

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 669

4 An ordinance amending MCC 6.32.010, 6.32.040 and 6.32.120 to permit
5 creation of an ambulance user fee to fund the cost of Multnomah County
6 Emergency Medical Services administration.

7
8 (Language in brackets [] is to be deleted; underlined language is
9 new.)

10
11 Multnomah County ordains as follows:

12
13 Section 1. Findings.

14
15 1. On May 31, 1990, Ordinance No. 652 (the Emergency Medical
16 Services Code, codified as MCC Chapter 6.32) was adopted and an emergency
17 declared to make it effective that date.

18
19 2. The original version of the Ordinance included, at the direction
20 of the Board, a provision for creation of an ambulance user fee to fund
21 Emergency Medical Services administration for the County.

22
23 3. Before adopted of Ordinance No. 652 and based on objections by
24 the affected private providers, the Board directed that the user fee
25 provision be deleted and the concept be reconsidered at a meeting of
26 Emergency Medical Services staff and are representatives of the private

1 providers.

2
3 4. This Ordinance is the result of that reconsideration and has the
4 support of Emergency Medical Services staff and has involved the private
5 providers.

6
7 5. The board in June 1990 chose to continue the funding of the EMS
8 program by General Fund for six months.

9
10 6. The passage of Measure 5 and other issues now make the support of
11 the EMS program by user fees appropriate.

12
13 Section 2. Amendments.

14
15 MCC 6.32.010 is amended to read as follows:

16
17 6.32.010 Definitions. As used in this chapter, unless the context
18 requires otherwise:

19
20 (A) "Advanced Life Support Services" means those services which may
21 be provided within the scope of practice by a person certified as an EMT
22 II, III, or IV.

23
24 (B) "Ambulance" means any vehicle so certified by the State Health
25 Division.

1 (C) "Appeals Hearings Officer" or "Hearings Officer" means the person
2 or persons designated to conduct contested case hearings concerning
3 actions on licenses under this chapter.
4

5 (D) "Board" means the Board of County Commissioners of Multnomah
6 County, Oregon.
7

8 (E) "Director" means the Director of the Office of Emergency Medical
9 Services of the Department of Human Services of Multnomah County, or the
10 director's authorized representative.
11

12 (F) "Do business in Multnomah County" means to provide emergency
13 ambulance service or any other emergency medical services in Multnomah
14 County, provided however, that transporting patients from outside the
15 county to within the county only shall not be considered doing business
16 within the county unless the provider is licensed to do business in
17 Multnomah County and the licensee's ambulance is usually stationed in
18 Multnomah County.
19

20 (G) "Enhanced Basic Life Support Services" means those services
21 provided by a person certified as an EMT I-D.
22

23 (H) "Emergency" means any non-hospital occurrence or situation
24 involving illness, injury or disability requiring immediate medical or
25 psychiatric services, wherein delay in the provision of such services is
26 likely to aggravate the condition and endanger personal health or safety.

1 (I) "Emergency Medical Services" or "EMS" means those pre-hospital
2 functions and services which are required to prepare for and respond to
3 emergencies, including rescue, ambulance, treatment, communications,
4 evaluation and public education or enhanced basic life support services.
5

6 (J) "Emergency Medical Services (EMS) Central Dispatch" Office means
7 the communications center established under this chapter.
8

9 (K) "Emergency Medical Technician" or "EMT" means a person so
10 certified by the State Health Division.
11

12 (L) "Emergency Medical Technician Trainee" or "EMT Trainee" means a
13 person performing the services described in subsection (K) of this
14 section who possesses a provisional certification under subsection (2) of
15 ORS 485.560.
16

17 (M) "Employee" means an employee, agent or EMT employed by a licensee.
18

19 (N) "License" means a nontransferable, nonassignable permit, personal
20 to the person to whom it is issued, issued by the director authorizing
21 the person whose name appears as licensee to do business in Multnomah
22 County.
23

24 (O) "Licensee" means a person possessing a valid license under this
25 chapter.
26

1 (P) "Medical Direction (on line)" means instruction, direction,
2 advice, and professional support given to an EMT via radio or telephone
3 communications by personnel at a medical resource hospital, for the
4 purpose of assisting in the provision of pre-hospital on-side and
5 in-transit basic and advanced life support services.
6

7 (Q) "Medical Advisory Board" means the Emergency Medical Services
8 Medical Advisory Board established under this chapter.
9

10 (R) "Medical Resource Hospital" means a medical facility, designated
11 as such under this chapter, from which medical direction may be provided.
12

13 (S) "Multnomah County" or "county" means the incorporated and
14 unincorporated areas of Multnomah County.
15

16 (T) "Patient" means an individual who, as a result of illness or
17 injury, needs immediate medical attention.
18

19 (U) "Person" means an individual, partnership, company, association,
20 corporation or any other legal entity, including any receiver, trustee,
21 assignee or similar representative.
22

23 (V) "Provider Board" means the EMS Provider Board established under
24 this chapter.
25

26 (W) "State Health Division" means the Health Division of the

1 Department of Human Resources of the State of Oregon, or its successor.

2
3 (X) "User Fee" means a fee or charge established under this chapter
4 and approved by the Board for each patient transported pursuant to a
5 dispatch order issued by the EMS Central Dispatch Office.
6

7 [(X)] (Y) "Vehicle" means an ambulance or fire department rescue
8 unit which is used in the provision of emergency medical services, but
9 does not include a fire engine or ladder truck unless utilized to provide
10 enhanced basic life support or advanced life support first responder
11 services.
12

13 MCC 6.32.040 is amended to read as follows:
14

15 6.32.040 Administration; powers of director.
16

17 (A) The director shall serve at the pleasure of the city/county
18 Health Officer and shall be responsible and is hereby delegated authority
19 for the enforcement of this chapter.
20

21 (B) The director shall have authority to propose and recommend action
22 by the Board of Commissioners on:
23

24 (1) An ambulance service area plan;
25

26 (2) Rates of reimbursement for members of the EMS Medical

1 Advisory Board; [and]

2
3 (3) Penalties for violation of administrative rules and
4 procedures for appeals from the imposition of penalties[.]; and

5
6 (4) Establishment and assessment of user fees.

7
8 (C) The director may also take action concerning licenses in accord
9 with this chapter.

10
11 (D) The director may, with the approval of the Medical Advisory
12 Board, adopt, amend and repeal standards and requirements related to
13 ambulances, EMTs and medical matters, for example:

14
15 (1) Minimum ambulance and equipment standards;

16
17 (2) Minimum levels of training, including continuing education
18 and training for EMTs employed by licensees, consistent with the various
19 functions performed by such EMTs;

20
21 (3) Procedures and pre-hospital treatment protocols for the
22 various types of emergencies to which licensees respond;

23
24 (4) Procedures for monitoring performance of EMTs and response
25 times of licensees; including procedures for submission by licensees of
26 regular reports concerning pre-hospital care of patients;

1 (5) Procedures for submission and review of citizen complaints
2 concerning pre-hospital patient care provided by licensees;
3

4 (6) Standards for designation of one or more medical resource
5 hospitals and designation of such hospital(s) in accordance with the
6 standards;
7

8 (E) The director, or persons designated by the director in writing,
9 shall have the authority to do the following:
10

11 (1) Administer oaths;
12

13 (2) Audit records in order to assure conformance with this
14 chapter;
15

16 (3) Certify official acts;
17

18 (4) Subpoena and require attendance of witnesses at meetings or
19 hearings to determine compliance with this chapter;
20

21 (5) Require the production of relevant documents;
22

23 (6) Swear witnesses;
24

25 (7) Take testimony of any person by deposition; and
26

1 (8) Perform all other acts necessary to enforce the provisions of
2 this chapter.

3
4 (F) There shall be established by the director an EMS Central
5 Dispatch Office within the Bureau of Emergency Communications. The
6 office shall receive emergency calls in the county and promptly dispatch
7 the appropriate ambulance(s) nearest the location of the person in need
8 of emergency aid.

