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## Montgomery County Code

### **Sec. 21-23A. Emergency Medical Services Transport Insurance Reimbursement Program.**

(a) *Obligation to Transport.*

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

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

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

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

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

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

(4) *Program* means the Emergency Medical Services Transport Insurance Reimbursement Program.

(c) *Imposition of reimbursement.* The County must impose a reimbursement charge for any emergency medical services transport provided in the County, and, unless prohibited by other law, outside the County under a mutual aid agreement.

(d) *Liability for Reimbursement.* Subject to paragraph (e), each individual who receives an emergency medical services transport is responsible for paying the emergency medical services transport reimbursement.

(e) *Hardship Waiver.*

(1) The Fire Chief must waive the emergency medical services transport reimbursement for any individual whose household income is at or below 300 percent of the federal poverty guidelines. An individual must request a waiver on a form approved by the Fire Chief.

(2) The Fire Chief may deny a request for a waiver if the individual who claims financial hardship under this Section does not furnish all information required by the Fire Chief.

(f) *County Residents - Payment of Uninsured Portion of the Emergency Medical Services Transport Reimbursement.*

(1) County residents must not be required to pay any out-of-pocket expense relating to any emergency medical services transport because residents are deemed to have paid any co-payment, deductible, or uninsured portion of the cost of each emergency medical services transport through taxes paid to the County.

(2) Tax revenues the County receives must be treated as payment, on behalf of County residents, of the balance of each resident's portion of the emergency medical services transport reimbursement charge that is not covered by the resident's insurance.

(3) The County Council must annually transfer from the General Fund to the Consolidated Fire Tax District Fund an amount that the Council estimates will not be covered by residents' insurance as payment of all residents' uninsured portion of the emergency medical services transport reimbursement charge.

(g) *Restriction on Local Fire and Rescue Departments.* A local fire and rescue department must not impose a separate charge for an emergency medical transport.

(h) *Use of Revenue.*

(1) Except for the transfer received from the General Fund under subsection (f), the revenues collected from the emergency medical services transport reimbursement must be used to supplement, and must not supplant, Fiscal Year 2013 expenditures appropriated in the annual operating budget resolution (not including any expenditures of revenue collected under this program in Fiscal Year 2013) for emergency medical services and other related fire and rescue services provided by the Fire and Rescue Service.

(2) The Fire Chief must create a dedicated account in the fire fund for the revenues collected from reimbursements under this Program. This amount must only be used for increased or enhanced fire and rescue services above the level appropriated in Fiscal Year 2013, as provided in paragraph (1), including new field service positions related to expansion of 4 person staffing or opening of new fire stations; increased training classes or capacity; facility maintenance and repair; new or replacement apparatus, gear, or equipment. Not more than 30% of this account may be spent for personnel costs.

(3) A percentage of this account, which the Council must specify annually in the operating budget resolution, must be used to replace or augment apparatus owned and staffed by local fire and rescue departments and training, gear, and equipment for local fire and rescue departments. As part of the Executive's operating budget submission, the Fire Chief must transmit a plan for use of funds designated for local fire and rescue departments. The plan the Chief transmits must specify:

(A) the amount of this account the Chief recommends to allocate to replace apparatus that is owned and staffed by local fire and rescue departments in the next fiscal year; and

(B) the amount of this account to allocate to training, gear, and equipment for volunteers.

(i) *Regulations; Reimbursement Schedule.* The County Executive must adopt a regulation under method (2) to implement the emergency medical services transport reimbursement program. The regulation must establish a reimbursement schedule based on the cost of providing emergency medical services transport. The reimbursement schedule may include an annual automatic adjustment based on inflation, as measured by an index reasonably related to the cost of providing emergency medical services transports. The regulation may require each individual who receives an emergency medical services transport to provide financial information, including

the individual's insurance coverage, and to assign insurance benefits to the County.

(j) *Reporting.* The Fire Chief must submit a report to the County Executive and County Council not later than January 1 and July 1 of each year regarding implementation of the Program. The report should include:

- (1) the number of calls for emergency medical services during the reporting period;
- (2) the number and type of emergency medical services provided during the reporting period; and
- (3) any other information relating to implementation of the Program that the County Executive or County Council request.

(k) *Patient Advocate.* The Office of Consumer Protection must 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 assure high quality customer service and prompt resolution of questions and concerns.

(l) *Outreach and Education Campaign.* The County Executive must implement a public outreach and education campaign before and during implementation of the Program. This campaign should include:

- (1) informational mailers to County households;
- (2) distribution of information through County internet and web-based resources;
- (3) radio and television public service announcements;
- (4) news releases and news events;
- (5) information translated into Spanish, French, Chinese, Korean, Vietnamese, and other languages, as needed;
- (6) extensive use of County Cable Montgomery and other Public, Educational, and Government channels funded by the County;
- (7) posters and brochures made available at County events, on Ride-On buses and through Regional Service Centers, libraries, recreation facilities, senior centers, public schools, Montgomery College, health care providers, hospitals, clinics, and other venues; and
- (8) special outreach to senior and "New American" communities. ([2012 L.M.C., ch. 14, § 1.](#))

**Editor's note**—2012 L.M.C., ch. 14, §§ 3 and 4, state:

Sec. 3. Implementation. The County may collect the emergency medical services transport reimbursement authorized by County Code Section 21-23A, enacted by Section 1 of this Act, for any emergency medical services transport that occurs on or after July 1, 2012. The reimbursement may be collected retroactively to July

1, 2012, or any later date during the first fiscal year the emergency medical services transport reimbursement is implemented.

Sec. 4. Fire and Rescue Service Enhancements in Fiscal Year 2013. Subject to appropriation, the Council intends that, to the extent sufficient revenue is achieved, revenue generated by the Emergency Medical Services Transport Insurance Reimbursement Program authorized in County Code Section 21-23A, enacted in Section 1 of this Act, in Fiscal Year 2013 should be used to fund the following enhancements to the County Fire and Rescue Service in Fiscal Year 2013:

(a) *Service Restoration*: Place one ladder truck in the first battalion back into service with dedicated 24-hour staffing.

(b) *Apparatus Replacement Funding*: Buy one tractor drawn ladder truck, one Engine Company, and 5 EMS units for system unit response improvements.

(c) *Facility Maintenance and Improvements*: Conduct a strategic facility assessment, develop a maintenance and improvement plan for all LFRD- and County-owned fire and rescue facilities and, to the extent possible based on available funding, begin initial maintenance and repairs to these facilities.

(d) *Training*: Provide system training for career and volunteer personnel, including core fire, rescue, EMS, technical rescue, and driver training classes.

(e) *Fire and Rescue Equipment*: Buy personal protective equipment, portable fire, rescue, technical rescue, and EMS equipment for career and volunteer personnel, the training academy, and operational units.

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[techsupport@amlegal.com](mailto:techsupport@amlegal.com)

1.800.445.5588.