

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2012-21

**AN ORDINANCE ESTABLISHING THE TOWNSHIP OF PEQUANNOCK
EMERGENCY MEDICAL SERVICE**

BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

SECTION 1. The Code of the Township of Pequannock is hereby supplemented to include the following:

§74 EMERGENCY MEDICAL SERVICE

§74.01 Emergency Medical Service, Established. The Pequannock Township Emergency Medical Service is hereby created and established.

§74.02 Definitions. As used in this article, the following terms shall have the meanings indicated:

EMERGENCY MEDICAL SERVICE - Herein to be known as the Pequannock Township Emergency Medical Service, (EMS).

AUTHORITY – The right to issue orders, give commands, enforce obedience, initiate actions, and make necessary decisions commensurate with rank or assignments as provided for in the Emergency Medical Service rules, policies and procedures. Authority may be delegated by those designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

CHAIN OF COMMAND – Vertical lines of communication, authority and responsibility within the organizational structure of the Emergency Medical Service. The Pequannock Township Emergency Medical Service shall fall under the direct supervision and the responsibility of the Director of the Pequannock Health Department.

DIRECTIVE – A document detailing the performance of a specific activity or method of operation. “Directive” includes:

- A. **GENERAL ORDER** – Broadly based directive dealing with policy and procedure and effecting one or more organizational subdivisions of the Emergency Medical Service.
- B. **PERSONNEL ORDER** – A directive initiating and announcing a change in the assignment, rank, or status of personnel.
- C. **SPECIAL ORDER** - A directive dealing with a specific circumstance or event that is usually self-canceling.

EMERGENCY MEDICAL SERVICES - Any service, including transportation provided by the Emergency Medical Service, to a potentially ill, or injured person in response to a call for service.

EMPLOYEE/EMPLOYEE – A person who performs in the capacity of an emergency medical responder.

MAY/SHOULD – The action indicated is permitted.

ORDER – Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

PATIENT – Any person who receives Emergency Medical Services from the Emergency Medical Service.

POLICY – A statement of Emergency Medical Service principles that provides the basis for the development of procedures and directives.

PROCEDURE – A written statement providing specific direction of performing Emergency Medical Service activities. Procedures are implemented through policies and directives.

SHALL/WILL – The action indicated is mandatory.

SUPERVISOR – Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

THIRD PARTY BILLING AGENCY – A business entity engaged by the Township of Pequannock for the purpose of affecting the billing of patients and collecting payments there from, which payment shall be remitted to the Township of Pequannock.

§74.03 Employees. The Pequannock Emergency Medical Service shall consist of employees as are or may be appointed and approved by the Township Manager of the Township of Pequannock.

§74.04 Ownership of assets; expenses; and operating costs. All Emergency Medical Service vehicles, currently owned or purchased by the Township of Pequannock will remain the property of the Township of Pequannock. All expenses and costs for proper maintenance and operation of the Emergency Medical Service vehicles and equipment shall be funded through revenue generated by the Township of Pequannock EMS services.

§74.05 Qualifications for employees. No person shall be eligible to become an employee of the Pequannock Emergency Medical Service unless such person possesses and provides proof of the following qualifications:

- A. All applicants for employment shall be between the age of eighteen (18) and the state maximum permitted age.
- B. Be physically fit to perform the duties of an emergency medical technician. The applicant shall submit to a medical evaluation by a licensed physician the costs of which will be borne by the Township.
- C. Be subject to a criminal background check and have no prior convictions for any offense or crime.
- D. Be subject to a motor vehicle background check with no prior record of careless or reckless driving, driving under the influence of drugs or alcohol or any other serious moving violation.
- E. Be subject to pre-employment and random drug testing.
- F. Be a certified emergency medical technician of the State of New Jersey with at least two years experience as an emergency medical technician. Any lapse in certification will be cause for immediate suspension of duties. Reinstatement will only occur upon certification is reinstated.
- G. Possess a valid New Jersey driver's license.

§74.06 Application and approval for employment.

- A. The name of the applicant shall be provided to the EMS Program Coordinator who will ensure that the application process is followed as established in the Township of Pequannock ordinance; with the recommendations of the Health Officer of the Health Department.
- B. Applications will be accepted through completion of the standard Pequannock employment application.

