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RECOMMENDED BY:

THE PUBLIC SAFETY COMMITTEE

SUBMITTED BY:

THE CITY ATTORNEY

ORDINANCE NO. 18-26

AN ORDINANCE TO AMEND TITLE 12 “LICENSING AND REGULATION,” CHAPTER 2, “AMBULANCES” OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, AS AMENDED, TO AMEND § 12-2-1, “PURPOSE, APPLICABILITY, TITLE”, AND § 12-2-41, “RATES AND FEES”.

SECTION 1.

BE IT ORDAINED by the Council of the City of Birmingham that Title 12, “Licensing and Regulation,” Chapter 2, “Ambulances” of the General Code of the City of Birmingham, 1980, as amended, § 12-2-1, “Purpose, Applicability, Title”; and § 12-2-41, “Rates and Fees”, are hereby amended to read as follows:

“Section 12-2-1 Purpose, Applicability, Title.

“(a) The provisions of this chapter shall apply to the operation of any ambulance which has a patient pickup point within the City, except when operated by the Birmingham Fire and Rescue Service, a volunteer rescue squad that is a member of the Alabama Association of Rescue Squads, Inc., and which furnishes ambulance service to the public, a business or company which provides free ambulance service to their employees, an ambulance service owned by the county, a municipality or any other political subdivision of the state or federal government, or when the transport of the patient began outside of the City and the patient is not admitted to the medical facility to which he was first delivered. The provisions of this chapter shall not apply to the transportation of deceased persons.

“(b) In order to lessen congestion caused by emergency vehicles and to provide for the safety of pedestrians and vehicles on the public streets, to facilitate the prompt and coordinated dispatch of emergency transport vehicles when needed to protect life, safety and health, and to further preserve and promote the health, safety and welfare of its citizens, the City designates the Birmingham Fire and Rescue Service as the sole emergency transport service provider for all emergency calls and 911 calls within the city and its police jurisdiction and establishes the following procedures, rules and regulations for ambulances in the city as set out herein. Notwithstanding any other provision of this section to the contrary, fees for ambulance services provided by the Birmingham Fire and

Rescue Service shall be as provided in Section 12-2-41 of the General Code of the City of Birmingham.

“(c) In order to assure that commercial ambulances operated in the City are properly operated, staffed, equipped, and financially accountable, the Council enacts this Ordinance. The Ordinance is intended to also assure that backup ambulances are available if the available resources of Birmingham Fire and Rescue Service are already committed.

“(d) This ordinance shall be known as the Commercial Ambulance and Transportation Ordinance of the City of Birmingham, Alabama.

“Section 12-2-41 Rates and Fees

“No person owning or having charge of any ambulance permitted under this Ordinance while operating in the City shall make any charges in excess of one hundred and fifty percent (150%) of the Centers for Medicare and Medicaid Services (CMS) allowable charges in effect at the time of transport for the following services:

“(a) *Transport Services*

“*Transport of a BLS non-emergency patient* – transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including BLS ambulance services as defined by the CMS.

“*Transport of a BLS emergency patient* – transportation by ground ambulance vehicle and the provision of BLS services, as specified above, in the context of an emergency response. An emergency response is one that, at the time the ambulance provider is called, it responds immediately.

“*Transport of an ALS Patient* – transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment as defined by CMS.

“*Transport of an ALS1 Patient* – transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention as defined by CMS.

“*Transport of an ALS2 Patient* – transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion or (2) the provision of an ALS assessment or at least one ALS2 procedure as defined by CMS.

“*Mileage* – one way from pickup to delivery per patient loaded mile or fraction thereof

“(b) *Waiting Charges* - In addition to the charges enumerated above, any ambulances required to wait for a patient at any hospital, clinic, medical office or nursing home may charge \$150.00 per hour after a waiting period of thirty (30) minutes, with a minimum charge of \$100.00; provided, however that no waiting charge will be made for a standby at the scene of any accident or disaster.

“(c) *Family members* - There shall be no charge for any family member or other person accompanying a patient or injured party being transported in an ambulance.

“(d) *Extra Patients* - When more than one (1) injured person or patient is being transported by an ambulance at the same time, the maximum transportation charge shall be one-half (2) of all of the allowed billing amount per person. Each patient transported shall be individually liable for only his entire transportation charge, and in no case shall a sum in excess of the total maximum billing be collected. If any one (1) injured person or patient fails to pay any part of the transportation charge, there shall be no release of liability against any other injured person or patient for payment of transportation charges.

“(e) *Accept assignment* - Any ambulance or ambulance company operating in the City shall accept “assignment” of Medicare or Medicaid, and shall not bill any patient for more than the “Medicare allowed amount” as stated in the Medicare assignment agreement.

“(f) *Mandatory transportation* - Any patient, regardless of their ability to pay, shall be provided transportation by the requested permit holder to the appropriate medical facility and/or from the hospital to their residence if ambulance transfer is the only appropriate means of transportation.

“(g) *Posting* - A schedule of the maximum charges allowed above, expressed in dollar amounts, shall be posted in a conspicuous place in the ambulance patient compartment in view of the patient and shall be provided in writing to each patient upon completion of each trip upon request. Such schedule shall include the names and telephone numbers of the appropriate persons at the ambulance company, fire department or police department to call concerning complaints and shall be kept up-to-date with the applicable Medicare/Medicaid allowable charges.

“(h) *Refusal to pay for service; deferred payment plans* - No person shall obtain ambulance service or assistance from any ambulance service provider, whether or not such service is regulated by the provisions of this chapter with intent to refuse to pay for same upon demand, and no person after obtaining such service or assistance shall willfully refuse to pay for same on demand unless there exists a bona fide dispute as to amount owed or unless there is an agreement for credit or deferred payment, provided that, on request of the person obtaining ambulance service and upon presentation of proper identification, a written deferred payment plan shall be offered to that person for his signature, which deferred payment plan shall be on such terms as agreed, provided further that, if no agreement can be reached, then the offered plan shall require no less than four (4) monthly installment payments, each approximately one-fourth (1/4) of the total of the authorized charge plus an additional time-pay price differential charge of five dollars (\$5.00). Interest may not be charged on the amount due. Reasonable proof of financial indigence shall be a defense to any prosecution for violation of this section.

“(i) *False information given to EMT* - It shall be unlawful for any person who has obtained ambulance service to willfully fail to give his/her correct name, social security number, residence address, and date of birth to the EMT providing ambulance service after having been requested to do so.”

SECTION 2. This ordinance shall become effective upon publication as required by law.

SECTION 3. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. All ordinances or parts of ordinances heretofore adopted by the Council of the City of Birmingham which are inconsistent with the provisions of this ordinance are hereby repealed.

Adopted by the Council February 6, 2018 and Approved by the Mayor February 9, 2018



A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, Al
Lee Frazier