

AGENDA ITEM #4
June 30, 2009

Action

MEMORANDUM

June 26, 2009

TO: County Council

FROM: Minna K. Davidson, Legislative Analyst *MKD*

SUBJECT: Action – Executive Regulation 20-08, *Emergency Medical Service Transport Fees*

A Public Safety Committee recommendation will be available on June 29.

On May 1, 2009, the Executive transmitted to the Council Regulation 20-08, *Emergency Medical Service Transport Fees*, which would establish an Emergency Medical Service Transport (EMST) fee schedule and require that an individual who receives an EMS transport provide certain information to the County or its agent for billing purposes.

Regulation 20-08 must be processed under method (2) of Section 2A-15 of the County Code. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives it, the regulation automatically takes effect unless the Council, by resolution, extends the deadline for action. The 60-day deadline is June 30, 2009.

The Council introduced Bill 25-08, *Emergency Medical Services Transport Fee – Imposition*, but has not enacted it. Council staff concludes that even if Regulation 20-08 “takes effect”, it cannot be implemented because an EMST fee has not been authorized by law. To avoid confusion, it would be helpful for the Council to make its intent regarding this regulation clear.

Options for Council action, other than letting the regulation take effect through inaction or affirmatively approving it, are:

- **Disapprove the regulation.** If the Council takes this approach, the Executive can resubmit the regulation at another time. A draft disapproval resolution is attached on © 1-2.
- **Extend the deadline for Council action on the Regulation.** The Council can choose the length of time for an extension, but the usual practice is to extend the deadline until

December 31. If the Council does not act on the regulation by the new deadline, then the Council would either have to disapprove the regulation or extend the deadline again, unless the Council intends the regulation to take effect automatically. A draft resolution to extend the deadline for Council action is attached on © 3-4.

The Public Safety Committee is scheduled to review this issue and develop a recommendation to the Council on June 29.

This packet contains:

circle #

Draft disapproval resolution	1
Draft resolution to extend deadline	3
Executive Regulation 20-08	5
Executive's transmittal	8
Fiscal Impact Statement	9

EMS Transport Revenue Projections prepared for the County by Page, Wolfberg, and Wirth are available from Council staff upon request.

Resolution No. _____
Introduced: June 30, 2009
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Disapproval of proposed Executive Regulation 20-08, *Emergency Medical Service Transport Fees*

Background

1. On June 10, 2008, Bill 25-08, *Emergency Medical Services Transport Fee – Imposition*, was introduced by the Council President at the request of the County Executive. Bill 25-08 would authorize the County to impose and collect a fee to recover costs generated by providing emergency medical service transports. The Council received proposed amendments from the Executive on September 17, 2008, and March 26, 2009.
2. In 2008, the Council's Public Safety Committee received an overview of the Emergency Medical Services Transport (EMST) fee on June 26; the Council held a public hearing on the bill on July 8; the Public Safety Committee held worksessions on the bill as originally proposed on July 24, and on the bill and the Executive's September amendments on September 25 and October 23. Council action was scheduled for November 25, 2008. The Council tabled the bill at that time and has not taken further action. Thus, the County is not currently authorized to charge an EMST fee. Bill 25-08 is scheduled to expire on December 10, 2009.
3. On May 1, 2009, the Council received proposed Regulation 20-08, *Emergency Medical Service Transport Fees*, from the Executive.
4. The Council must review the regulation under method (2) of Section 2A-15 of the County Code. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives it, the regulation automatically takes effect unless the Council, by resolution, extends the deadline for action. The 60-day deadline for Council action on proposed Regulation 20-08 is June 30, 2009.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Regulation 20-08, *Emergency Medical Service Transport Fees*, is disapproved.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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Resolution No. _____
Introduced: June 30, 2009
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Extension of time for action on proposed Executive Regulation 20-08,
Emergency Medical Service Transport Fees

Background

1. On June 10, 2008, Bill 25-08, *Emergency Medical Services Transport Fee – Imposition*, was introduced by the Council President at the request of the County Executive. Bill 25-08 would authorize the County to impose and collect a fee to recover costs generated by providing emergency medical service transports. The Council received proposed amendments from the Executive on September 17, 2008, and March 26, 2009.
2. In 2008, the Council's Public Safety Committee received an overview of the Emergency Medical Services Transport (EMST) fee on June 26; the Council held a public hearing on the bill on July 8; the Public Safety Committee held worksessions on the bill as originally proposed on July 24, and on the bill and the Executive's September amendments on September 25 and October 23. Council action was scheduled for November 25, 2008. The Council tabled the bill at that time and has not taken further action. Thus, the County is not currently authorized to charge an EMST fee. Bill 25-08 is scheduled to expire on December 10, 2009.
3. On May 1, 2009, the Council received proposed Regulation 20-08, *Emergency Medical Service Transport Fees*, from the Executive.
4. The Council must review the regulation under method (2) of Section 2A-15 of the County Code. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives it, the regulation automatically takes effect unless the Council, by resolution, extends the deadline for action. The 60-day deadline for Council action on proposed Regulation 20-08 is June 30, 2009.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The time for Council action on Regulation 20-08, *Emergency Medical Service Transport Fees*, is extended to December 31, 2009.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Emergency Medical Service Transport Fees	20-08
Originating Department Montgomery County Fire and Rescue Service	Effective Date

