

TITLE 13**CHAPTER 13.04 RMC REPEALED**

Existing Chapter 13.04 Richland Municipal Code is hereby repealed in its entirety.

Chapter 13.06 RMC Enacted

A new Chapter 13.06 Richland Municipal Code, to replace Chapter 13.04 RMC and entitled Medical and Ambulance Service Utility is hereby adopted as follows:

Part A – Regulations applicable to all ambulance service

- 13.06.010 Utility Continued**
- 13.06.020 Definitions**
- 13.06.030 Purpose**
- 13.06.040 Utility Authorization**
- 13.06.050 Regulations**
- 13.06.060 Business and Ambulance Service License – Required**
- 13.06.070 Term of Ambulance Service License**
- 13.06.080 Annual Ambulance License Fee**
- 13.06.090 Conditions of Ambulance Service**
- 13.06.100 License – Exhibition Required**

Part B – Emergency Medical Service (EMS) Program

- 13.06.200 Purpose**
- 13.06.210 EMS Program**

Part C – Fees

- 13.06.300 Utility Rate Setting**
- 13.06.310 Payment**
- 13.06.320 Medical Services Fund**
- 13.06.330 Billing for Ambulance Transports**
- 13.06.340 Allocation of Direct Billing Revenue**
- 13.06.350 General Fund Contribution**
- 13.06.360 Review by Utility Advisory Committee**
- 13.06.370 Compliance with Medicare and Medicaid Requirements**

Part D – Charges Established

- 13.06.400 Charges Established**
- 13.06.410 Medicaid Adjustment**

PART A - REGULATIONS APPLICABLE TO ALL AMBULANCE SERVICE**13.06.010 Utility Continued**

Consistent with the authority granted by state law, including RCW 35.21.766 and 35.27.370(15), as now existing or hereafter amended, the Medical and Ambulance Public Utility established by the City in 1976 as Chapter 2.60 RMC, subsequently amended to be RMC 13.04, and as amended, is hereby reauthorized, ratified and continued as a public utility of the City to be known hereafter as the Medical and Ambulance Service Utility. The regulation of emergency medical and ambulance services is established as an exercise of the police power of the City of Richland to protect and preserve the public health, safety and welfare. The emergency medical services program is accordingly amended, reauthorized, ratified and continued, and for purposes of this Chapter, shall be referred to as the “EMS Program”.

13.06.020 Definitions

For purposes of this Chapter, the following terms shall have the following meanings:

- A. "Advanced Life Support" or "ALS" means invasive emergency medical services requiring advanced medical treatment skills as defined in WAC 388-546-0001.
- B. "Ambulance" means a ground vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.
- C. "Ambulance Service" or "Ambulance Operator" means an agency, public or private, that operates one or more ambulances, responding to a 911 or aid call for service within the City, including advanced life support, basic life support and transport services.
- D. "Availability Costs" means those costs attributable to the basic infrastructure needed to respond to a single call for service within the utility's response criteria, including costs for dispatch, labor, training of personnel, equipment, patient care supplies, and maintenance of equipment.
- E. "Basic Life Support" or "BLS" means noninvasive emergency medical services requiring basic medical treatment skills as defined in WAC 388-546-0001.
- F. "Demand Costs" means those costs attributable to the burden placed on the ambulance service by individual calls for ambulance service, including costs related to frequency of calls, distances from hospitals, and other factors identified in a cost-of-service study conducted to assess burdens imposed on the Utility.
- G. "Emergency Medical Care" or "Emergency Medical Service", collectively "EMS" means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ALS and BLS.
- H. "Emergency Medical Technician" or "EMT" means a person who is authorized by the Secretary of the Department of Health to render emergency medical care pursuant to RCW 18.73.081.
- I. "Emergency Pre-Hospital Care Personnel" means personnel certified to provide emergency medical care under RCW Chapters 18.71 and 18.73.
- J. "EMS Personnel" means any person who is acting on behalf of the Richland Fire Department and who has been certified as a paramedic or emergency medical technician.
- K. "EMS Program" means the provision of emergency medical services by the Richland Fire and Emergency Services Department."
- L. "First Responder" means a person who is authorized by the Secretary of the Department of Health to render emergency medical care pursuant to RCW 18.73.081.
- M. "Operating an Ambulance" means the use of an ambulance in any of the following manners:
 - 1. An ambulance stationed within the City.
 - 2. An ambulance dispatched from within or without the Richland City limits which repeatedly or customarily makes trips for hire to pick up the sick or injured from within the City.
- N. "Occupant" means a person who is employed by a Richland business at a Richland business location or is a tenant of a Richland property or business.
- O. "Paramedic" means a person who is authorized by the Secretary of the Department of Health to render emergency medical care pursuant to RCW 18.71.205.
- P. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.
- Q. "Person" means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including a government agency.
- R. "Place of Business" means a business located and operating within the City and paying a Service Fee under the Chapter.
- S. "Resident" means a person who utilizes a dwelling unit inside the City as a fixed abode, and is not a guest, visitor, or other temporary inhabitant. A student who is regularly enrolled in an educational institution outside the City but who would normally and regularly be a City Resident but for attendance at such educational institution, shall be deemed to reside within the City.
- T. "Response Time" means the time from the ambulance service being notified by dispatch to arrival of the ambulance on scene.
- U. "Secretary" means the Secretary of the Washington State Department of Social and Health Services.
- V. "Service Fee" means the Service Fee levied by the Utility upon Residents and occupants within the boundaries of the City.