§74.07 Health Officer of the Township of Pequannock. Pursuant to municipal ordinance, the Health Officer shall be the head of the Emergency Medical Service and shall be directly responsible to the Township Manager for the efficiency and day-to-day operations of the Emergency Medical Service. Pursuant to policies established by the appropriate authority, the Health Officer shall:

- A. Administer and enforce the rules and regulations of the Emergency Medical Service and any special emergency directives for the disposition and discipline of the Service and its employees;

- B. Have, exercise and discharge the functions, powers and duties of the Emergency Medical Service.
- C. Prescribe the duties and assignments of all employees;
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Emergency Medical Service to be exercised under the direction and control of the Health Officer.
- E. Report at least monthly to the Township Manager in such form as shall be prescribed on the operation of the Emergency Medical Service during the preceding month and make such other reports as may be requested by the appropriate authority.
- F. Prepare and submit the annual budget and proposed expenditure programs to the Township Manager.

§74.08 Appointment of an EMS Program Coordinator.

The Township shall appoint an EMS Program Coordinator. He/she shall be a township employee and be designated as a Coordinator of the Emergency Medical Service Program.

A. Qualifications:

1. Be not less than eighteen (18) years of age.
2. Be subject to a criminal and motor vehicle background check.
3. Possess a valid New Jersey driver's license.
4. Possess knowledge of emergency medical care and the process and procedures of Emergency Medical Services and shall have a minimum of five years experience as an emergency medical technician with a minimum of two years in a supervisory role.
5. Possess knowledge in computers and common programs including Microsoft Word, Excel, and emsCharts.
6. Be available to manage absences and other problems involving shift schedules.
7. Possess knowledge in Emergency Management to include at a minimum completion of ICS 100, 200 and NIMS 700.

B. Responsibilities:

1. Maintain the staffing schedule of the Emergency Medical Service insuring that all shifts are fully staffed without exception.
2. Maintain a roster of all employees with their availability to cover regular shifts and shifts that must be staffed due to sickness, vacations, and other absences.
3. Maintain a call out roster of those employees available to respond to general calls.
4. Collect, review, and forward all run sheets and forward them to the authorized agency.
5. Collect and forward to appropriate official all personnel and training records as prescribed in the Rules and Regulations.
6. Collect, review, and forward all time sheets.
7. Any and all other functions necessary to insure that shifts are staffed and information is provided to the billing agent.
8. The EMS Program Coordinator will be an employee subject to all requirements, allowances and regulations of such employee.

9. The appointee shall serve a probationary period of six (6) months.
 10. The EMS Program Coordinator will submit a monthly activity report to the Health Officer. The Health Officer will include this report in his/her monthly report to the Township Manager.
- C. Compensation. The EMS Program Coordinator will be compensated at a yearly rate established by the Salary Ordinance.

§74.09 General supervision of Emergency Medical Service. The EMS Program Coordinator shall have the general supervision of the Service. Said general supervision by the EMS Program Coordinator shall not conflict with such rules and regulations for the government and management of the Emergency Medical Service. The EMS Program Coordinator shall coordinate with the Health Officer in the management of the Emergency Medical Service.

§74.10 Command at calls for service.

- A. In all cases of calls for service, the EMS Program Coordinator shall have full power and absolute command and control under authority of this chapter.
- B. When the EMS Program Coordinator is absent from the call for service, the on-duty crew leader shall assume the duties of command until relieved.
- C. When all officers are absent from the call for service the on-duty crew shall assume the duties of command.

§74.11 Monthly report. The EMS Program Coordinator shall report monthly to the Health Officer, including the number of calls for service for the month, the condition of apparatus and equipment, personnel status and any other business deemed appropriate.

§74.12 Response to calls for service. The on-duty crew employees shall respond immediately to the call for service, unless otherwise directed.

§74.13 Training and drills. The EMS Program Coordinator or his/her designee shall maintain a schedule of training and drills and shall activate the Emergency Medical Service for drills or training when and where it becomes necessary. These training sessions may include any and all mandated training courses as set forth in the rules and regulations of the Emergency Medical Service and any elective training sessions as the Health Officer may deem necessary or beneficial. Employees will be compensated for the time required to maintain required certifications. The Township will pay any fees or costs for the training that is not covered by the State or other agencies.

§74.14 Record of calls for service and training exercises. The EMS Program Coordinator shall keep a permanent record of the duty time and attendance at training sessions of each active employee of the Emergency Medical Service.

