

**La Pine Rural Fire Protection District
Ordinance #2021-02**

**AN ORDINANCE TO ADOPT RULES AND REGULATIONS TO GOVERN COST
RECOVERY FOR MEDICAL AND HEALTH CARE FACILITY SERVICES REQUEST**

- 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 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 resources are available for all District citizens when calling 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 is not unreasonable that medical facilities and health care facilities should have the capability to care for their patients or person(s) under their care and be responsible for that care in which those persons may require under normal circumstances; 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 care for their residents and/or patient and the patient nor the taxpayer should not have the cost burden of that decision, especially if not allowed by federal Medicaid, Medicare and/or Veterans Affairs, or medical insurance reimbursement rules; 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 and responses requested through the community’s 911 system and 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 ORDAINS AS FOLLOWS:

Section 1. Reimbursement fees established:

Medical Facility Response Fee.

A cost-based fee will be imposed for certain non-emergency request for assistance (not including any ambulance transport, which is covered by Ordinance # 2021-01) from residential care, assisted living, nursing facilities, medical offices, medical clinics, immediate care, urgent care, and hospitals as provided in this section. If District staff or resources are requested by a commercial business or residential care facility, assisted living facility, nursing facility, medical office, medical clinic, immediate care facility, urgent care facility, or hospital for non-emergent assistance (such as physically moving a patient or resident or providing lift services, as just two examples), the District will impose the fees provided in this section.. Such fee will be based on the rates and fees as provided in the most current Medical Services Billing Schedule.

Section 2. Invoices.

The Fire District shall address the invoices for fees in this section to the facility requesting the assistance or service 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 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 at his or her discretion, shall issue and mail a written decision regarding the appeal 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. 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 6. 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