OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

May 7, 2012

TO: Roger Berliner, County Council President

FROM: Isiah Leggett, County Executive

SUBJECT: Fire and Rescue Service – Emergency Medical Services – Reimbursement

In response to concerns expressed by members of our community regarding Expedited Bill 17-12, Fire and Rescue Service – Emergency Medical Services – Reimbursement, I am forwarding amendments which clarify the original intent of the bill, establish a Patient Advocate position in the Office of Consumer Protection, and add a monitoring and reporting requirement. I am enclosing a revised draft of the bill that includes each of my requested amendments, which are discussed in more detail below.

Amendment 1: Insurance Reimbursement Program

This amendment modifies the title of the bill to refer to "Fire and Rescue Service – Emergency Medical Services - Insurance Reimbursement" (page 1) and adds language referring to "Emergency Medical Services Insurance Reimbursement Program" (page 3, lines 26-27). Both of these amendments clarify that the bill's primary purpose is to recover reimbursement from commercial insurers, Medicare, and Medicaid.

Amendment 2: Fire and Rescue Personnel – No Insurance Inquiries

This amendment prohibits Fire and Rescue personnel who respond to a request for emergency medical services transport from asking for any information relating to insurance coverage (page 2, lines 8-10).

Amendment 3: County Residents – No Out-of-Pocket Expenses

This amendment clarifies that County residents will pay no out-of-pocket expenses for an emergency medical services transport (page 3, lines 46-50).

Amendment 4: Non-supplantation

This amendment clarifies that the base year for the non-supplantation clause is FY2012 (page 4, line 67).

Amendment 5: Reporting Requirement

This amendment requires the Fire Chief to report on a semiannual basis to the County Executive and County Council regarding implementation of the bill (page 5, lines 82-90).

Amendment 6: Patient Advocate

This amendment requires that the Office of Consumer Protection employ a Patient Advocate to: (1) develop and implement a program for customer service as a part of the Program; (2) develop and staff a help desk for questions regarding the Program; and (3) serve as a liaison with any vendor retained by the County to implement the program to ensure high quality customer service and prompt resolution of questions and concerns (page 5, lines 91-99).

Amendment 7: Outreach and Education

This amendment requires the implementation of a public outreach and education campaign before and during implementation of the Program which includes:

- Informational mailers to County households;
- Distribution of information through County internet and web-based resources;
- Radio and television public service announcements;
- News releases and news events;
- Information translated into Spanish, French, Chinese, Korean, Vietnamese and other languages, as needed;
- Extensive use of County Cable Montgomery and other Public, Educational, and Government channels funded by the County;
- Posters and brochures made available at County events, on Ride One buses and through Regional Service Centers, libraries, recreation facilities, senior centers, Montgomery County Public Schools, Montgomery College, health care providers, hospitals, clinics, and other venues; and
- Special outreach to senior and "New American" communities (page 6, lines 100-118).

If you have any questions about any of these amendments, please contact Assistant Chief Administrative Officer Kathleen Boucher at 240-777-2593.

cc: Joseph Beach, Director, Finance Department
Kathleen Boucher, Assistant Chief Administrative Officer
Richard Bowers, Fire Chief
Jennifer Hughes, Director, Office of Management and Budget

COUNT EXECUTIVE'S AMENDMENTS

Concerning: Fire and Rescue Service – Emergency Medical Services – Insurance Reimbursement
Revised: 4/19/2012 Draft No. 1
Introduced: April 24, 2012
Expires: October 24, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN EXPEDITED ACT to:

(1) authorize the County to impose and collect a reimbursement to recover costs generated by providing emergency medical services transports;
(2) provide for a schedule of emergency medical services transport reimbursement charges, waiver criteria, permitted uses of reimbursement revenues, and other procedures to operate the emergency medical services reimbursement program;
(3) prohibit a Local Fire and Rescue Department from imposing a separate emergency medical services transport reimbursement;
(4) require the Executive to issue certain regulations to implement an emergency medical services transport reimbursement program;
(5) require a certain annual transfer be made as payment of residents' uninsured portion of the emergency medical services transport reimbursement; [[and]]
(6) provide that County residents will pay no out-of-pocket expenses for an emergency medical services transport;
(7) prohibit Fire and Rescue personnel who respond to a request for an emergency medical services transport from asking for any information relating to the individual's insurance coverage;
(8) establish a Patient Advocate in the Office of Consumer Protection;
(9) require the Fire Chief to report on a semiannual basis to the County Executive and County Council regarding implementation of this Act;
(10) require the implementation of a public outreach and education campaign;
(11) provide that this program sunsets on December 30, 2015; and
(12) generally amend County law regarding the provision of emergency medical services.

By adding
Montgomery County Code
Chapter 21, Fire and Rescue Service
Section 21-23A. Emergency Medical Services Reimbursement Program

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

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

1 **Sec. 1. Section 21-23A is added as follows:**

2 **21-23A. Emergency Medical Services Transport Insurance Reimbursement**
3 **Program.**

4 (a) *Obligation to Transport.*

5 (1) The Fire and Rescue Service must provide emergency medical
6 services transport under applicable medical protocols to each
7 individual without regard to the individual's ability to pay.

8 (2) Personnel of the Fire and Rescue Service who respond to a request for an
9 emergency medical services transport must not ask for any information
10 relating to the individual's insurance coverage.

11 (b) *Definitions.* In this Section the following terms have the meanings
12 indicated:

13 (1) *Emergency medical services transport* means transportation by
14 the Fire and Rescue Service of an individual by ambulance or
15 other Fire and Rescue Service vehicle used for a similar purpose.
16 *Emergency medical services transport* does not include
17 transportation of an individual under an agreement between the
18 County and a health care facility.

