

ORDINANCE NO. 24-02

**AN ORDINANCE OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT
OF CONTRA COSTA COUNTY REVISING A SCHEDULE OF FEES AND
COLLECTIONS POLICIES FOR AMBULANCE TRANSPORT AND EMERGENCY
MEDICAL SERVICES AND SUPERSEDING ORDINANCE NO. 01-01**

The Board of Directors of the Moraga-Orinda Fire Protection District of Contra Costa County (“District”) ordains as follows:

Section 1. AUTHORIZATION AND PURPOSE

The purpose of this ordinance is to establish fees, as defined in the California Constitution, that are no more than necessary to cover the reasonable costs of District governmental activities, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the District’s governmental activities.

This ordinance, the schedule of fees, and the collections policies established herein are adopted pursuant to the provisions of Fire Protection District Law of 1987 (Health & Safety Code sections 13800 *et seq.*, the “Act”). Specifically, as authorized under Health & Safety Code section 13916, the District hereby establishes and adopts the schedule of fees and collections policies established for the purpose of recovering for the District the cost of providing those services.

The provisions of this ordinance, schedule of fees, and collections policies are consistent with, and authorized by, the provision of Health & Safety Code section 13916 and other laws pertaining to fee schedules. Except as otherwise indicated, the definitions of the Act are incorporated herein and this ordinance shall be interpreted in a manner consistent with the Act.

Section 2. FEE SCHEDULE

The fees established and adopted by this ordinance are attached hereto as Exhibit “A” entitled *Fees for Ambulance Transport and Emergency Medical Services* (“Fee Schedule”).

Section 3. COLLECTIONS POLICY

The policies established and adopted by this ordinance are attached hereto as Exhibit “B” entitled *District Policy 03* (“Collections Policies”).

Section 4. PUBLIC NOTICE OF INTENT TO ESTABLISH FEE SCHEDULE

Pursuant to the provisions of Health & Safety Code section 13916(b), the District gave public notice pursuant to Section 6066 of the Government Code, of its intent to establish and impose the Fee Schedule listed on Exhibit “A” and the Collections Policies listed on Exhibit “B”. All legal requirements for adoption of this ordinance have been met.

Section 5. FINDINGS REGARDING COSTS OF SERVICES

The District Board finds that it must charge fees to cover the costs of services which the District provides.

The District Board finds that no fee included in the Fee Schedule exceeds the costs reasonably incurred by the District in providing the service for which the fee is charged in accordance with Health and Safety Code section 13916(a). The fees set forth in Exhibit "A" and adopted by this ordinance are not a tax as defined by section 1(e) of Article XIII C of the California Constitution and are exempt from voter approval under that section. The fees are no more than necessary to cover the reasonable costs of the governmental activity, and the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

The District Board finds that, consistent with the provisions of Health and Safety Code section 13916(a), the Fee Schedule does not include fees on new construction or development for the construction of public improvements or facilities or the acquisition of equipment.

Section 6. SUPERSESION

To the extent Ordinance # 01-01, and any other action, whether by resolution or ordinance, was adopted by the Board of Directors to set or impose a fee, and to the extent Ordinance # 01-01 and any other resolution or ordinance is inconsistent with the provisions of this ordinance, that portion of Ordinance # 01-01 and any other previous resolution or ordinance that is inconsistent with the terms of this ordinance are superseded by this ordinance. The adoption of this ordinance shall not amend or affect the remaining portions of Ordinance # 01-01 and any such previously adopted ordinance or resolution.

This ordinance is not intended to contain all fees that are or may be charged by the Fire District for services and supplies and to the extent that other fees are customarily charged or are established elsewhere and are not listed in Exhibit "A," all such fees, charges, and rates shall remain in full force and effect.

Section 7. SEVERABILITY

Should any fee herein established be held to be invalid or otherwise unenforceable, such determination shall not affect the validity of the remainder of this ordinance or the remaining fee provisions. The Board hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 8. PRIOR FEES

The adoption of this ordinance shall not in any manner affect any action or be construed as a waiver of any fee, charge, penalty or fine required by or resulting from any previous ordinance imposing a fee, charge, penalty or fine.

