

ORDINANCE NO. 2021-03

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 10-26 "DEFINITIONS", AMENDING THE TERM "NON-SUBSCRIBER" AND "SUBSCRIBER"; BY THE AMENDMENT OF SECTION 10-28C.3 ENTITLED "CHARGES FOR SERVICES", AMENDING THE SUBSCRIPTION CRITERIA FROM ELECTRIC UTILITY TO CITY UTILITY CUSTOMERS; BY THE AMENDMENT OF SECTION 10-29 ENTITLED "SUBSCRIPTIONS", AMENDING WHO IS DETERMINED TO BE A SUBSCRIBER AND NON-SUBSCRIBER; BY THE AMENDMENT OF SECTION 10-31 ENTITLED "SUBSCRIBER FEES", PROVIDING FOR AN ANNUAL CITY APPROPRIATION TO COVER THE COST OF SUBSCRIPTIONS FOR CERTAIN SUBSCRIBERS; REPEALING THE TEMPORARY, LIMITED MORATORIUM ON THE IMPLEMENTATION OF THE AMBULANCE SUBSCRIPTION FEE ORDINANCE NO. 2021-01, ENACTED BY THE GOVERNING BODY OF THE CITY OF BLACKWELL, OKLAHOMA, ON THE 19TH DAY OF NOVEMBER 2020, PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

WHEREAS, on the 18th day of March, the City Council adopted Ordinance No. 2020-21 which adopted certain amendments to Part II, Chapter 10, Article II of the Blackwell Municipal Code 2019, entitled the "Emergency Medical Service", providing for an Ambulance Subscription Program;

WHEREAS, on the 7th day of January 2021, the City Council adopted Ordinance No. 2021-01, which provided for a temporary, limited moratorium on the implementation of the Ordinance No. 2020-21;

WHEREAS, Ordinance No. 2021-01 provided that during the moratorium period, which shall not extend beyond June 30, 2021, the City Council shall: 1) set and hold at least one public hearing to receive comments and concerns about the Ambulance Subscription Ordinance from the public; 2) receive additional information concerning current ambulance fees, the procedures for their collection, and alternatives other than the Ambulance Subscription Ordinance; and 3) receive input from Blackwell's third-party vendor collecting ambulance revenues;

WHEREAS, on March 18, 2021, at or after 6:00 p.m., such public hearing has been set and will be held;

WHEREAS, the City has received additional information and received input from Blackwell's third-party vendor collecting ambulance revenues and has determined that this ordinance addresses the purpose of the moratorium and the needs of the public;

WHEREAS, under the terms of this Ordinance No. 2021-03, users of city utilities, whether located within or without the corporate limits of the City, shall have no-charge emergency and

medically necessary ambulance service, with the City annually appropriating the funds necessary to cover such charged;

WHEREAS, such appropriation will need to be made on an annual basis and shall be subject to annual appropriation.

NOW, THEREFORE, BE IT RESOLVED 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

Sec. 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.

Sec. 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.

Sec. 10-25 Rates.

A. Effective December 1, 2016 the rates to be charged for ambulance/fire rescue services shall be as follows:

Advanced Life Support Non-Emergency (ALS)	\$850.00
Advanced Life Support Emergency (ALS 1)	\$850.00
Advanced Life Support Emergency (ALS 2)	\$1075.00
Basic Life Support Non-Emergency (BLS)	\$750.00
Basic Life Support Emergency (BLS)	\$750.00
Specialty Care Transport	\$1075.00
Mileage (per patient loaded mile)	\$15.00

Non-Medical Assistance	\$200.00
Patient Standby (first 30 minutes)	\$30.00
Patient Standby (Each additional 30 minutes)	\$50.00
Event Standby (inside city limits)	\$100.00*
Treatment without transport	\$200.00**
Ambulance/Fire Rescue (tools come off the truck)	\$500.00

* No fee will be charged for high school football games and other events authorized by the City Council. **Treatment with no Transport. If a patient receives treatment from the attendee, in addition to an initial patient assessment (such as taking vital signs or primary assessment), the following charges shall be made for treatments such as administering oxygen for a respiratory problem or a breathing treatment (such as the use of Albuterol), the provision of Glucose D-30 to a diabetic, or Epinephrine to a patient suffering an allergic reaction, bandaging and splinting of wounds and breaks and other similar treatments not constituting an initial patient assessment.

Sec. 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, if required, 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, if required, 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.

Sec. 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.

Sec. 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 any city utility service ~~city electric services. In the event the city disconnects electrical service any city utility 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.~~

Sec. 10-29 Subscriptions.

- A. Beginning on ~~January~~ April 1, 2021, and each successive month thereafter, those persons

who are year-round electric utility 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), including the residents of nursing homes, which persons and residents reside within and without the corporate limits of the city will be provided assessed a subscriber fee as provided in Section 10-31 as a monthly fee for no-charge emergency and medically necessary ambulance service. Such persons and residents shall be considered subscribers; ~~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.~~

B.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 utility customers of the City, or those persons who reside inside the corporate limits of the city but are not year-round utility customers of the City, may subscribe for no-charge emergency and medically necessary ambulance services by paying the annual subscription in full.

Sec. 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, unless medically necessary as certified by the Fire Chief or designee. 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, together with the monies appropriated by the City pursuant Section 10-31, 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 improvements and expenditures and operations.~~

Sec. 10-31 Subscriber Fee

Subscriber fees shall be as follows:

Subscribers who are utility 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), including the residents of nursing homes, which Subscribers reside within the corporate limits of the city, shall not pay monthly Subscription Fees so long as such Subscriber 1) is not delinquent in the payment of any city utility bill pursuant to Section 10-28.C.3; 2) provides the City all information as provided by Section 10-28.C.1; 3) is otherwise in compliance with the terms of this Article II, and the City, as a part of its final budget, provides for an annual ambulance subscription service which will be fully funded by the City. The amount of the ambulance subscription service shall be determined annually by the City Council, as a monthly dollar amount, multiplied by the average number of city utility customers on an annual basis ("hereinafter "appropriation amount"). This appropriation may be made from appropriate funds and accounts, to include but not be limited to, the Blackwell Public Trust Funds and the tax revenues received from the Medical Health Sales Tax Ordinance No. 2019-01, subject to annual appropriation. If no appropriation is made by the City, the Ambulance Subscription provisions contained in this Article II shall be repealed.

~~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-utility-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.

Sec. 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, including Ordinance No. 2021-01, 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.

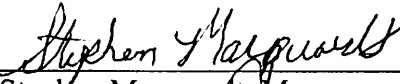
Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

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 declare that the Moratorium Ordinance is repealed and to provide for amendments to the 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 18th day of March 2021.

THE CITY OF BLACKWELL, OKLAHOMA



Stephen Marquardt, Mayor

Approved as to Content:



Janet Smith, City Manager



(Seal)

ATTEST:

Traci Hanebrink

Traci Hanebrink, City Clerk

Approved as to Form and Legality:

Bryce S. Kennedy, Jr.

Bryce S. Kennedy, Jr., City Attorney