

1 [Setting fees for emergency medical services provided by the San Francisco Fire Department,
2 granting authority to San Francisco Fire Department to bill for such costs, and setting forth
3 procedures therefor.]

4 **Ordinance amending San Francisco Health Code by repealing Section 117 as obsolete;**
5 **amending San Francisco Health Code Sections 119, 120, 123, 124.1 and 124.5 to: (1)**
6 **delete reference to Section 117 and add reference to Sections 128 and 128.1, (2)**
7 **authorize the San Francisco Fire Department to bill for fees for emergency medical**
8 **services, (3) authorize the San Francisco Fire Department to investigate the ability of**
9 **patients to pay for the costs of emergency medical services, (4) include the San**
10 **Francisco Fire Department as a Department for which it is a crime to conceal the ability**
11 **to pay, (5) include reference to the San Francisco Fire Department in section regarding**
12 **prima facie evidence of reasonableness of the fees, and (6) provide for a lien on third-**
13 **party proceeds for costs of San Francisco Fire Department emergency medical**
14 **services; and amend San Francisco Health Code by adding Section 128.1 to set fees for**
15 **emergency medical services and supplies provided by the San Francisco Fire**
16 **Department and to provide for annual increase in fees based on Medical Consumer**
17 **Price Index.**

18 Note: Additions are *single-underline italics Times New Roman*;
19 deletions are *strikethrough italics Times New Roman*.
20 Board amendment additions are double underlined.
21 Board amendment deletions are ~~strikethrough normal~~.

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. The San Francisco Health Code is hereby amended by repealing Section
23 117 as follows:

24 ~~SEC. 117. RATES TO BE FIXED BY BOARD OF SUPERVISORS.~~

25

1 ~~——The Board of Supervisors shall, with the recommendation of the Controller,~~
2 ~~determine and fix by resolution the proper and reasonable amounts to be charged to said~~
3 ~~persons when said persons by themselves or through relatives are legally obligated and able~~
4 ~~to pay in whole or in part for said institutional care.~~

5 ~~——Rates and charges so fixed by resolution shall remain effective until new rates~~
6 ~~and charges are fixed as in this Section provided.~~

7 ~~——The resolution determining and fixing said rates or charges shall constitute~~
8 ~~prima facie evidence of the reasonableness of said rates or charges.~~

9 Section 2. The San Francisco Health Code is hereby amended by amending Sections
10 119, 120, 123, 124.1 and 124.5 to read as follows:

11 SEC. 119. INVESTIGATION OF PATIENTS.

12 All persons admitted or committed to the Hassler Hospital, Laguna Honda Hospital, or
13 San Francisco General Hospital of the City and County of San Francisco, or who receive
14 prehospital emergency medical services from the San Francisco Fire Department, except under
15 provisions of Subsections (10) to (14) inclusive and (17) of Section 115 hereof, or persons
16 who are recipients of public assistance, shall be investigated by the Director of Public Health
17 or the San Francisco Fire Department for those who receive prehospital emergency medical services,
18 who shall determine the financial ability of such persons to pay, in whole or in part, either
19 directly or through relatives legally obligated to pay in whole or in part for the institutional or
20 prehospital emergency medical service rendered.

21 The spouse and every relative who may be legally obligated to support an applicant or
22 recipient of indigent aid shall furnish, within 10 days of request by the Director of Public Health
23 and/or the San Francisco Fire Department on forms provided by ~~him~~ the Department, information
24 necessary to the determination of the liability of said spouse and relative, or either of them to
25 support said applicant or recipient of aid.

1 Provided, however, that whenever any person admitted to the Hassler Hospital or
2 Laguna Honda Hospital receives a total monthly income in an amount less than the actual
3 cost of his care and from which income no personal allowance is made as a condition or term
4 thereof, the Director of Public Health shall permit such person to retain from his said total
5 income each month a reasonable amount to be used for his personal and incidental needs. If
6 the source of monthly income is aid to needy disabled or old age aid or blind aid, as provided
7 in the Welfare and Institutions Code, the amount to be retained for personal and incidental
8 needs shall be the same as allowed by the regulations of the State of California Social
9 Welfare Department for such personal and incidental needs.

10 Any person admitted to any institution who shall own a life insurance policy or policies
11 having an actual cash surrender value of \$500 or more may be required by said Director of
12 Public Health to assign by proper written instruments said policy or policies to the City and
13 County of San Francisco.

14 No provisions of this code shall constitute a waiver of the right of the City and County of
15 San Francisco to recover the full cost of care from any person or persons able to pay therefor
16 or from the estates of such person, where such ability is subsequently shown.

17 SEC. 120. BILLING.

18 The Director of Public Health shall bill every person legally obligated to pay for
19 institutional service rendered, and the San Francisco Fire Department shall bill every person legally
20 obligated to pay for prehospital emergency medical services provided by Fire Department personnel,
21 on the basis of the rates to be established as provided in Section 447 ~~or~~ 128 and 128.1 hereof,
22 and to the extent of his ability to pay, in whole or in part, either directly or through relatives
23 legally obligated to pay in whole or in part, as determined under Sections 116 to 122,
24 inclusive, hereof.

1 Billing to patients at the Institutions may consist of a direct charge against the patient's
2 Home Trust Fund Account or Patient's Account in the amount established by his ability to pay
3 as provided in Section 119.

4 Such billing shall include costs and fees application under the provisions of Section
5 5201 of the Welfare and Institutions Code of the State of California relative to proceedings
6 and medical examiners' fees for the mentally ill.

7 SEC. 123. PENALTY.

8 Every person who knowingly, fraudulently and designedly conceals or withholds any
9 information concerning his financial condition or means or ability to pay or concerning other
10 conditions, or who knowingly makes or causes to be made, either directly or indirectly or
11 through any agency whatsoever, any false statement in writing, with intent that it shall be
12 relied upon, respecting the financial condition or means or ability to pay of himself or any other
13 person in whom he is interested, or for whom he is acting, for the purpose of gaining
14 admission to and receiving care and treatment ~~in the institutions~~ from the City and County of San
15 Francisco, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500, or by
16 imprisonment in the County Jail for not more than six months, or by both such fine and
17 imprisonment.

18 Said person, in addition the penalties hereinabove set forth, shall be billed by the
19 institution or Department rendering said services for the full amount of the cost of such
20 institutional care and treatment or prehospital emergency medical service, thus fraudulently
21 obtained, in accordance with the basic rates, legally established and determined therefor.

22 SEC. 124.1. VALUE OF AID RENDERED.

23 The actual cost of the aid shall constitute its value. The rates established by the Board
24 of Supervisors pursuant to Section ~~447-128 and 128.1~~ hereof for aid granted or given to
25 persons at the institutions or by the San Francisco Fire Department shall constitute prima facie

1 evidence of the reasonableness of said charge and the resulting amount which shall be due to
2 the City and County of San Francisco.

3 SEC. 124.5. LIENS ON ACTIONS AGAINST THIRD PARTY.

4 (a) As used in this section:

5 (1) "Recipient" means any person who has received medical care or hospitalization
6 or will be provided medical care or hospitalization rendered by the San Francisco Department
7 of Public Health or the San Francisco Fire Department ~~at any of its medical facilities~~ because of
8 an injury for which another person may be liable. This term includes the recipient's guardian,
9 conservator, other personal representative, estate, or survivors, including any heir, as defined
10 in California Code of Civil Procedure Section 377, who is a party in a cause of action arising
11 out of the death of the person who received the medical care or hospitalization.

12 (2) "Action" means any cause of action demanding payment of damages filed in any
13 court, or with any public agency, including but not limited to any application for compensation
14 under the Workers Compensation Act of the California Labor Code, or with a private
15 adjudicator, including but not limited to a private arbitrator or mediator, arising out of the
16 injuries that resulted in the medical care or hospitalization of the recipient. This term also
17 includes any cause of action arising out of the death of the recipient from such injuries.

18 (3) "Claim" means any demand by the recipient for damages against another,
19 including but not limited to any written demand by the recipient for payment under the
20 provisions of any insurance contract providing for payment to injured persons, including
21 payment from the recipient's insurance carrier or the third party's insurance carrier or both
22 carriers.

23 (b) When any recipient, as defined in Subsection (a)(1) of this section, asserts an
24 action or claim for damages against a third party or insurance carrier based upon an injury
25

1 requiring medical care, the cost of the medical care shall constitute a lien in favor of the City
2 and County of San Francisco upon any such recovery received by the recipient.

3 (c) When any recipient who has been billed for the cost of medical care rendered by
4 the San Francisco Department of Public Health or the San Francisco Fire Department fails to pay
5 in full for such care and asserts an action or claim for damages against a third party or
6 insurance carrier, the recipient's attorney retained to assert the action or claim shall provide
7 written notice of such action or claim by personal delivery or first-class mail to the Bureau of
8 Delinquent Revenue Collection in the Office of the Treasurer-Tax Collector within 10 days of
9 asserting such action or claim. Such notice by the retained attorney to the Bureau of
10 Delinquent Revenue Collection shall adequately identify the recipient, and his or her action or
11 claim, including the name of the insurance carrier against which claim has been made, or the
12 court or state or local agency in which the action or claim is asserted, in order to allow the
13 Bureau of Delinquent Revenue Collection to prepare and file the lien as authorized by
14 Subsection B of this section. In addition, if the recipient as defined in Subsection (a)(1) of this
15 section does not retain an attorney to assert the action or claim, he or she shall give the same
16 notice as described in this subsection. A mailed billing statement sent by the San Francisco
17 Department of Public Health, the San Francisco Fire Department or the Bureau of Delinquent
18 Revenue Collection to the address of the recipient as given on the medical records shall
19 constitute prima facie evidence of knowledge by the recipient of such billing for medical care.

20 (d) When the Bureau of Delinquent Revenue Collection has perfected a lien upon a
21 judgment, award, or settlement in favor of a recipient against any third party or third-party
22 insurance carrier for an injury for which the recipient has received medical care from the San
23 Francisco Department of Public Health or the San Francisco Fire Department, the Bureau of
24 Delinquent Revenue Collection as lien claimant shall be entitled to foreclose its lien against
25 any proceeds from such judgment, award, or settlement to enforce payment of the lien against

1 the third party or third-party insurance carrier, with interest at the legal rate. If the amount of
2 such judgment, award, or settlement so recovered has been paid to the recipient, as defined
3 in Subsection (a)(1) of this section, or to his or her attorney retained to assert the action or
4 claim, the Bureau of Delinquent Revenue Collection shall be entitled to foreclose its lien
5 against the proceeds received by such recipient, recipient's agent, recipient's transferee, or
6 against the retained attorney if he or she has received such payment, to the extent of the San
7 Francisco Department of Public Health's or the San Francisco Fire Department's or the Bureau of
8 Delinquent Revenue Collection's lien, with interest at the legal rate.

9 (e) The failure by the attorney retained by the recipient, as defined in Subsection
10 (a)(1) of this section, to give notice to the Bureau of Delinquent Revenue Collection in the
11 Office of the Treasurer-Tax Collector regarding the recipient's action or claim for damages
12 against a third party or insurance carrier after the recipient has received a billing for medical
13 care from the San Francisco Department of Public Health, the San Francisco Fire Department or
14 the Bureau of Delinquent Revenue Collection shall constitute fraud and deceit by the retained
15 attorney. Likewise, the failure by any recipient, as defined in Subsection (a)(1) of this section,
16 to give such notice as described in this subsection after receiving a billing for medical care
17 from the San Francisco Department of Public Health, the San Francisco Fire Department or the
18 Bureau of Delinquent Revenue Collection shall constitute fraud and misrepresentation by the
19 recipient. In addition, either the recipient or the recipient's attorney retained to assert such
20 action or claim who receives any payment from the third party or insurance carrier resulting
21 from the assertion of such action or claim and who fails to apply such payment toward the
22 satisfaction of the outstanding bill for medical care shall be liable as a constructive trustee for
23 all damages that may be awarded by any court to the City and County of San Francisco for
24 breach of constructive trustee duties and responsibilities.

1 (f) Commencing 30 days after the enactment of this ordinance, the affected
2 medical facilities of the San Francisco Department of Public Health and the San Francisco Fire
3 Department shall make every reasonable effort where feasible to include a statement in
4 English, Spanish, and Chinese with every billing setting out the notice requirement, as
5 described in Subsection (c) of this section, imposed on the recipient's retained attorney, or if
6 there is no retained attorney, imposed on the recipient, regarding any action or claim for
7 recovery asserted against a third party or insurance carrier. The statement shall read:

8 "IMPORTANT: If your attorney or you alone demand money from another person or
9 insurance company because of your injuries and you have not paid this bill in full, your
10 attorney or you must notify: The Bureau of Delinquent Revenue Collection, City Hall, Room
11 107, San Francisco, California 94102. Failure to notify the Bureau within 10 days of making
12 your demand may result in civil liability for your attorney or you. S.F. Health Code Section
13 124.5."

14 Section 3. The San Francisco Health Code is hereby amended by adding Section
15 128.1 as follows:

16 Sec. 128.1. PATIENT RATES/Fire Department EMS Services

17 (a) The Board of Supervisors approves the following fee schedule for Fire Department
18 ambulance services and emergency medical service supplies for fiscal year 2003-2004:

19 1. Emergency Medical Services

20 Basic Life Service, a base rate fee of \$454 per call.

21 Advanced Life Service, a base rate fee of \$663 per call.

22 Mileage, an additional fee above the base rate of \$13.15 per mile

23 Night service (7:00 p.m. to 7:00 a.m.), an additional fee above the base rates of \$74.57

24 2. Emergency Medical Supplies:

25 Oxygen \$62.48

1	<u>Oxygen cannula</u>	<u>\$14.25</u>
2	<u>Oxygen mask</u>	<u>\$14.25</u>
3	<u>EKG elctrodes</u>	<u>\$7.56</u>
4	<u>Bandage, roller gauze</u>	<u>\$14.25</u>
5	<u>Obstetrical kit</u>	<u>\$27.40</u>
6	<u>Splint, arm or leg:</u>	<u>\$14.25</u>
7	<u>Blood administration set</u>	<u>\$14.25</u>
8	<u>Hot pack</u>	<u>\$14.25</u>
9	<u>Cold pack</u>	<u>\$14.25</u>
10	<u>Suction Catheter</u>	<u>\$14.25</u>
11	<u>Endotracheal tube</u>	<u>\$14.25</u>
12	<u>Oral airway</u>	<u>\$14.25</u>
13	<u>Nasal airway</u>	<u>\$20.82</u>
14	<u>Cervical collar</u>	<u>\$29.60</u>
15	<u>Endotracheal Intubation and supplies</u>	<u>\$43.84</u>
16	<u>Nasotracheal intubation and supplies</u>	<u>\$54.81</u>
17	<u>Defibrillation and supplies</u>	<u>\$54.81</u>
18	<u>Cardioversion</u>	<u>\$54.81</u>
19	<u>Cardiac pacing</u>	<u>\$54.81</u>
20	<u>Activated charcoal</u>	<u>\$14.25</u>
21	<u>Injection, Adenosine</u>	<u>\$14.25</u>
22	<u>Injection, Adrenaline (ampule)</u>	<u>\$14.25</u>
23	<u>Albuterol</u>	<u>\$14.25</u>
24	<u>Aspirin</u>	<u>\$2.19</u>
25	<u>Injection, Atropine (Pre-load)</u>	<u>\$14.25</u>

1	<u>Injection, Benadryl</u>	<u>\$16.44</u>
2	<u>Injection, Bretylium (ampule)</u>	<u>\$54.81</u>
3	<u>Injection, 10% CaCl2</u>	<u>\$14.25</u>
4	<u>Injection, 10% Calcium Gluconate (ampule)</u>	<u>\$14.25</u>
5	<u>Injection, Dextrose 5% IV solution</u>	<u>\$14.25</u>
6	<u>Injection, Dextrose 50% (Pre-load)</u>	<u>\$14.25</u>
7	<u>Injection, Dopamine IV solution</u>	<u>\$27.40</u>
8	<u>Injection, Epinephrine (1:1000)</u>	<u>\$14.25</u>
9	<u>Injection, Epinephrine (1:10,000)</u>	<u>\$14.25</u>
10	<u>Injection, Glucagon</u>	<u>\$41.65</u>
11	<u>Oral Glucose</u>	<u>\$14.25</u>
12	<u>Ipecac</u>	<u>\$14.25</u>
13	<u>Injection, Furosimide (Lasix)</u>	<u>\$14.25</u>
14	<u>Injection, Lidocaine</u>	<u>\$14.25</u>
15	<u>Injection, Magnesium Sulfate</u>	<u>\$14.25</u>
16	<u>Injection, Morphine Sulfate</u>	<u>\$14.25</u>
17	<u>Injection, Nalaxone</u>	<u>\$14.25</u>
18	<u>Injection, Oxytocin (Pitocin)</u>	<u>\$14.25</u>
19	<u>Nitroglycerine</u>	<u>\$14.25</u>
20	<u>Ampule, Sterile Water/Saline</u>	<u>\$14.25</u>
21	<u>Injection, Sodium Bicarbonate</u>	<u>\$14.25</u>
22	<u>Injection, Diazepam (Valium)</u>	<u>\$14.25</u>

23 (b) Beginning with Fiscal Year 2004-2005, fees set in this section without further action by the
24 Board of Supervisors, to reflect changes in the Medical Consumer Price Index as determined by the
25 Controller. No later than April 15th of each year, the Fire Department shall submit its current fee

1 schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule
2 for the following year.

3 (c) The San Francisco Fire Department may from time to time change or add medications and
4 supplies used by emergency medical services according to the Advanced Life Support Scope-of-
5 Practice under Title 22 of the California Code of Regulations. With the approval of the Controller, the
6 Department may set the fees for those additional items based on the usual and customary industry
7 standards.

8 (c) No later than May 15th of each year, the Controller shall file a report with the Board of
9 Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue
10 to support the costs of providing the services for which each fee is assessed, and (b) the fees do not
11 produce revenue which is significantly more than the costs of providing the services for which each fee
12 is assessed.

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15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 Margaret W. Baumgartner
19 Deputy City Attorney
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