Section 9. EFFECTIVE DATE

This Ordinance, Fee Schedule and Collections Policies shall become effective on July 1, 2024, and within fifteen (15) days of passage, shall be published once with the names of the Directors voting for and against it, in the East Bay Times, a newspaper of general circulation in this District. Passed and Adopted on May 15, 2024, by the following Vote:

PASSED, APPROVED and ADOPTED this 15th day of May at the regular meeting of the District Board of Directors held at 22 Orinda Way, Orinda, California 94563 on May 15, 2024, on a motion made by Director Jorgens, seconded by Director Danziger, and duly carried with the following roll call vote:

- AYES:** DIRECTORS DANZIGER, HASLER, JEX, JORGENS AND ROEMER
- NOES:** NONE
- ABSENT:** NONE
- ABSTAIN:** NONE

ORDINANCE 24-02

ATTEST:

Michael Roemer
Michael Roemer (May 21, 2024 10:31 PDT)
Michael Roemer, President
Board of Directors

I certify that this is a full, true and correct copy of the original document which is on file in my office, and that was passed and adopted by the Moraga-Orinda Fire Protection District on the date shown.

ATTEST:

Marcia Holbrook
Marcia Holbrook
District Secretary/District Clerk

APPROVED AS TO FORM:

JVH
Jonathan V. Holtzman (May 20, 2024 17:23 EDT)
Jonathan V. Holtzman
District Counsel

APPROVED AS TO CONTENT:

Dave Winnacker
Dave Winnacker (May 20, 2024 13:56 PDT)
Dave Winnacker
Fire Chief

Exhibit A

**Fees for Ambulance Transport and Emergency Medical Services
Effective July 1, 2024**

Emergency Ambulance Response Base Rate	\$3,134
Assessment Without Transportation	\$753
First-Responder fee	\$753
Mileage	\$50
Oxygen Administration	\$152

MORAGA-ORINDA FIRE DISTRICT DISTRICT POLICY

Ordinance 24-02, Exhibit "B"

03

AMBULANCE TRANSPORT AND EMERGENCY MEDICAL SERVICES COLLECTIONS POLICY

1. It shall be the policy of the Moraga-Orinda Fire District that personnel of the District, or the District's designee, will make reasonable attempts to recover ambulance transport and emergency medical costs from patients who have received care by the Moraga-Orinda Fire District.

2. Reimbursement requests will be made to all insurance companies, Health Maintenance Organizations, Medicare, Medicaid, and individuals, as appropriate.

As authorized by Health and Safety Code Section 13917, waivers for co-payments for residents and/or taxpayers living within the geographic boundaries of the Moraga-Orinda Fire District will be granted as their tax dollars are used to provide the base level of services provided.

Co-payments for non-residents and/or non-taxpayers will not be waived as these individuals have not financially contributed to the support of the District.

3. The District's collection process for individuals will include an initial billing invoice and a follow-up statement.

4. The District may, in its sole discretion, elect to grant hardship waivers. Individuals can request a hardship waiver and must complete a Hardship Application. Hardship waivers can be approved by the Fire Chief. Hardship requests that are not approved by the Fire Chief may be appealed to the Board of Directors of the Moraga-Orinda Fire District.

5. Accounts of employees and/or relatives of District employees shall be treated in the same manner as any other patient. In no instance should the employee and/or relative receive preferential treatment. Accounts of employees and/or relatives of District employees shall be administered and processed by disinterested District employees.

6. The District has established a contractual agreement with a "collections agency" to process those claims that the District deems uncollectible.

7. The District will charge and collect ambulance transport and emergency medical services fees in compliance with AB 716. As required by Health and Safety Code Section 1797.233:

(a) The District shall not require an uninsured patient or self-pay patient to pay an amount more than the established payment by Medi-Cal or Medicare fee-for-service amount, whichever is greater.

- (b) (1) The District shall only advance to collections the Medicare or Medi-Cal payment amount, as determined pursuant to subdivision (a), that the uninsured or self-pay patient failed to pay.
- (2) The District, or an entity acting on its behalf, including a debt buyer or assignee of the debt, shall not report adverse information to a consumer credit reporting agency or commence civil action against the individual for a minimum of 12 months after the initial billing regarding amounts owed by the individual pursuant to subdivision (a).
- (3) With respect to an uninsured patient or self-pay patient, the District, or an entity acting on its behalf, including an assignee of the debt, shall not use wage garnishments or liens on primary residences as a means of collecting unpaid bills pursuant to this section.
- (c) The District remains subject to balance billing protections for Medi-Cal beneficiaries under Section 14019.4 of the Welfare and Institutions Code.

8. As required by Health and Safety Code Section 1371.56:

- (a) (1) The District shall require an enrollee who receives covered services from a noncontracting ground ambulance provider to pay no more than the same cost-sharing amount that the enrollee would pay for the same covered services received from a contracting ground ambulance provider. This amount shall be referred to as the “in-network cost-sharing amount.”
- (2) An enrollee shall not owe the noncontracting ground ambulance provider more than the in-network cost-sharing amount for services subject to this section. At the time of payment by the plan to the noncontracting provider, the plan shall inform the enrollee and the noncontracting provider of the in-network cost-sharing amount owed by the enrollee and shall disclose whether or not the enrollee’s coverage is regulated by the department or if the coverage is not state-regulated.
- (b) (1) The in-network cost-sharing amount paid by the enrollee pursuant to this section shall count toward the limit on annual out-of-pocket expenses established under Section 1367.006.
- (2) Cost sharing arising pursuant to this section shall count toward any deductible in the same manner as cost sharing would be attributed to a contracting provider.
- (3) The in-network cost-sharing amount paid by the enrollee pursuant to this section shall satisfy the enrollee’s obligation to pay cost sharing for the health service.
- (c) The District shall only advance to collections the in-network cost-sharing amount, as determined by the plan pursuant to subdivision (a), that the enrollee failed to pay.
- (1) The District, or an entity acting on its behalf, including a debt buyer or assignee of the debt, shall not report adverse information to a consumer credit reporting agency or commence civil action against the enrollee for a minimum of 12 months after the initial billing regarding amounts owed by the enrollee pursuant to subdivision (a).
- (2) With respect to an enrollee, the District, or an entity acting on its behalf, including an assignee of the debt, shall not use wage garnishments or liens on primary residences as a means of collecting unpaid bills pursuant to this section.
- (d) (1) Unless otherwise agreed to by the District and the health care service plan, the plan shall directly reimburse the District for ground ambulance services the difference between the in-network cost-sharing amount and an amount described, as follows:
 - (A) If there is a rate established or approved by the District, at the rate established or approved by the District, including an exclusive operating area pursuant to Section 1797.85.
 - (B) If the District does not have an established or approved rate for that service, the amount established by Section 1300.71 (a)(3)(B) of Title 28 of the California Code of Regulations.
- (2) The District has jurisdiction over the ground ambulance transport if either of the following applies:
 - (A) The ground ambulance transport is initiated within the boundaries of the District’s regulatory jurisdiction.
 - (B) In the case of ground ambulance transports provided on a mutual or automatic aid basis into another jurisdiction, the District where the noncontracting ground ambulance provider is based.

(3) A payment made by the health care service plan to the District for services as required in subdivision (a), plus the applicable cost sharing owed by the enrollee, shall constitute payment in full for services rendered.

(4) Notwithstanding any other law, the amounts paid by a health care service plan for services under this section shall not constitute the prevailing or customary charges, the usual fees to the general public, or other charges for other payers for an individual ground ambulance provider.

€ A health care service plan or a provider may seek relief in any appropriate court for the purpose of resolving a payment dispute. A ground ambulance provider may use a health care service plan's existing dispute resolution processes.

(f) The District remains subject to the balance billing protections for Medi-Cal beneficiaries under Section 14019.4 of the Welfare and Institutions Code.

(g) This section does not apply to a Medi-Cal managed health care service plan or any entity that enters into a contract with the State Department of Health Care Services pursuant to Chapter 7 (commencing with Section 14000), Chapter 8 (commencing with Section 14200), and Chapter 8.75 (commencing with Section 14591) of Part 3 of Division 9 of the Welfare and Institutions Code.












24 02 Schedule of Fees Ambulance Fees

Final Audit Report

2024-05-21

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