19 (2) *Federal poverty guidelines* means the applicable health care
20 poverty guidelines published in the Federal Register or otherwise
21 issued by the federal Department of Health and Human Services.

22 (3) *Fire and Rescue Service* means the Montgomery County Fire and
23 Rescue Service and includes each local fire and rescue
24 department.

25 (4) *Program* means the Emergency Medical Services Transport
26 Insurance Reimbursement Program.
27
28 (c) *Imposition of reimbursement.* The County must impose a
29 reimbursement charge for any emergency medical service transport
30 provided in the County, and, unless prohibited by other law, outside the
31 County under a mutual aid agreement.
32 (d) *Liability for Reimbursement.* Subject to paragraph (e), each individual
33 who receives an emergency medical services transport is responsible for
34 paying the emergency medical services transport reimbursement.
35 (e) *Hardship Waiver.*
36 (1) The Fire Chief must waive the emergency medical services
37 transport reimbursement for any individual whose household
38 income is at or below 300 percent of the federal poverty
39 guidelines. An individual must request a waiver on a form
40 approved by the Fire Chief.
41 (2) The Fire Chief may deny a request for a waiver if the individual
42 who claims financial hardship under this Section does not furnish
43 all information required by the Fire Chief.
44 (f) *County Residents - Payment of [[Residents']] Uninsured Portion of the*
45 *Emergency Medical Services Transport Reimbursement.*
46 (1) County residents will pay no out-of-pocket expenses relating to
47 any emergency medical services transport because residents are
48 deemed to have paid any co-pay, deductible, or uninsured portion
49 of the cost of the emergency medical services transport through
50 tax revenues paid to the County.
51 [[(1)]] (2) Tax revenues the County receives must be treated as
52 payment, on behalf of County residents, of the balance of each

53 resident's portion of the emergency medical services transport
54 reimbursement charge that is not covered by the resident's
55 insurance.
56 [[(2)]] (3) The County Council must annually transfer from the General
57 Fund to the Consolidated Fire Tax District Fund an amount that
58 the Council estimates will not be covered by residents' insurance
59 as payment of all residents' uninsured portion of the emergency
60 medical services transport reimbursement charge.
61 (g) *Restriction on Local Fire and Rescue Departments.* A local fire and
62 rescue department must not impose a separate charge for an emergency
63 medical transport.
64 (h) *Use of Revenue.* Except for the transfer received from the General Fund
65 under subsection (f), the revenues collected from the emergency
66 medical services transport reimbursement must be used to supplement,
67 and must not supplant, [[existing]] Fiscal Year 2012 expenditures for
68 emergency medical services and other related fire and rescue services
69 provided by the Fire and Rescue Service.
70 (i) *Regulations; Reimbursement Schedule.* The County Executive must
71 adopt a regulation under method (2) to implement the emergency
72 medical service transport reimbursement program. The regulation must
73 establish a reimbursement schedule based on the cost of providing
74 emergency medical services transport. The reimbursement schedule
75 may include an annual automatic adjustment based on inflation, as
76 measured by an index reasonably related to the cost of providing
77 emergency medical services transports. The regulation may require
78 each individual who receives an emergency medical services transport

79 to provide financial information, including the individual's insurance
80 coverage, and to assign insurance benefits to the County.
81 (i) *Reporting.*
82 The Fire Chief must submit a report to the County Executive and
83 County Council on January 1 and July 1 of each calendar year regarding
84 implementation of the Program. The report should include:
85 (1) the number of 911 calls for emergency medical services during
86 the reporting period;
87 (2) the number and type of emergency medical services provided
88 during the reporting period; and
89 (3) any other information relating to implementation of the Program
90 that is requested by the County Executive or County Council.
91 (k) *Patient Advocate.*
92 The Office of Consumer Protection must employ a Patient Advocate to:
93 (1) Develop and implement a program for customer service as a part
94 of the Program;
95 (2) Develop and staff a help desk for questions regarding the
96 Program; and
97 (3) Serve as a liaison with any vendor retained by the County to
98 implement the program to ensure high quality customer service
99 and prompt resolution of questions and concerns.

100 (l) *Outreach and Education Campaign.*

101 The County Executive must implement a public outreach and education

102 campaign before and during implementation of the Program which

103 should include:

104 (1) Informational mailers to County households;

105 (2) Distribution of information through County internet and web-

106 based resources;

107 (3) Radio and television public service announcements;

108 (4) News releases and news events;

109 (5) Information translated into Spanish, French, Chinese, Korean,

110 Vietnamese and other languages, as needed;

111 (6) Extensive use of County Cable Montgomery and other Public,

112 Educational, and Government channels funded by the County;

113 (7) Posters and brochures made available at County events, on Ride

114 One buses and through Regional Service Centers, libraries,

115 recreation facilities, senior centers, Montgomery County Public

116 Schools, Montgomery College, health care providers, hospitals,

117 clinics, and other venues; and

118 (8) Special outreach to senior and "New American" communities.

119 **Sec. 2. Expedited Effective Date.**

120 The Council declares that this legislation is necessary for the immediate
121 protection of the public interest. This Act takes effect on January 1, 2013.

122 **Sec. 3. Implementation.**

123 The emergency medical services transport reimbursement authorized by
124 County Code Section 21-23A, enacted by Section 1 of this Act, may be collected for
125 any emergency medical services transport that occurs on or after July 1, 2012.
126 Collection may occur retroactively to that date during the first fiscal year the
127 emergency medical services transport fee is implemented.

128 *Approved:*

129

130

Roger Berliner, President, County Council Date

131 *Approved:*

132

Isiah Leggett, County Executive Date

133 *This is a correct copy of Council action.*

134

Linda M. Lauer, Clerk of the Council Date