Montgomery County Regulation on

EMERGENCY MEDICAL SERVICE TRANSPORT FEES

Issued by: County Executive

Regulation No. 20-08

COMCOR: Chapter 21

Authority: Code Section 21-23A

Supersedes: N/A

Council Review: Method (2) under Code Section 2A-15

Register Vol. 25 No. 6

Effective Date: Date that Bill 25-08, Emergency Medical Services Transport Fee – Imposition becomes effective

Comment Deadline: July 1, 2008

Summary: This Regulation establishes: (1) An emergency medical services transport fee schedule; and (2) a requirement that an individual who receives an emergency medical services transport provide certain information and execute an assignment of certain health insurance benefits.

Staff contact: Scott Graham, Assistant Chief, Montgomery County Fire and Rescue Service
(240) 777-2493

Address: Montgomery County Fire and Rescue Service
101 Monroe Street, 12th Floor
Rockville, Maryland 20850



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Emergency Medical Service Transport Fees	20-08
Originating Department Montgomery County Fire and Rescue Service	Effective Date

Section 1. Fee Schedule

- a. In imposing and collecting the emergency medical services transport fee authorized under Code Section 21-23A, the Fire Chief must comply with all applicable provisions of 42 CFR Parts 410 and 414, *Fee Schedule for payment of Ambulance Services and Revisions to the Physician Certification Requirements for Coverage of Non-emergency Ambulance Services.*
 - b. The Fire Chief must impose the emergency medical services transport fee according to the following schedule:
 - i. \$8.50 per mile, one way, from point of pick up to the health care facility; plus
 - ii.

• Basic Life Support – Non-emergency*	\$300.00
• Basic Life Support – Emergency*	\$400.00
• Advanced Life Support – Level 1 – Non-Emergency*	\$350.00
• Advanced Life Support – Level 1 – Emergency*	\$500.00
• Advance Life Support – Level 2*	\$700.00
• Specialty Care Transport*	\$800.00
- * The terms in the schedule are as defined in 42 CFR Parts 410 and 414.

Section 2. Required Information; Assignment of Benefits.

- a. An individual who receives an emergency medical services transport must furnish to the County or the County's designated agent: (i) information pertaining to the individual's health insurer (or other applicable insurer); and (ii) if applicable, financial information that the Fire Chief determines is necessary for determining eligibility for a waiver of the fee.
- b. An insured individual who receives an emergency medical services transport must execute an assignment of benefits necessary to permit the County to submit a claim for the fee to the applicable third-party payor.
- c. The Fire Chief must increase the amount of the fees in the schedule annually by the amount of the Ambulance Inflation Factor (AIF) as published by the Centers for Medicare and Medicaid Services (CMS), United States Department of Health and Human Services.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Emergency Medical Service Transport Fees	20-08
Originating Department Montgomery County Fire and Rescue Service	Effective Date

Section 3. Severability.

If a court of final appeal holds that any part of this regulation is invalid, that ruling does not affect the validity of other parts of the regulation.

Section 4. Effective Date.

This regulation is effective on the date that Bill 25-08, Emergency Medical Services Transport Fee – Imposition becomes effective.

Approved:

A handwritten signature in cursive script, appearing to read "Isiah Leggett".

Isiah Leggett, County Executive

Approved for form and legality.

A handwritten signature in cursive script, appearing to read "Bernard L. Lawson".

Exec Recd



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MD
cc
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MONTGOMERY COUNTY
CORPORATE
2009 MAY -1 10 9:17

Isiah Leggett
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM

April 30, 2009



TO: Phil Andrews, President, County Council
FROM: Isiah Leggett, County Executive *[Signature]*
SUBJECT: Executive Regulation 20-08, Emergency Medical Service Transport Fee

Method 2

I am transmitting for Council's consideration Executive Regulation 20-08, Emergency Medical Service Transport Fee. I am also forwarding the fiscal impact statement for this regulation.

The regulation establishes an Emergency Medical Services Transport Fee (EMS Transport Fee) schedule. It also requires an individual who receives an EMS transport to: (1) provide to the County or its designated agent with health insurance information and, if the individual seeks a wavier of the fee, financial information that is necessary to determine eligibility for a waiver; and (2) execute an assignment of health insurance benefits. The regulation would take effect on the effective date of Bill 25-08, Emergency Medical Services Transport Fee – Imposition, which authorizes the County to impose an EMS Transport Fee.

The regulation was adopted under Method 2 and was advertised in the June 1, 2008 County Register, with a comment deadline of July 1, 2008. No comments were received.

Attachments (2)



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

April 23, 2009

TO: Joseph F. Beach, Director
Office of Management and Budget

VIA: ^{AE} Alex Espinosa, Management and Budget Manager

VIA: ^{Brady} Brady Goldsmith, Management and Budget Specialist

FROM: ^{BD} Blaise DeFazio, Management and Budget Specialist

SUBJECT: Executive Regulation 20-08, Emergency Medical Service
Transport Fee

REGULATION SUMMARY

The proposed regulation establishes: (1) An emergency medical services transport fee schedule; and (2) a requirement that an individual who receives an emergency medical services transport provide certain information and execute an assignment of certain health insurance benefits.

FISCAL SUMMARY

The projected revenues are based on a mix of four payer types: Medicare, Medicaid, Commercial/Auto Insurance and Self Pay and an average revenue per transport rate of \$255 in FY09 up to \$259 in FY12 and a Montgomery County Fire and Rescue Service estimated transport volume of 56,980 for FY10 which is expected to increase to 64,090 in FY12. The legislation is expected to result in revenues of \$14.5 million in FY10¹, \$15.2 million in FY11, \$15.9 million in FY12 and \$16.1 million in FY13. For additional details on the basis of these estimates please see the attached EMS Transport Revenue Projections Report prepared for the County by Page, Wolfberg, and Wirth.

¹ Assuming mid-year implementation, with collection of revenues beginning retroactively from the beginning of the fiscal year assuming Council passage of the expedited legislation before June 30, 2009.

Office of the Director

Expenditures

Personnel Costs

It is expected that in the first year of implementation two additional full-time personnel will be needed for implementation: A Manager of Billing Services and an Office Services Coordinator. The FY10 salary, wages and benefits total will be \$175,500.

Operating Expenses

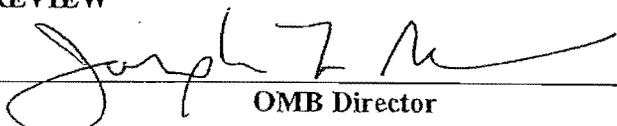
Operating expenses for FY10 is comprised of a third party contract expenditures of \$800,470 (5.5% of gross revenues collected) and \$200,000 for community outreach activities, and \$25,000 for training. During FY09 the County Council approved a supplemental appropriation to implement the Electronic Patient Care Reporting System (EPCR) to automate the medical record keeping of EMS personnel and to comply with the requirements of the Maryland Institute for Emergency Medical Services. The ePCR is not required for the EMS Transport Fee, but it will facilitate the collection of the fee. Total annual operating expenses for full year operation of the program are dependent, in part, on the negotiated fee for the third party contractor who will manage the billing program on behalf of the County. Also, the costs of community outreach will be reduced after the initial year of implementation because the need for these outreach activities will not be as significant when the program is fully operational.

Assistant Chief Scott Graham with the Montgomery County Fire and Rescue Service contributed to and concurred with this analysis.

JFB:bed

cc: Kathleen Boucher, Assistant Chief Administrative Officer
Richard Bowers, Chief, Montgomery County Fire and Rescue Service
Dee Gonzalez, Office of the County Executive
Caroline Darden, Office of the County Executive
Dominic Del Pozzo, Fire and Rescue Service
Blaise DeFazio, Office of Management and Budget
Brady Goldsmith, Office of Management and Budget

OMB REVIEW

Fiscal Impact Statement approved 
OMB Director

Fiscal Impact Statement not approved, OMB will contact department to remedy.

MEMORANDUM

TO: County Council

FROM: Minna K. Davidson, Legislative Analyst
MR Michael Faden, Senior Legislative Attorney

SUBJECT: **Action:** Executive Regulation 20-08, *Emergency Medical Service Transport Fees*

Public Safety Committee recommendation: disapprove the regulation (2-1, Councilmember Elrich dissenting).

Committee Chair Andrews stressed that the regulation should be disapproved because the underlying legislation, Bill 25-08, is not likely to be enacted in the foreseeable future. Councilmember Elrich disagreed because in his view this fee is necessary to fund adequate equipment and personnel for the Fire and Rescue Service. Councilmember Berliner said that the Committee should explore other ways of funding the FRS' needs.