

BOROUGH OF CRESSKILL

ORDINANCE NO. 12-02-1424

AMEND CHAPTER 15 – CRESSKILL VOLUNTEER
AMBULANCE & EMERGENCY SERVICES COMPANY

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, as follows:

SECTION I

15-8. Billing and Payment for EMS services

A. Purpose and intent.

1. The provision of EMS services by EMS providers in the Borough of Cresskill is funded primarily by local taxes, and the Borough of Cresskill recognizes the need to bill for the provision of EMS services in order to aid in the provision of those services.
2. It is in the best interest of the residents of Cresskill to establish billing and payment procedures in order to minimize any out-of-pocket expenses for Borough residents.
3. No person requiring EMS services shall be denied services due to a lack of insurance or an inability to pay.

B. Definitions.

1. DEPENDENT

- a. Any individual who is the spouse or an unemancipated child (natural, adopted or stepchild) of a taxpayer or resident as defined below;
- b. Any unemancipated child for whom the taxpayer or resident has been appointed legal guardian;
- c. Any individual who resides in a permanent domicile of the taxpayer or resident and is claimed as a dependent for federal income tax purposes;
or
- d. Any individual who resides in the permanent domicile of the taxpayer or resident and is deemed to be a dependent under the health insurance policy of the taxpayer or domiciled resident.

2. EMS PROVIDER

The Borough of Cresskill Volunteer Ambulance & Emergency Services Company (“CVAES”), Borough of Cresskill EMTs, and any public or private provider of EMS services authorized to operate within the Borough of Cresskill.

3. EMS SERVICES

Ambulance services and emergency medical services, performed by any EMS provider in the Borough of Cresskill, whether paid or volunteer, public or private.

4. RESIDENT

Any individual whose legal domicile is within the Borough of Cresskill. Verification of domicile shall be based on voter registration, a State of New

Jersey driver's license, proof of filing a State of New Jersey income tax return from a Borough of Cresskill address or other proofs accepted under federal guidelines.

5. TAXPAYER

Any individual listed on the deed of ownership of any property located within the municipal boundaries of the Borough of Cresskill and their dependents as defined above. In the case of a corporation or partnership, only those individuals retaining a twenty-five-percent-or-greater ownership shall be considered a taxpayer. For the purpose of determining a twenty-five-percent-or-greater ownership, adult married or civil union partners may combine their ownership. A taxpayer's dependent, as defined above, shall be considered a taxpayer.

C. Billing for service.

1. All patients, whether or not residents of the Borough of Cresskill, and/or their financially responsible parties, insurers or carriers will be billed for EMS services provided by an EMS provider according to the fee schedule established herein or at rates established by the Borough of Cresskill from time to time.

2. A patient who receives EMS services is obligated, at the time of service or as soon as practicable thereafter, to provide the EMS provider with all pertinent insurance and payment information to facilitate the billing of third-party payment sources for services rendered. The Borough or EMS provider may, at its option, and shall, where required by law, bill insurers or carriers on a patient's behalf, or accept payment on an assignment basis.

3. All patients whether or not residents or taxpayers of the Borough of Cresskill shall be liable for any copayment or deductible amounts not satisfied by public or private insurance, and the Borough or EMS provider shall make reasonable collection efforts for all such balances. The Borough may bill any applicable coinsurance carriers for such amounts. Exceptions include only those instances where the Borough or EMS provider has knowledge of a particular patient's indigence or where the Borough has made a determination that the cost of billing and collecting such copayments or deductibles exceeds or is disproportionate to the amounts to be collected.

D. Billing to insurance companies and/or persons served; fees.

The Borough of Cresskill may contract with a professional medical billing service for the collection of payment for services rendered by the Borough of Cresskill Volunteer Ambulance & Emergency Services Company ("CVAES") or Borough of Cresskill paid EMTs. Said bill shall be issued to the insurance company for the person served, if any, or directly to the person served if insurance coverage is not available. Fees to be charged for EMS services shall be as follows:

1. For ambulance transportation: \$650.00;

2. Per loaded mile for basic life support (BLS) mileage: \$14;

E. Maintenance of Records.

The Borough of Cresskill and, if applicable, its professional medical billing service shall maintain accurate records of all Borough of Cresskill EMS requests for service, service calls, and EMS services approved and/or rendered by the Borough of Cresskill Volunteer Ambulance & Emergency Services Company ("CVAES") or other Cresskill EMS provider. All other EMS providers shall maintain accurate records of same for all requests for service, service calls, and services approved and/or rendered by the EMS provider while on duty, as well as all other records required by the Borough. Said records shall include pertinent information about the general nature of the call and shall identify the complete name, mailing address, place of domicile, location and

telephone numbers of all persons requesting and receiving EMS services, as well as all pertinent and available insurance information.

F. Payment.

Persons receiving a bill for EMS services shall make payment to the Borough, its professional medical billing service or the EMS provider who rendered EMS services, as appropriate, within 30 days, or provide proof that they have submitted a claim to their insurance carrier for payment within 30 days of receipt of request of a bill. These provisions shall be subject to the following:

1. Persons receiving EMS services who have health insurance to cover ambulance and emergency medical services are expected to cooperate with the appropriate billing entity to secure full payment for services rendered.
2. Due to the time requirements for the preparation and processing of insurance claims, interest shall not be charged on Borough of Cresskill EMS billings.
3. After providing EMS services, the Borough shall transmit all pertinent billing information to the Borough's professional medical billing service for collection as set forth in Subsection 4 below. The professional medical billing service shall be responsible for receipt of payment and proper recordkeeping of its collections as provided in its contract with the Borough of Cresskill. Payments received by the professional medical billing service shall, thereafter, be transmitted electronically to a designated account of the Borough of Cresskill to be administered by the Borough of Cresskill Chief Financial Officer (CFO). In addition, the professional medical billing service shall simultaneously transmit a transport report to the Borough of Cresskill Volunteer Ambulance & Emergency Services Company ("CVAES") or its designee for its review and approval and transmit a copy to the Borough CFO or his or her designee. The Squad shall prepare a reconciliation report and shall monitor the operations of the professional medical billing service, including billing activities and receipt of funds.
4. The professional medical billing service shall be responsible for the initial billing and two follow-up billings. Costs associated with the professional medical billing service shall be as provided in its contract with the Borough of Cresskill. After three attempts to collect said claim, the professional medical billing service shall notify the Borough of Cresskill and relinquish rights to that billing, unless otherwise directed by the Borough Administrator. The Borough of Cresskill may turn said delinquent accounts over to a collection agency that will be compensated on a percent of cash collections of the delinquent accounts. The Borough of Cresskill reserves the right to determine that a bill is uncollectible and should be written off.
5. The Borough of Cresskill 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 Borough determines that the financial condition of the patient requires such an arrangement and the patient and/or financially responsible party has demonstrated a willingness to make good-faith efforts towards payment of the bill.
6. A patient, including a Borough resident, for whom the Borough of Cresskill has not received payment from a third-party payer on assignment and who receives payment directly from a third-party payer for EMS services rendered by the Borough of Cresskill Volunteer Ambulance & Emergency Services Company ("CVAES") or other Cresskill EMS provider is obligated to remit such monies to the Borough in the event the Borough 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. Any person who shall violate the terms and provisions of this section shall also, upon conviction, be subject to the penalties provided in the general penalty provision of this Code.

7. Payment procedures for all other EMS providers shall be as set forth in the contract between the Borough and said EMS provider.

G. Procedure for third-party EMS billing.

1. The Borough of Cresskill is hereby authorized to enter into a contract with a third-party billing agency for performance of EMS billing and collection services; provided, however, that the following standards for such third-party billing contracts are met:

a. The 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.

b. Neither the billing agency nor any of its employees are subject to exclusion from any state or federal health-care program.

c. The billing agency is bonded and/or insured in amounts satisfactory to the Borough of Cresskill.

2. A detailed listing of patients who utilize emergency medical services and or transport provided by the Cresskill EMS will be compiled by the Borough of Cresskill. This information will be transmitted to the third-party billing agency. The information will be subject to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:

a. Name, address, and telephone number of patient.

b. Name, address, and claim number of insurance carrier, if applicable.

c. Date, time, and EMS chart number.

d. Point of origin and destination.

e. Odometer reading at point of pickup and destination.

f. Reason for transport/patient's complaint/current condition.

g. Itemization and description of services provided and charges.

h. Signature of the patient or authorized decision maker.

i. Name of receiving physician or nurse.

j. Names, titles, and signatures of ambulance personnel, when possible.

3. The third-party billing agency shall obtain the information from the Cresskill EMS and will bill the patient and/or his/her financially responsible parties, insurers or carriers, according to the fee schedule established herein.

4. The fee for emergency medical services, transport miles per trip and non-transport where aid is provided shall be established by the Mayor and Council.

5. The Mayor and Council shall review the fees for services listed in Subsection D above annually and adjust said fees based on the recommendations of the Borough Administrator and the Chief Financial Officer and in accordance with the federally approved Medicare fee schedule.

6. The Borough of Cresskill may, in its discretion, bill additionally for material, vehicle, and personnel costs in the case of major or unique incidents.

7. The Borough Administrator may promulgate rules and regulations pursuant to and not inconsistent with this chapter, state and federal law, and such rules and regulations, which rules and regulations shall become effective upon approval by resolution of the governing body of the Borough of Cresskill.

SECTION II

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION III

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication according to law.