

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AMENDING PART II, CHAPTER 10, ARTICLE II OF THE BLACKWELL MUNICIPAL CODE 2019 ENTITLED "EMERGENCY MEDICAL SERVICE"; BY THE AMENDMENT OF SECTION 10-23 ENTITLED "EMERGENCY MEDICAL SERVICE ESTABLISHED"; BY THE AMENDMENT OF SECTION 10-24 "ADMINISTRATIVE CONTROL"; BY THE AMENDMENT OF SECTION 10-26 ENTITLED "DEFINITIONS"; BY THE AMENDMENT OF SECTION 10-27 ENTITLED "SERVICES TO BE RENDERED"; BY THE AMENDMENT OF SECTION 10-28 ENTITLED "CHARGES FOR SERVICES"; BY THE AMENDMENT OF SECTION 10-29 ENTITLED "SUBSCRIPTIONS"; BY THE AMENDMENT OF SECTION 10-30 ENTITLED "COLLECTION AND USE OF AMBULANCE FEES"; BY THE AMENDMENT OF SECTION 10-31 ENTITLED "SUBSCRIBER FEES"; BY THE AMENDMENT OF SECTION 10-32 ENTITLED "ASSIGNMENT"; PROVIDING FOR AN AMBULANCE SUBSCRIPTION PROGRAM; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: Part II, Chapter 10 of the Blackwell Municipal Code 2019 is hereby amended by the amendment of Article II entitled Emergency Medical Service shall read as follows:

ARTICLE II. EMERGENCY MEDICAL SERVICE

Section 10-23. Emergency Medical Service Established.

There is hereby created an ambulance service within the city and such service shall furnish ambulance service throughout the city and its general vicinity. Specifically, the city is authorized to furnish ambulance service within its Ambulance District, and without its Ambulance District when providing mutual aid and in emergency situations. The ambulance service shall meet accepted Federal Department of Transportation requirements for vehicle design (Federal Specification KKK-A-1822) and equipment (American College of Surgeon's Recommendations). The ambulance service shall provide a minimum level of training for ambulance attendants to be the Department of Transportation approved EMTA course in emergency care and transportation of the sick and injured. The ambulance service shall maintain two-way mobile communications compatible with the Oklahoma WACS Systems Specifications.

Section 10-24. Administrative control.

The ambulance service will be directed by the fire chief or such other persons as may be designated by the city manager. The city ambulance service is made a part of the city fire department and included in the regular duties and functions of the fire department.

Section 10-26 Definitions.

For the purpose of this article, the following definitions shall apply:

1. "Emergency" means a life-threatening situation which requires that a patient be transported to a medical facility for immediate care;
2. "Medical facility" means an Oklahoma-licensed physician's office or an accredited hospital;
3. "Medically Necessary" means a non-life-threatening situation which requires that a patient be transported to or from a medical facility by ambulance.
4. "No-Charge" means all ambulance services shall be billed to the patient's insurance and the City will accept what payment is received from that insurance and waive any remaining balance on emergency and medically necessary ambulance services.
5. "Non-subscriber" means a person who is not charged and/or does not timely pay for a subscription for emergency ambulance service for those persons residing in the dwelling unit;
6. "Subscriber" means a person who is charged and timely pays for a subscription to receive no-charge emergency and medically necessary ambulance service for those persons residing in the dwelling unit;
7. "Transfer" means a non-life-threatening situation whereby a patient is transported to a medical facility for medical tests or examination, or when a patient is transported from a medical facility to the patient's place of residence.

Section 10-27 Services to be Rendered.

- A. Emergency ambulance service will be the primary service provided by the ambulance service.
- B. "Medically Necessary Service": Medically necessary ambulance service will be the secondary service provided by the Blackwell Ambulance Service. Medically necessary ambulance services will be provided when doing so will not compromise the Service's ability to provide emergency.
- C. Transfer ambulance service will be the secondary service provided by the ambulance service. Transfer ambulance service will be provided when doing so will not compromise the service's ability to provide emergency ambulance services.

Section 10-28 Charges for Services.

- A. Subscribers may receive no-charge emergency and medically necessary ambulance service during the period of their subscription. Ambulance service will be billed at the rates as

provided in this Article.

B. Non-subscribers will be billed for ambulance services at the rates as provided in this Article.

C. The ambulance service is to be as financially self-supporting as possible. To that end:

1. Each person who receives ambulance service is considered the primary person responsible for the payment of all services rendered. Such person shall agree to provide all insurance information and sign all necessary documents. Failure to comply will void the subscription and the patient shall be billed 100% of the current charges.