- W. "Southeast Communications" or "SECOMM" means the Police/Fire/EMS Dispatch Center located within the City of Richland.
- X. "System" means the entire system of ambulance services provided by the Utility or over which the Utility has regulatory control by virtue of contract, franchise, or other service agreement or arrangement legally recognized by the City.
- Y. "Utility" means the City of Richland, Washington Emergency Medical and Ambulance Service Utility, including without limitation all equipment, employees, agents, supplies, overhead and other associated costs incurred to deliver all regulatory and ambulance services.

13.06.030 Purpose

- A. The purpose of the Utility is to regulate users and providers of all ambulance services within the City, including:
- The monitoring and enforcement of industry standards as set forth in applicable chapters of the Revised Code of Washington [and the Washington Administrative Code];
 - The establishment and management of protocols relating to emergency and non-emergency medical services originating in the City of Richland, inclusive of response and transport protocols;
 - Ensuring a planned, cooperative effort between medical and transport services to benefit citizens and patients in the City of Richland; and
 - The provision of 24-hour ALS service within the City.
- B. Incidental to the regulation of EMS, the Utility is to:
- Collect the fees imposed to assist in paying for the regulatory scheme authorized by this chapter;
 - Assist in paying for the particular benefits conferred upon Residents and other occupants within the City; and
 - Mitigate the burdens on the EMS system by the different users of the system.

13.06.040 Utility Authorization

The Utility shall have the authority, by and through the City Manager or his/her designee, to collect and spend fee revenue authorized in this Chapter in amounts sufficient to regulate, operate, and maintain the Utility.

13.06.050 Regulations

The City Manager, or his/her designee, is hereby authorized to promulgate any and all regulations necessary to implement the provisions of this Chapter for all public and private ambulance providers. Each ambulance service shall comply with all applicable federal, state and local laws, rules, regulations, procedures, and protocols, including but not limited to those that are specific to ambulances, ambulance service, ambulance equipment, ambulance personnel. These regulations are filed with the Office of the Richland City Clerk and are as may be amended from time to time.

13.06.060 Business License and Ambulance Service Permit – Required

A person may not conduct or operate an ambulance service within the corporate limits of the City without first obtaining from the City both a business license under RMC Chapter 5.04 and an ambulance service permit pursuant to this Chapter. Applications for an ambulance service permit must be made in writing to the Fire Chief on forms specified by the Department. The Fire Chief shall not issue an ambulance service permit unless the applicant has fulfilled all requirements of this Chapter and any applicable provisions of State law relating to ambulance service personnel, equipment and operations, including but not limited to the provisions of Chapter 18.73 RCW and Chapter 246-976 WAC as now or hereafter amended.

13.06.070 Term of Ambulance Service Permit

Any ambulance service permit issued hereunder shall be for the calendar year, unless suspended or revoked pursuant to this Chapter. Such ambulance service permit may be renewed for each calendar year upon filing and approval of permit application in accordance with Section 13.06.060 of this Chapter and payment of the annual permit fee required by Section 13.06.080.

13.06.080 Annual Ambulance Permit Fee

At the time the ambulance service permit application and any subsequent permit renewal application is filed with the Fire Chief, the applicant shall pay a fee to the City to cover the cost of processing the application. The permit fee shall be twenty-five dollars (\$25).

13.06.090 Conditions of Ambulance Service

An initial application and any subsequent renewal application for an ambulance service permit shall be filed with the Fire Chief and shall be made on forms provided by the Department and shall contain the following information and documents:

- (a) Name, address and telephone number of the applicant. The Agency Administrator's name and contact number(s) must be kept current. Any change(s) must be conveyed to the department within five (5) working days.
- (b) Business name under which the ambulance service shall operate within the City.
- (c) The number of ambulances to be initially placed in service within the City.
- (d) The number of certified EMTs initially to be employed.
- (e) A roster of all ambulances to be used in the City with proof that each ambulance is currently licensed as an ambulance by the State of Washington.
- (f) A roster of all certified EMTs with proof that each EMT is currently certified by the State of Washington, including the certification level and expiration date.
- (g) Proof that ambulances and personnel are verified trauma providers as provided in WAC Chapter 246-976 as now or hereafter amended, as applicable.
- (h) A schedule of rates.
- (i) Proof of insurance.

