be billed for any unpaid portion of the Ambulance Service Charge, at which time, upon request of that person, the waivers referred to in Sections \_\_\_\_ of this Article shall be considered.

The billing agent will not pursue payment recovery through a debt collection agency without express authorization of the County Administrator.

All receipts from the payment of the Ambulance Service Charge, from whatever source, shall be paid into the General Fund for Rappahannock County and shall be categorized as Ambulance Cost Recovery Funds. Disbursements shall be made of such funds only by appropriation of the Board of Supervisors.

**Credit for Restitution Paid:** In the event a person pays to Rappahannock County by court order the restitution provided for in Article 1 of Chapter 95 of this Code, and that person received transport by ambulance in the same incident, then upon receipt by the County any amount so paid shall be a credit against any Ambulance Service Charge.

**Write-offs:** The County Administrator may cancel and write-off any unpaid Ambulance Service Charge still owed to the County more than one year after it was incurred if he believes there is no likelihood of collection of same.