§74.15 Authorized drivers. Any employee of the Emergency Medical Service who drives any township vehicle must complete the required driver training as set forth in the rules and regulations of the Emergency Medical Service. All drivers are subject to an annual driver's license abstract check to be conducted by the Pequannock Police Department.

§74.16 Request for repairs or supplies. All requests for repairs or supplies for the Emergency Medical Service shall be presented to the Health Officer for approval. Purchases shall be made in accordance with applicable state and municipal regulations.

§74.17 Unauthorized repairs; emergencies. No employee of the Emergency Medical Service shall be permitted to tamper with, fix or repair any apparatus unless directed to do so by the EMS Program Coordinator or Health Officer, and then only in the case of an emergency.

§74.18 Rules of conduct.

- A. General conduct.
 1. Performance of duty: All employees shall promptly perform their duties as required or directed by law, Emergency Medical Service rules, policy or directive and by lawful order of a supervisor.

2. Obedience to laws and rules: Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the Emergency Medical Service and the Township of Pequannock.
3. Reporting violations of laws and rules: Employees knowing of other employees violating laws, ordinances or rules of the Emergency Medical Service shall report said violations in writing to the Health Officer.
4. Insubordination: Employees shall not;
 - a. Fail or refuse to obey a lawful order given by a supervisor;
 - b. Use of any disrespectful or abusive language or action.
5. Conduct toward other department employees: Employees shall treat other Emergency Medical Service employees with respect. They shall be courteous and civil at all times in their relationships with one another.
6. Fitness for duty: Personnel shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of an emergency medical technician.
7. Driver's license: Employees operating Township motor vehicles shall possess a valid driver's license. Whenever a driver's license is revoked, suspended or lost, the employee shall immediately notify the appropriate supervisor, giving full particulars.
8. Address and telephone numbers: Employees are required to have a telephone or other method of twenty-four (24) hour contact. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

§74.19 Alcoholic beverages and drugs. Employees shall be subject to the Township's Employee Drug and Alcohol Testing Policy.

§74.20 Judicial appearance and testimony regarding EMS matters.

- A. Employees shall not volunteer to testify in actions arising out of Emergency Medical Service employment and shall not testify unless subpoenaed. If the subpoena arises out of Township employment or if employees are informed that they are a party to a civil action arising out of Township employment, they shall immediately notify the appropriate supervisor and shall consult with the Township Manager and the Township Attorney before responding to any such subpoena, giving a deposition, or signing any affidavit.
- B. Court appearance: When appearing in court on Emergency Medical Service business, employees shall wear either the Emergency Medical Service uniform or appropriate business attire.
- C. Department investigations. Employees are required to answer questions, file reports or render material and relevant statements in a Emergency Medical Service investigation when such questions and statements are directly related to job responsibilities. Employees shall be advised of and permitted to invoke, all applicable constitutional and statutory rights, including consultation with Counsel at the employee's expense.
- D. Truthfulness: Employees are required to be truthful regarding their words and actions relating to the conduct of their duties at all times whether under oath or not.

§74.21 Policy for Emergency Medical Services Billing.

- A. The Township of Pequannock recognizes the need to bill for the provision of Emergency Medical Services to aid in the provision of those services.
- B. No person requiring EMERGENCY MEDICAL SERVICES shall be denied services due to a lack of insurance or ability to pay.

- C. Whereas, the Emergency Medical Service is funded by local taxes, it is in the best interest of the residents of Pequannock to establish the Payment Plan in accordance with the Health Care Finance Administration (HCFA) guidelines so that residents will not be responsible for any out of pocket expenses.

§74.22 Billing for Service.

- A. The Emergency Medical Service (the "Program") shall obtain licensure from the New Jersey State Department of Health. The Emergency Medical Service is a Division of the Pequannock Township Health Department.
- B. The Township of Pequannock shall apply for a "Provider Number" from the Federal and State Medicare/Medicaid programs enabling the municipality to institute a Third Party Payment Plan (the "Payment Plan").
- C. All patients; whether or not residents of the Township of Pequannock, and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the Emergency Medical Service according to the Fee Schedule established herein or at rates established by the Township of Pequannock from time to time.
- D. A patient who receives Emergency Medical Services from the Emergency Medical Service is obligated at the time of service or as soon as practicable thereafter, to provide the Emergency Medical Service with all pertinent insurance and payment information to facilitate the Township's billing of third party payment sources for services rendered. The Township may, at its option and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.
- E. All patients who are not residents of the Township of Pequannock, shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance and the Township shall make reasonable collection efforts for all such balances according to the most current rules or regulations set forth by applicable Health Care Financing Administration federal policies and regulations. The Township may bill any applicable coinsurance carriers for such amounts. Exceptions include only those instances where the Township has knowledge of a particular patient's indigence or where the Township has made a determination that the cost of billing and collecting such co-payments or deductibles exceeds or is disproportionate to the amounts to be collected.
- F. The Township shall not bill any Pequannock resident for any fee, balance, deductible, or co-payments not satisfied by public or private insurance including Medicare/Medicaid, nor will the Township bill a Pequannock resident for Emergency Medical Services provided if the resident is not covered by private or public insurance.
- G. The Township of Pequannock may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills or forgive any bill or portion thereof so long as the Township determines that: (1) the financial condition of the patient requires such an arrangement; and (2) the patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.
- H. A patient, including a Township resident, for whom the Township of Pequannock has not received payment from a third party payer on assignment, and who receives payment directly from a third party payer for Emergency Medical Services rendered by the Emergency Medical Service is obligated to remit such monies to the Township in the event the Township has not been paid for services rendered. Patients who do not remit such monies may be held liable for costs of collection in addition to the charges for emergency medical services rendered.
- I. The Township of Pequannock shall be authorized to enter into contracts with area hospitals that provide Advanced Life Support (ALS) services to patients that are transported by the Pequannock Township Health Department Emergency Medical

Service. This will allow the hospitals to bill for Emergency Medical Services and reimburse the Township for its transportation costs within 45 days of receiving payment.

§74.23 Procedure for Third Party Emergency Medical Services Billing

- A. The Township of Pequannock is hereby authorized to enter into a contract with a third party billing agency for the performance of EMS billing and collection services, provided however that the following standards for such third party billing contracts are met.
 - 1. Third party billing agency has in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.
 - 2. Neither the billing agency nor any of its employees are subject to exclusion from any state or federal health care program.
 - 3. The billing agency is bonded and/or insured in amounts satisfactory to the Township of Pequannock.
- B. A detailed listing of patients who utilize Emergency Medical Services provided by the Pequannock Emergency Medical Service will be compiled by the Township of Pequannock. This information will be transmitted to the third party billing agency. The information will be subjected to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:
 - 1. Name, address and telephone number of patients.
 - 2. Name, address and claim number of insurance carrier, if applicable.
 - 3. Date, time and EMS chart number.
 - 4. Point of origin and destination.
 - 5. Odometer reading at point of pick up and destination.
 - 6. Reason for transport/ patient's complaint/ current condition.
 - 7. Itemization and description of services provided and charges.
 - 8. Names, titles and signatures of ambulance personnel, when possible.
- C. The third party billing agency shall obtain the information from the Emergency Medical Service and will bill the patient and or their financial representative parties, insurers or carriers according to the Fee Schedule established herein, provided however that the third party billing agency shall not bill any Pequannock resident for any fee, balance, deductible, or co-payment not satisfied by public or private insurance including Medicare/Medicaid, nor will the Township bill a Pequannock resident for Emergency Medical Services provided if the resident is not covered by private or public insurance.
- D. The fee for Emergency Medical Services shall be \$900.00 plus \$10.00 per mile per trip. Non-transportations where aid is provided shall be billed at a rate of \$400.00.
- E. The Township shall review the fees for services listed in section "D" above annually and adjust said fees based on the recommendation of the Township Manager, the Health Officer of the Health Department, and the EMS Program Coordinator and in accordance with the federally approved Medicare Fee Schedule.
- F. The Township of Pequannock may at its discretion, bill additionally for materials, vehicle and/or personnel costs in the case of major or unique incidents.

SECTION 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from

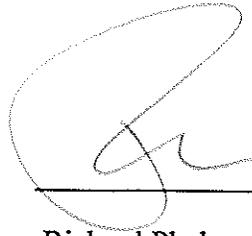
the remainder or any portion thereof.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: July 24, 2012
Adopted: August 28, 2012



Joseph J. Delaney, Jr., Township Clerk

Richard Phelan, Mayor