

DRAFT 12-22-04

ORDINANCE 05-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Chapter III is hereby added to Title 7 of the Costa Mesa Municipal Code to read as follows:

**“Chapter III: EMERGENCY MEDICAL SERVICES
SUBSCRIPTION PROGRAM”**

Sec. 7-125. Purpose.

The declared purpose of this chapter is to help families and businesses financially in the event of a medical emergency by minimizing health care costs, while simultaneously generating additional revenue for the City of Costa Mesa to compensate for rising health care costs and the recent California budget crisis.

Sec. 7-126. Definitions.

Unless a different meaning is apparent from the context or is specified elsewhere in the code, the following definitions shall be used:

- (a) Emergency Medical Services (EMS): Those services provided by the Costa Mesa Fire Department and its designated ambulance provider related to the assessment, treatment and transport of patients during the course of an emergency medical incident.
- (b) EMS Subscription Program: A voluntary membership program in which a person pays an annual membership fee so that, in the event of a future medical emergency, the person will not be required to pay the Fire Department EMS Response fee, or any portion thereof, out-of-pocket should the person not have insurance or should his/her insurance not fully cover the fee.
- (c) Member: A person who is a Costa Mesa homeowner, renter, or business owner who has subscribed to the EMS Subscription Program by paying the voluntary annual fee and completing the appropriate application process.
- (d) Mobile Intensive Care Paramedic (MICP) - A person who is educated, trained, and authorized to perform both Basic Life Support (BLS) and Advanced Life Support (ALS) level EMS.

- (e) Emergency Medical Technician (EMT) – A person who is educated, trained and authorized to perform Basic Life Support (BLS) level EMS.
- (f) Advanced Life Support (ALS): Paramedic level EMS.
- (g) Basic Life Support (BLS): EMT level EMS.
- (f) Ambulance: The designated ground ambulance service that provides transport services for Costa Mesa Fire Department EMS patients.

Sec. 7-127. Administration.

The Finance Department shall be responsible for the development, implementation, and administration of the EMS Subscription Program. The Finance Director shall report on a yearly basis to the City Manager and the City Council on the status of the EMS Subscription Program. The report shall include a full financial statement that sets forth the Program's financial status.

The Fire Department shall provide the Finance Department with any technical/medical information needed. The Fire Chief and Finance Director shall jointly approve all program marketing and advertising.

Sec. 7-128. Eligibility.

To enroll in the EMS Subscription Program, a person must be at least 18 years of age, be either a citizen or legal resident of the United States, and meet one of the following criteria:

- (a) Costa Mesa renter; or
- (b) Costa Mesa homeowner; or
- (c) Costa Mesa business owner.

Sec. 7-129. Persons covered.

- (a) Residential Membership – All persons who reside in the member's home are covered anywhere within Costa Mesa city limits. All invited visitors of the member are covered, but only while they are in the member's home or on the property that is part of and attached to the home.
- (b) Business Membership – All employees of the business are covered anywhere within Costa Mesa city limits so long as they are acting within the scope of their employment. Customers and visitors of the business are not covered.

Sec. 7-130. Member benefits.

Members are covered (i.e., they will not be responsible for any out-of-pocket expenses toward payment of the Fire Department EMS Response fee) for all EMS

provided by the Costa Mesa Fire Department anywhere within Costa Mesa city limits. Services include:

- (a) All Fire Department EMS responses, whether or not actual treatment and/or transport is warranted, so long as the 911 call was made in good faith and the caller reasonably believed that a medical emergency existed.
 - (b) All BLS level care provided by the Costa Mesa Fire Department.
 - (c) All ALS level care provided by the Costa Mesa Fire Department.
- * Note: Ambulance charges are not covered. They are separate from, and in addition to, the Fire Department EMS Response fee.

Sec. 7-131. Enrollment.

Each residence and business of the City will have the opportunity to join the EMS program at any time throughout the year. The City's Finance Director shall administratively establish an enrollment and billing methodology for subscribers.

Sec. 7-132. Authorization for program and related fees.

- (a) The current BLS (\$185) and ALS (\$295) Fire Department user fees shall be eliminated, and in their place shall be created one Fire Department EMS Response Fee, the amount of which shall be established by Resolution of the City Council. The current BLS and ALS fees shall continue to be charged to both residents and non-residents of Costa Mesa until the effective date of the Resolution establishing the EMS Response Fee.
- (b) Any ambulance company or service authorized to provide services in the City of Costa Mesa and/or the Finance Department is hereby authorized to begin billing both non-residents and residents of Costa Mesa the new Fire Department EMS Response Fee upon the effective date of the Resolution establishing the fee. **[note: do you want to specify that the ambulance company is to pass through fees collected to City; alternatively, you could simply insert "on behalf of the City of Costa Mesa" after "begin billing" and then negotiate a change to the contract requiring them to pass through the amount of the EMS response fee, with perhaps some administrative charge to compensate them for the billing.]**
- (c) The EMS Subscription Program is hereby created as described, supra, with the following voluntary annual membership fees:
 - (1) Residential Membership – \$36.00
 - (2) Business Membership – \$36.00 for the first ten employees, then \$3.00 for each additional employee.
 - (3) Financial Hardship Membership – \$12.00 (See Financial Hardship below).

Sec. 7-133. Implementation.

Implementation of the EMS Subscription Program shall begin July 1, 2005.

Sec. 7-134. Equal accessibility to EMS response.

Under no circumstances will the delivery and application of available emergency medical services and ambulance transportation be delayed or refused based upon whether or not a person is a EMS Subscription Program member or can demonstrate an ability to pay.

Sec. 7-135. Financial hardship.

The Finance Director is authorized to grant a reduction of the Fire Department EMS Response Fee by persons establishing a financial hardship. This will be determined on a case-by-case basis depending on the circumstances of each case. Additionally, a low-income membership fee for the EMS Subscription Program is available to anyone whose annual income qualifies under the current Housing and Urban Development (HUD) Neighborhood Enhancement Program, and is based on the number of persons living in the household and the total household income. A Statement of Eligibility is required to qualify for the reduced rate of \$12.00 per year. To qualify, the total household income must not exceed the income limits established under the Housing and Urban Development Neighborhood Enhancement Program in effect at the time the low-income designation is sought by a membership applicant.

Sec. 7-137. Program termination.

The EMS Subscription Program may be cancelled by a majority vote of the Costa MeSa City Council. If the Council chooses to terminate the program prior to any new program year, the City may, at its option, refund membership fees back to program members on a prorated basis. The City shall be obligated to provide thirty (30) days written notice to program members prior to program termination.

SECTION 2: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this __ day of February, 2005.

ATTEST:

Deputy City Clerk of the
City of Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-__ was introduced and considered section by section at a regular meeting of said City Council held on the ___day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ___day of February, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ___day of _____, 2005.

Deputy City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa