

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. W
9/26/2023

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Amendment to Section 6-101. Medical service program and fee; terms and conditions of the program (i) Customer's obligations under the program, and Section 6-104. Accountability for funds received; and
2. Ordinance on final hearing, amending Chapter 6 of the Oklahoma City Municipal Code, 2020, titled "Ambulance Code," Article II, Medical Service Program, by amending Section 6-101. Medical service program and fee; terms and conditions of the program, to amend the entities to which a medical service program customer may be required to assign benefits; by amending Section 6-102. Nonparticipation election, to include gender neutral language; by amending Section 6-104. Accountability for funds received, to recognize that The City of Oklahoma City may provide emergency medical services pursuant to a contract for special arrangements with the Emergency Medical Services Authority and providing authority for the City to retain medical service program funds to support the provision of emergency medical services provided by the City within the Western Division; by amending Section 6-105. Adjustment of charges, appeal, to clarify to whom or what entity inquiries related to emergency medical services in The City of Oklahoma City shall be directed.

Purpose:

To amend the existing ordinance to allow The City of Oklahoma City to bill for emergency medical services provided by the Oklahoma City Fire Department pursuant to a contract for special arrangements for the provision of supplemental ambulance services with EMSA in compliance with federal regulations. To provide a definition of "rate stabilization" to specifically include the provision of supplemental ambulance services by The City of Oklahoma City pursuant to a contract for special arrangements with EMSA. To distinguish between The City of Oklahoma City and EMSA for purposes of inquiry related to the provision of emergency medical services.

Background:

The City of Oklahoma City is in negotiations with EMSA for a contract for Special Arrangements for the provision of supplemental ambulance services in the Western Division of the EMSA service area. In order for The City to directly process claims and bill third party entities, such as insurance companies, the ordinance must be amended to expand assignment of those benefits beyond EMSA to whatever entity provided the emergency medical services. Currently the ordinance directs assignment only to EMSA. This amendment is necessary to comply with federal Medicare and Medicaid regulations.

In addition to amending the assignment of benefits, this amendment is necessary to define "rate stabilization" to include the provision of supplemental ambulance service by The City. The Council has approved, through the FY 2024 budget, the development and funding of the Fire

Department's supplemental ambulance service. Funds necessary for the provision of that service have been and are intended to be deposited in the Medical Service Program fund. Currently, the use of those funds is limited to payment to EMSA for the provision of emergency medical services under the EMSAcare program, retention by The City to cover the administrative cost of managing the EMSAcare program, and retention by the City for the purpose of "rate stabilization." Recently EMSA has requested an amendment to its FY2023 budget to increase the subsidy paid by The City of Oklahoma City. The need for said amendment was directly related to the cost associated with contract labor to fill EMSA's staffing shortages. The provision of supplemental ambulance service by The City of Oklahoma City is intended to reduce the demand on EMSA in the Western Division therefore reducing the need for contract labor, among other goals. Were the demand from EMSA for increased subsidy to continue, there may be a need to increase the rate of the EMSAcare subscription offered to City residents. Therefore, the provision of supplemental ambulance service is a method of rate stabilization. This amendment merely codifies that interpretation and the hierarchy of funding from the Medical Service Program to ensure that The City's obligation as to the EMSA trust for funding is of primary concern and funding of the City's supplemental ambulance service is secondary.

Review:

Municipal Counselor's Office

Recommendation: Ordinance be adopted.