

**La Pine Rural Fire Protection District
Ordinance #2021-01**

AN ORDINANCE TO REPEAL ORDINANCE #2019-03 AND ADOPT RULES AND REGULATIONS TO GOVERN COST RECOVERY FOR MEDICAL AND HEALTH CARE FACILITY AMBULANCE TRANSPORTS REQUESTED THROUGH 911

- Whereas,** The La Pine Rural Fire Protection District being organized and having responsibility for the protection of the citizens and property within the district from hostile fires and emergency medical events per ORS 478 and desires to adopt an ordinance to enable the District to recover its cost for services provided by the District; and
- Whereas,** ORS 478.410 (4) authorizes a District to recover the cost for any services provided by the District and fees and charges imposed by this Ordinance are not taxes subject to property tax limitations of Article XI, Section 11(B) of the Oregon Constitution; and
- Whereas,** The Board of Directors wishes to ensure the District has adequate resources to meet the needs of all District citizens when requested through 911; and
- Whereas,** By charter and vote of the community the District’s fire paramedic service is to be primarily fee supported; and
- Whereas,** The Board of Directors has determined that it not unreasonable that medical facilities and/or health care facilities have the capability to care for their patients and are responsible for that care including transport to other care when they determine as necessary; and
- Whereas,** The Board of Directors has determined that it is not unreasonable that medical facilities and/or health care facilities should use the most appropriate and efficient method of transport for their residents and are responsible for that decision; and
- Whereas,** The Board of Directors has determined that it is fair, reasonable, appropriate and expressly authorized by ORS 478.410(4) to adopt a cost recovery mechanism to collect the cost of providing such services requested through the community’s 911 system and responses provided under said circumstances, and the Board of Directors has determined that such fees will be limited to the actual cost recovery; Now, therefore:

THE LA PINE RURAL FIRE PROTECTION DISTRICT REPEALS ORDINANCE #2019-03
AND ORDAINS AS FOLLOWS:

Section 1. Reimbursement fees established:

Ambulance Transport Fee.

A cost-based fee, as set by District policy, will be imposed directly to the professional medical facility, health care facility, medical office, medical clinic, immediate care, urgent care, and/or hospital for all ambulance transports for patients from within their facility and under their care to another care facility when provided by the Fire District requested through 911 by any such facility referenced above.

Section 2. Invoices; Waiver.

The Fire District shall address the invoices for fees in this section to the facility where the ambulance transport service was provided as referred to in Section 1.

Section 3. Rules.

The Board of Directors hereby grants to the Fire Chief the discretion to interpret and apply this Ordinance and to develop administrative rules to apply this Ordinance equitably. Such administrative rules must be consistent with this Ordinance and with applicable Board policy.

Section 4. Appeals.

A. The subject of a cost recovery fee, i.e. the facility to whom an invoice has been issued pursuant to Sections 1 and 2, may appeal such fee may appeal to the Fire Chief within 10 business days of the date of the District sending the invoice. The written notice of appeal shall contain factual cause for the appeal, any evidence and other pertinent information relevant to the appeal. Failure to file an appeal shall constitute a waiver of right to contest assessment or other enforcement decisions.

B. The Fire Chief or designee may, at his or her discretion, shall issue and mail a written decision within 10 business days.

C. The decision of the District may be appealed to the full Board of Directors within 10 business days. A written notice of appeal to the Board with supporting documentation shall be provided to the District. Appeal hearing shall be part of the next regularly scheduled District Board Meeting if received 10 days prior the

meeting date. Otherwise, it will be scheduled for the subsequent District Board Meeting.

Section 5. Nothing in this ordinance shall be interpreted to require the District to respond to and/or transport any patient.

Section 6. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The La Pine Rural Fire Protection District hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 7. That this law and the rules regulations provisions requirements orders and matters established and adopted hereby shall take effect and be in full force the 30th day following the adoption by this governing body.

Passed and enacted by the La Pine Rural Fire Protection District Board of Directors, on this _____ day of _____, 2021;

by a vote of _____ () in favor, _____ () opposed.

Doug Cox, President

Joel Witmer, Secretary/Treasurer