

Prepared May 3rd, 2019



# Proposed Revision of Special Emergency Ambulance Service Fee Ordinance

Recommended by

Berkeley County Emergency  
Ambulance Authority

Amended July 1, 2019

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BERKELEY COUNTY, WEST VIRGINIA  
SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE  
(As Amended July 1, 2019)

LEGISLATIVE AUTHORITY:

This Ordinance concerns the imposition and collection of a Special Emergency Ambulance Service Fee, and is adopted under the authority of Chapter 7, Article 15, Section 17 of the Code of West Virginia, as amended.

PURPOSE:

This Ordinance is re-enacted as hereinafter amended for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Berkeley County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Berkeley County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

There shall be exempted from the provisions of this Ordinance any incorporated area within Berkeley County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Authority and the County Council, a written request for such exemption and an affidavit stating that it will provide ambulance services substantially similar to those set forth herein to its residents at its own expense.

COVERAGE:

There are two broad groups of persons who are covered under this Ordinance. The first group consists of those owners of residential real estate in the County less the City of Martinsburg. These persons are liable for payment of the Special Emergency Ambulance Service Fee as defined and described below. The second group consists of those persons, resident or not, who avail themselves of the transport services provided by the Berkeley County Emergency Ambulance Authority. The definitions below are intended to clarify the language of the remaining sections of the Ordinance.

DEFINITIONS:

LIVING UNIT -- Means any place of residence as classified by the records of the Berkeley County Assessor and/or Berkeley County Engineering Department Certificate of Occupancy, including residential homes, vacation and secondary homes, mobile homes, apartments, and personal care facilities.

OWNER - Means the person or persons listed in the records of the Berkeley County Assessor and/or Berkeley County Engineering Department Certificate of Occupancy possessing exclusive rights and control of a property.

OCCUPANT - Means the non-owning resident of a living unit defined as above.

RESIDENT USER -- Means any bona fide owner or occupant of a living unit within the geographic boundaries of Berkeley County with the exception of those persons qualifying for the exemption listed in the above section of this Ordinance entitled PURPOSE.

NONRESIDENT USER -- Means any individual who does not qualify as a resident user.

DELINQUENT RESIDENT USER -- Means any resident user, as defined above, who's Special Emergency Ambulance Service Fee, as defined below, has not been paid for any period.

USER -- Means any person to whom emergency ambulance transport service is provided.

EMERGENCY AMBULANCE SYSTEM -- Any emergency ambulance service provided pursuant to this ordinance.

APPROVED ANNUAL BUDGET ESTIMATE -- The final budget formally approved and adopted by the Berkeley County Emergency Ambulance Authority Board of Directors.

BASIC LIFE SUPPORT - A basic level of services including

- Head to toe assessment;
- Vital sign monitoring such as blood pressure, pulse rate and quality, and respiratory rate and quality;
- Oxygen delivery when needed;
- Wound care and splinting;
- Cardiopulmonary Resuscitation (CPR); and
- Minor non-life-threatening care with or without transport to the hospital.

ADVANCED LIFE SUPPORT - An advanced level of services including all basic level services as well as,

- Heart rhythm monitoring;
- 12-Lead Electrocardiogram (ECG);
- Provision of alternate breathing intervention if patient is not capable of breathing on their own;
- Intravenous fluid access, and
- Administration of multiple drugs for stabilization of life threatening heart problems, pain management, shock management, respiratory problems, seizure disorders, and many more illness and injuries.

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- Minor to Life-threatening care with or without transport to the hospital.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE -- Means a specified uniform fee charged to each living unit to which ambulance service is made available and entitles the resident user to necessary 911 Basic Life Support (BLS) emergency transport to the nearest certified medical facility within the Tri-State area without any charge for mileage and oxygen. It does not entitle the resident user to routine transports or to secondary emergency transports from one medical facility to another or to the provision of advance life support.

NEAREST CERTIFIED MEDICAL FACILITY - Limited to any hospital within the boundaries of Berkeley County and hospitals in the following locations or closer; Berkeley Springs and Charles Town in West Virginia, Hagerstown, Maryland, and Winchester, Virginia.

EMERGENCY AMBULANCE RATES - Means the individual transport charges as established and promulgated by the Berkeley County Emergency Ambulance Authority Board of Directors subject to the approval of the Berkeley County Council. These rates shall be applied to any and all users of emergency ambulance transport service provided by the Berkeley County Emergency Ambulance Authority. Rates shall be established for all users of Advanced Life Support and for non-resident and delinquent resident users of Basic Life Support. There will be no "out of pocket" charges incurred for Basic Life Support transports for non-delinquent resident users in accordance with the Safe Harbor Act of 2017.

EMERGENCY INTER-AGENCY AND NON-EMERGENCY TRANSPORT CHARGES - Means the individual transport charges as might be established and promulgated by the Berkeley County Emergency Ambulance Authority Board of Directors for routine transports and secondary transport from one medical care facility to another. Such transport charges shall be applied to all users of such transport service, as defined to-wit: resident, non-resident, and delinquent resident.

#### SECTION ONE: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Berkeley County Fiscal Year July 1, to June 30. The Special Emergency Ambulance Service Fee established by this Ordinance shall be **sixty (\$60.00)** per residential living unit per Fiscal Year if paid by September 30 of the Fiscal Year for which billed. After July 1, 2011 said fee may be adjusted annually upon approval of the County Council.