2. Payment in full for service is expected in a timely manner after services are rendered. The city is dedicated to taking all necessary steps to collect all outstanding accounts. The failure to pay an outstanding account for ambulance services shall be considered reasonable grounds to refuse non-emergency transfer ambulance service;

3. Subscribers may receive no-charge emergency and medically necessary ambulance services as provided in paragraph A hereinabove provided that the subscriber is not delinquent in the payment of city electric services. In the event the city disconnects electrical service for non-payment for a period of time in excess of forty-eight (48) hours, then the subscriber shall be considered a non-subscriber and shall be responsible for the full payment of any ambulance services provided while the subscriber is delinquent in the payment for electrical services.

Section 10-29 Subscriptions.

A. Beginning on January 1, 2021, and each successive month thereafter, those persons who are year-round electric customers of the city at single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) within and without the corporate limits of the city will be assessed a subscriber fee as provided in Section 10-31 as a monthly fee for no-charge emergency and medically necessary ambulance service; provided however, such electric utility customer may choose to opt out of receiving such subscription service by filling out and executing an OPT OUT FORM at City Hall with the City Clerk during the month of December 2020, and during the month of December for each successive year thereafter (hereinafter referred to as "opt out month"). Any electric utility customer failing to opt out during any successive opt out month shall continue to pay the monthly ambulance subscription fee and receive such monthly ambulance subscription service, until and unless such OPT OUT FORM is timely completed and filed with the City Clerk at City Hall during any successive opt out month.

B. Beginning on January 1, 2021, and each successive month thereafter, any landlord who pays the electric bill for a single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) within and without the corporate limits of the city will be assessed a subscriber fee as provided in Section 10-31 as a monthly fee per residential dwelling unit for no-charge emergency and medically necessary ambulance service; provided however, such landlord may choose to opt out of receiving such

subscription service by filling out and executing an OPT OUT FORM at City Hall with the City Clerk during the month of December 2020, and during the month of December for each successive year thereafter (hereinafter referred to as “opt out month”). Any landlord failing to opt out during any successive opt out month shall continue to pay the monthly ambulance subscription fee per residential dwelling unit, until and unless such OPT OUT FORM is timely completed and filed with the City Clerk at City Hall during any successive opt out month.

C. Those persons who reside in nursing homes within the corporate limits of the city and do not receive a monthly electric bill for their individual place of residence may subscribe for no-charge emergency and medically necessary ambulance services by paying the annual subscription fee in full.

D. Those persons who reside outside the corporate limits of the city but within the ambulance service response area and are not year-round electric customers of the City may subscribe for no-charge emergency and medically necessary ambulance services by paying the annual subscription in full.

Section 10-30 Collection and Use of Ambulance Fee.

A. All ambulance services will be billed to the patient’s insurance carrier(s). For subscription customers, the City will accept what the insurance pays for emergency and medically necessary ambulance service and waive the remaining balance. Charges for transfer service will not be waived and are not subject to the subscription program. Payments received from subscribers shall first be applied to any delinquent or current monthly ambulance service fees. All receipts thereafter shall be applied toward the payment of electrical service charges of the subscriber.

B. The proceeds of the ambulance subscription fee shall be placed in an account and may only be used for the purpose of providing ambulance services, including but not limited to ambulance capital expenditures and operations.

Section 10-31 Subscriber Fee

Subscriber fees shall be as follows:

Electric customers at single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) shall pay the following monthly subscriber fee for emergency and medically necessary services:

Located within or without the corporate limits/per utility customer or dwelling unit \$5.00 per month

Non-electric customers, whether located within or without the corporate city limits, but within the Blackwell EMS Response District, may pay an annual fee in full for Ambulance Subscription Service of Sixty Dollars (\$60.00) per subscriber/household per city fiscal year (January 1 through December 31). All annual Ambulance Subscriptions Service payments shall be due in

January of each successive year; no proration shall be made for late applications. Ambulance Subscription Service Fees created by this section may be changed by resolution of the City Council from time to time.

Section 10-32 Assignment.

That assignment will be accepted on deceased patients but will not be accepted on any other claims covered by insurance. The patient shall be responsible for all billable charges not paid by said insurance unless such patient is in the subscriber program.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order immediately provide for this Ambulance Subscription Program; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

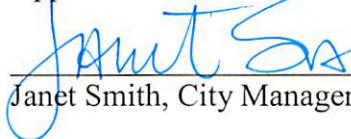
Approved and executed this 19th day of November 2020.

THE CITY OF BLACKWELL, OKLAHOMA



Stephen Marquardt, Mayor

Approved as to Content:



Janet Smith, City Manager



(Seal)

ATTEST:

Approved as to Form and Legality:

Traci Hanebrink Bryce S. Kennedy, Jr.
Traci Hanebrink, City Clerk Bryce S. Kennedy, Jr., City Attorney