Prior to the issuance of the ambulance service permit, the application and all necessary records and documents shall be reviewed and all equipment proposed for use shall be inspected by the Fire Chief, or his/her designee, who shall determine whether said records, documents, and equipment conform to the requirements of this Chapter, and any rules or regulations referenced herein or issued hereunder. Upon approval of the application, the Fire Chief shall issue an ambulance service permit to the applicant.

13.06.100 License – Exhibition Required

For each ambulance provider permitted pursuant to the terms of this Chapter, a business license or a reasonable facsimile thereof shall be prominently displayed at the place of business, and produced upon request.

PART B – EMERGENCY MEDICAL SERVICE (EMS) PROGRAM**13.06.200 Purpose**

The purpose of this Part is to benefit the public health and welfare by providing emergency medical and emergency transport services.

13.06.210 EMS Program

The City of Richland shall operate through the Fire and Emergency Services Department an EMS Program to provide emergency medical and emergency transport services. It shall be one part of the Utility.

PART C – FEES

13.06.300 Utility Rate Setting

A. **Fee Formula.** A monthly Service Fee for the operation of the Utility shall be established from time to time by ordinance of the City Council in conformity with RCW 35.21.766. The amount of the fee shall be based upon cost of regulating ambulance services and the cost of providing the EMS Program as determined by a cost-of-service study done pursuant to RCW 35.21.766(3). Those costs, after transport charges and the general fund contribution, shall be divided among Richland Residents and other occupants based on a calculation of Demand Costs and Availability Costs, consistent with accepted principles of utility rate setting.

1. The rate attributable to Availability Costs of the Utility shall be uniformly applied across all user classifications within the Utility.
2. The rate attributable to Demand Costs shall be established and billed to each utility user classification based on each user classification's burden on the Utility.

The fee charged by the Utility shall reflect a combination of the rates attributable to both the Availability Cost and the Demand Cost. The resulting fees shall be assessed to identifiable use classifications. Fees shall not exceed the revenue requirements to cover the costs of the Utility, as authorized by the City Council by adoption of an annual budget and subsequent amendments.

B. **Classifications.** The monthly Service Fee shall be assessed on each of the following utility user classifications:

Family Residential
 Multi-family Residential
 Adult family homes
 Assisted living facilities
 24-Hour nursing facilities
 Group homes
 Physician's Clinics
 Schools
 Commercial/Business
 City public areas

C. **Collection of Fees.** The fee shall be collected on a monthly basis in accordance with Section 13.06.310 from each owner of a Residential unit (for the "family Residential" classification and the "multi-family" classifications to the extent that each unit separately billed for utilities) and from each owner of a facility (for classifications other than "family Residential" and separately billed "multi-family Residential" units). The occupant of each unit within the above classifications, as applicable, shall be responsible for payment of this Service Fee for the availability and use of Ambulance Services. Multi-family Residential units or other multi-unit properties that are billed for other utilities through a single utility connection shall be charged a Service Fee for each active or occupied unit. No Service Fee shall be charged with respect to any vacant building or unoccupied unit or parcel.

D. **Service Fee Exemptions/Reductions**

1. Any change in the occupancy or use of a parcel, or any other change in circumstance that eliminates application of an exemption from the Service Fee, shall immediately make the affected property subject to applicable Service Fee. The Service Fee shall become due and payable as of the date of the change in use and shall continue until the parcel again meets exemption requirements.
2. Monthly rates shall not be prorated. Initial and final charges may be prorated in accordance with the City's standard utility proration practices.

3. Any customer seeking an exemption from payment of the Service Fee and/or conversion from covered to exempt status, must file a written petition with the Finance Manager seeking a determination as to whether a specific parcel satisfies the exemption requirements set forth in this section.
4. The combined rates charged shall reflect an exemption for persons who are Medicaid eligible and who reside in a nursing facility, boarding home, adult family home, or receive in-home services.
5. The combined rates charged may reflect an exemption or reduction for designated classes consistent with Article VIII, Section 7 of the State Constitution, and the amounts of any such exemption or reduction shall be a general expense of the Utility, and designated as an Availability Cost, to be spread uniformly across the Utility user classifications.

E. Periodic Service Fee Review

The City Manager or his/her designee will periodically perform financial review and analysis of the Utility's revenues, expenses, indebtedness, fees and accounting, and recommend budgets, fee adjustments and financial policy. Based on such review, the City Manager or his designee shall recommend changes, amendments or additions for adoption by City Council. The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility.

13.06.310 Payment

The Service Fee shall be collected in accordance with the utility fee collection procedures as provided for in RMC Chapter 3.30, Utility Billing and Collection.

13.06.320 Medical Services Fund

There is established and created a utility revenue fund to be known as the Medical Services Fund to be held separate and apart from all other funds of the City. Any and all revenues received by the Utility, including but not limited to all Service Fees and all other rates, fees and charges relating to the EMS Program, shall be credited to the Medical Services Fund, along with all appropriations from the General Fund for the Utility. All expenditures for the regulation, operation, and maintenance of the Utility shall be paid out of the Medical Services Fund. Money in the Medical Services Fund shall not be transferred to the General Fund or to any other fund of the City, except as payment for services rendered by the Utility. Capital costs of the Utility shall be paid only from a separately established account within the Medical Services Fund and shall not be paid from the Service Fee.

13.06.330 Billing for Ambulance Transports

- A. Each person who is transported by the City's EMS Program shall be billed by the City at the rates established in this Chapter 13.06 RMC provided the patient is a City Resident or is employed at [and transported from] a Place of Business within the City and the patient:
 1. Supplies the City with all requested information and documentation including, but not limited to, insurance information and medical records relative to billing for the ambulance service; and
 2. Assigns to the City the patient's right to receive payment from all applicable third-party payers.
- B. A patient who is not a City Resident and is not employed at and transported from a Place of Business within the City shall be subject to a 50% surcharge on such transport services.

13.06.340 Allocation of Direct Billing Revenue

All revenue received from direct billing for transport shall be allocable to Demand Costs.

13.06.350 General Fund Contribution

For the calendar year 2006, the General Fund Contribution shall be in the amount of \$550,000. The City shall annually appropriate from the General Fund and transfer to the Medical Services Fund an amount not less than 70% of the annual General Fund revenue expended to regulate, operate and maintain the Utility during the fiscal year that included May 6, 2004 and as previously appropriated.

13.06.360 Review by Utility Advisory Committee

Before any charge, rate or fee is added or modified, it shall be reviewed by the Utility Advisory Committee. In connection with such review the Committee shall solicit and consider public comment regarding the fee.

PART D – Fees

13.06.400 Charges Established

In accordance with the rate study presented to the City Council on July 11, 2006, the base rates and fees for the Utility shall be as follows:

User Classification	Rate
Residential	\$3.16 per month/\$37.92 per year – per unit
Multi Family Residences	\$3.16 per month/\$37.92 per year – per unit
Adult Family Homes*	\$3.16 per month/\$37.92 per year – per facility
Assisted Living Facilities*	\$3.16 per month/\$37.92 per year – per facility
24-Hour Nursing Facilities*	\$3.16 per month/\$37.92 per year – per facility
Group Homes*	\$3.16 per month/\$37.92 per year – per facility
Physicians Clinics*	\$3.16 per month/\$37.92 per year – per facility
Schools*	\$3.16 per month/\$37.92 per year – per facility
Commercial/Business	\$3.16 per month/\$37.92 per year – per unit
City Public Areas	\$3.16 per month/\$37.92 per year – per parcel or area

* The annual demand allocation is based upon the overall utilization percentage of each individual unit within the same classification

13.06.410 Compliance with Medicare and Medicaid Requirements

As provided in RMC 13.06.300, the base rate established shall be adjusted for persons who are Medicaid eligible and who reside in a nursing facility, boarding home, adult family home, or receive in-home services. The method and amount of such adjustments are shown in Exhibit A, which is hereby adopted and approved.

The Service Fees and other fees, rates and charges for the ambulance service authorized by this Chapter shall be construed and implemented to be consistent with applicable Medicare and Medicaid requirements. If any method or procedure authorized by this Chapter for the purposes of establishing, implementing, imposing or collection of charges for ambulance service is found or determined to be in conflict with Medicare or Medicaid requirements, the conflicting part of this Chapter shall be inoperative to the extent of the conflict and such finding or determination shall not affect the operation of the remainder of this Chapter.

HISTORICAL CHRONOLOGY OF ORDINANCES

Ord. 104-76
Ord. 10-77
Ord. 76-80
Ord. 18-85
Ord. 51-92
Ord. 15-97
Ord. 55-99
Ord. 58-99
Ord. 17-00
Ord. 47-00
Ord. 43-03
Ord. 16-04
Ord. 09-05
Ord. 28-06