In the event an owner owns more than one living unit within Berkeley County, he/she may exonerate one living unit only, all others will be subject to, and assessed the user

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fee. The exoneration will only be granted if that other living unit is permanently unoccupied or occupied only by the owner. If an owner believes he/she is erroneously charged an ambulance service fee, the Ambulance Authority shall provide, upon the owners request, an exoneration form. The form shall be filled out by the owner and returned to the Ambulance Authority no later than September 30 of the Fiscal Year for which the fee applies. The Ambulance Authority shall, within a reasonable time, cause to be investigated any request for exoneration. The Ambulance Authority shall, at its next regular meeting after completion of the investigation, make and communicate to the County Council its recommendation regarding the exoneration. If good cause for exoneration is found by the County Council, said Council shall exonerate or modify any or all imposed charges, and shall notify the property owner in writing of its actions. If the Council does not exonerate or modify as requested by the property owner, an appeal may be filed, in pursuance to this article, with the Circuit Court of Berkeley County.

## SECTION TWO: BCEAA BUDGET DEVELOPMENT

No later than one hundred (100) days prior to the beginning of the Berkeley County Fiscal Year (July 1st through June 30th) the Berkeley County Emergency Ambulance Authority shall prepare a budget estimate for the total cost for providing emergency ambulance service within the geographical boundaries of the county for the Fiscal Year commencing on the following July 1st.

## SECTION THREE: BILLING AND COLLECTION PROCEDURES

### Section Three A: Special Emergency Ambulance Service Fees:

Upon completion of the estimated budget by the Berkeley County Emergency Ambulance Authority, the President of the Ambulance Authority shall request the Assessor to provide the Ambulance Authority Office with a list of all residential "living units" to be utilized as the data base for billing the Special Emergency Ambulance Service Fees for the Fiscal Year commencing the following July 1. Each living unit on that list shall have an account established in the name of the owner of that living unit and a bill in the amount of the Emergency Ambulance Service Fee as defined in SECTION ONE of this Ordinance shall be delivered to that living unit by US Postal Service on or after July 15 of the Fiscal Year. For those living units not on the Assessor's data base at the time of provision to the Berkeley County Emergency Ambulance Authority and therefore not receiving a bill for that Fiscal Year, a voluntary payment of the Household Service Fee may be made by the resident owner. Such resident owners will receive the same entitlements for services rendered after the date of payment as non-delinquent resident owners whose living units were on the Assessor's data base. The Berkeley County Ambulance Authority Fee Department will also use the Berkeley County Engineering Departments Certificates of Occupancy to update their records throughout the year. Any additions between July 1st and December 31st will be assessed a fee for that fiscal year. Any additions after January 1st will be placed in the next fiscal cycle.

The Emergency Ambulance Service Fee accounts established under this Ordinance shall be paid in full in the amount of \$60.00 no later than September 30 of the Fiscal Year for

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which billed. For accounts paid on or after October 1 to December 31 the fee shall be a total of \$85.00. For accounts paid on or after January 1 to March 31, the fee shall be a total of \$110.00. In mid-January, letters shall be sent to all current-year unpaid accounts as a status reminder including a notice that current-year unpaid accounts will be turned over to our Collection Agency. On or about April 1, all current-year unpaid accounts at that point shall be turned over to the appropriate Collection Agency as engaged by the Authority. All of the above information shall be included in the original bill sent out in July.

Owners of residential living units as defined above are responsible for reporting to the Berkeley County Emergency Ambulance Authority the names of all persons actually residing in those living units. Such information will be reported in the space provided on the bills sent out in July. Persons not reported will not be eligible for the reduced rates available to non-delinquent users.

#### Section Three B: Transport Charges

Ambulance transport rates per call for all categories of users shall be in amounts recommended by the Berkeley County Emergency Ambulance Authority Board of Directors, and approved by the Berkeley County Council. Revisions to transport rates will be recommended to the Berkeley County Council from time to time as the Board of Directors sees fit. Transport rates will include charges for provision of Life Support, Basic or Advanced, oxygen, and mileage, and will be billed to users in accordance with the particular services rendered.

Charges for individual transports shall be processed by the Ambulance Authority as appropriate with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate Collection Agency as engaged by the Authority.

#### SECTION FOUR: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a special fund to be known as the Berkeley County Emergency Ambulance Authority Fund. These funds shall be used to pay reasonable and necessary expenses actually incurred including personnel and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county and others that might require such services. Such funds may be used to pay for, in whole or in part, the establishment, maintenance, and operation of the authority. Funds not expended in a given Fiscal Year will be maintained in the above Fund and may be used in subsequent Fiscal Years as necessary.

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SECTION FIVE: AMENDMENTS AND EXECUTION

This Ordinance may, from time to time, be amended by a majority of the members of the County Council as they deem is necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

This Ordinance, as amended, shall become effective on July 1, 2019.


Approved,




Douglas E. Copenhaver Jr.,  
President




James P. Whitacre,  
Councilperson



Dan Dulyea,  
Vice President



James Barnhart,  
Councilperson



Elaine C. Mauck,  
Councilperson