9
10 MCC 6.32.120 is amended to read as follows:

11
12 6.32.120 Licensee requirements. Each licensee shall:

13
14 (A) Maintain vehicles and equipment which conform with the standards,
15 requirements and maintenance provisions stated in State Statutes, the
16 rules adopted by the State Health Division and the requirements
17 established under this chapter;

18
19 (B) Maintain and make available, upon request of the director,
20 patient care records on forms approved by the director and the
21 information required pursuant to this chapter;

22
23 (C) Prohibit the performance of EMT or EMT trainee activities by an
24 EMT or EMT trainee who suffers a suspension revocation of termination of
25 certificate by the State Health Division;

1 (G) Report to the director, not more than 48 hours after receiving the
2 claim or complaint, any claim or complaint of loss or disappearance of
3 personal property occurring during the course of transportation in a vehicle;

4 (H) Report to the director, not more than 10 days from the entry of final
5 judgment or decree, any final judgment or decree entered against it, or any of
6 its employees, relating to the loss or disappearance of personal property
7 occurring during the course of transportation in a vehicle; and
8

9 (I) Furnish proof satisfactory to the director not more than 60 days after
10 entry, of the entry of satisfaction or performance of any judgment or decree
11 under subsection (H) of this section.
12

13 (J) Collect and transmit to Multnomah County, Office of EMS, user fees as
14 required under this chapter.
15

16 Section 3. Adoption of EMS Rules on User Fees.
17

18 EMS Rule 6.32.090, attached as Exhibit A to this Ordinance, is hereby
19 adopted.
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This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

Gladys McCoy, Chair
Multnomah County, Oregon

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

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EMS RULE 6.32-090 (User Fees)

6.32-090 Establishment of User Fees.

(A) This rule shall be in effect only from January 1, 1991 until October 30, 1991.

(B) The purpose of this rule is to implement an EMS Transport User Fee to support the Emergency Medical Services (EMS) Program for the last half county fiscal year from January 1, 1991, to June 30, 1991.

(C) Each licensee who transports patients shall pay an EMS user fee as provided in this rule.

(D) Licensees' user fees have been calculated based on the following factors:

1. All patients transported by all licensees and by each licensee as emergency response transports as a result of a 9-1-1 dispatch. For purposes of this rule, a 9-1-1 dispatch means any medical incident assigned an EMS incident number.
2. Bureau of Emergency Communications' records for the period of March 20, 1989 through March 18, 1990.
3. The EMS Program budget for the remaining six months of the 90-91 fiscal year of \$111,712.

(E) The formula for the user fee to be paid by each licensee is:

\$111,712 multiplied by the number of 9-1-1 patient transports performed by the licensee, divided by the total number of transports performed as a result of Multnomah County 9-1-1 dispatches.

(F) On or before January 15, 1991, the EMS Office shall bill each licensee for the total amount due from the licensee, which amount is shown opposite the licensee's name under the column "Total," in G, below. The fee shall be due on billing, but shall not bear interest so long as it is paid not later than the following minimum payment schedule:

- 1) 30% of total paid by April 1, 1991
- 2) An additional 50% of total paid by June 15, 1991
- 3) An additional 20% of total paid by August 30, 1991

(G) The minimum payment schedule described in F, above, for each licensee is:

	1	2	3	Total
AA	\$ 9,541	\$15,902	\$ 6,360	\$ 31,803
Buck	\$15,289	\$25,482	\$10,193	\$ 50,964
CARE	\$ 7,289	\$12,149	\$ 4,860	\$ 24,298
Metro-West	\$ 30	\$ 50	\$ 20	\$ 100
South-West	\$ 1,364	\$ 2,273	\$ 910	\$ 4,547

(H) Failure to make payments to Multnomah County in accord with the minimum payment schedule as required by this rule may be grounds for license revocation or suspension and reassignment of the licensee's ambulance service area, subject to the procedures of MCC 6.32.165 and 6.32.180.

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