

**SPECIAL MEETING
OF THE
ELMWOOD PARK MAYOR AND COUNCIL
January 13, 2022
7:00 P.M.**

1. CALL TO ORDER:

2. STATEMENT OF COMPLIANCE:

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing a special meeting notice in The Record and Herald News and by posting such notice in the office of the Borough Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted and transmitted on January 8, 2022 and published on January 11, 2022.

3. ORDINANCES: FIRST READING

R-55-22 Introduce Ord. #22-02

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE CODE OF THE BOROUGH CHAPTER III, ENTITLED
"DEPARTMENT OF LOCAL GOVERNMENT" MORE
SPECIFICALLY SECTION 2-27 ENTITLED "POLICE
DEPARTMENT" BY CREATING A NEW SECTION TO BE
REFERRED TO AS 2-27.27 ENTITLED "EMERGENCY
MEDICAL SERVICES OF ELMWOOD PARK" AND
DELETING AND REMOVING ALL REFERENCES TO
THE ELMWOOD PARK VOLUNTEER AMBULANCE
CORP FOUND IN THE BOROUGH CODE AND
DESIGNATING THOSE PERTINENT SECTIONS AS
RESERVED**

4. PUBLIC HEARING:

5. ADJOURNMENT:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-55-22**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #22-02
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH CHAPTER III, ENTITLED "DEPARTMENT OF LOCAL GOVERNMENT" MORE SPECIFICALLY SECTION 2-27 ENTITLED "POLICE DEPARTMENT" BY CREATING A NEW SECTION TO BE REFERRED TO AS 2-27.27 ENTITLED "EMERGENCY MEDICAL SERVICES OF ELMWOOD PARK" AND DELETING AND REMOVING ALL REFERENCES TO THE ELMWOOD PARK VOLUNTEER AMBULANCE CORP FOUND IN THE BOROUGH CODE AND DESIGNATING THOSE PERTINENT SECTIONS AS RESERVED

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Monday, January 24, 2022 at 4:45PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT FURTHER RESOLVED, that the Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: January 13, 2022

Robert Colletti, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Pellegrine				
Dennis					Sheridan				
Golabek					Fasolo				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 13th day of January 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 22-02**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH CHAPTER III, ENTITLED "DEPARTMENT OF LOCAL GOVERNMENT" MORE SPECIFICALLY SECTION 2-27 ENTITLED "POLICE DEPARTMENT" BY CREATING A NEW SECTION TO BE REFERRED TO AS 2-27.27 ENTITLED "EMERGENCY MEDICAL SERVICES OF ELMWOOD PARK" AND DELETING AND REMOVING ALL REFERENCES TO THE ELMWOOD PARK VOLUNTEER AMBULANCE CORP FOUND IN THE BOROUGH CODE AND DESIGNATING THOSE PERTINENT SECTIONS AS RESERVED

WHEREAS, The Borough of Elmwood Park Volunteer Ambulance Services has filed for voluntary dissolution and will no longer exist or operate; and

WHEREAS, The Borough of Elmwood Park has determined that it needs to create and continue to provide an ambulance service for the Borough residents and citizens; and

WHEREAS, The Borough Mayor and Council have determined that it would be prudent and advantageous to create and establish a professional paid Emergency Medical Service.

WHEREAS, The Borough Mayor and Council have determined that the Borough Code should further be amended to reflect that the Borough no longer has a volunteer ambulance corp and that it would be prudent and advantageous to remove any and all references to such volunteer ambulance corp and any and all potential benefits and or stipends as well as any benefits that the member had the right to receive as members of the corp since the Mayor and Council have determined beneficial to create and establish a professional paid Emergency Medical Service.

NOW BE IT ORDAINED AND RESOLVED, That the Mayor and Council do hereby create and establish by way of adoption of this Ordinance an Emergency Medical Service to be known as the Elmwood Park Emergency Medical Service

BE IT FURTHER ORDAINED AND RESOLVED, That the Mayor and Council do hereby amend the Borough Code of the Borough of Elmwood Park to create and establish the new division known as the Emergency Medical Services and do hereby amend and supplement the Code more specifically section 2-27 entitled "police department" more specifically creating a new section to be referred to as 2-27.27 to be entitled "Emergency Medical Services of Elmwood Park."

BE IT FURTHER ORDAINED AND RESOLVED, That the Mayor and Council do hereby amend the Borough Code of the Borough of Elmwood Park and do hereby repeal, delete in its entirety any and all sections of the Borough Code that address and or make reference to the Volunteer Ambulance Corp and or its membership to any and all programs, benefits or privileges that were provided to those members and the Volunteer ambulance Corp thereof. Any and all sections referencing the Elmwood Park Volunteer Ambulances Corp shall remain and are hereby designated as "Reserved."

SECTION 1 CREATION OF AND ESTABLISHMENT OF EMERGENCY MEDICAL SERVICES

2-27.27 EMERGENCY MEDICAL SERVICES

A. ESTABLISHMENT AND ORGANIZATION; DEFINITIONS.

1. **BOROUGH OF ELMWOOD PARK EMERGENCY MEDICAL SERVICE.** The Borough of Elmwood Park Emergency Medical Service is hereby created and established.

2. **DEFINITIONS.** As used in this section, the following terms shall have the meanings indicated:

- a. **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.
- b. **CHAIN OF COMMAND.** Vertical lines of communication, authority, and responsibility within the organizational structure of the Emergency Medical Service.
 1. The Elmwood Park Emergency Medical Service shall fall under the direct supervision and responsibility of the Chief of Police of the Elmwood Park Police Department and the Emergency Service Director and or the Borough Administrator.

3. DIRECTIVE

- a. A document detailing the performance of a specific activity or method of operation. "Directive" includes:
 1. General Order. A broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the Emergency Medical Service.
 2. Personnel Order. A directive initiating and announcing a change in the assignment, rank, or status of personnel.
 3. Special Order. A directive dealing with a specific circumstance or event that is usually self-canceling.

4. TITLE OF THE EMERGENCY MEDICAL SERVICE

- a. Herein to be known as the "Elmwood Park Emergency Medical Service (E.P.E.M.S.)."

5. EMERGENCY MEDICAL SERVICES

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

6. EMERGENCY MEDICAL TECHNICIAN

- a. **EMPLOYEE/MEMBER.** A person who performs in the capacity of an emergency medical technician not more than 28 hours per week.
- b. **MAY/SHOULD.** The action indicated is permitted.
- c. **MEDICAL DIRECTOR.** Within the Emergency Medical Service, a Medical Director is a physician who provides guidance, leadership, oversight, and quality assurance for the practice of local paramedics and E.M.T.s within a predefined area. In North America, Medical Directors are typically board-certified in emergency medicine.
- d. **ORDER.** Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.
- e. **PATIENT.** Any person who receives emergency medical services from the Emergency Medical Service.
- f. **POLICY.** A statement of emergency medical service principles that provides the basis for the development of procedures and directives.
- g. **PROCEDURE.** A written statement providing specific directions of performing emergency medical service activities. Procedures are implemented through policies and directives.
- h. **SHALL/WILL.** The action indicated is mandatory.
- i. **SUPERVISOR.** An employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.
- j. **THIRD-PARTY BILLING AGENCY.** A business entity engaged by the Borough of Elmwood Park for the purpose of effecting the billing of patients and collecting payments therefrom, which payment shall be remitted to the Borough of Elmwood Park.

B. Division created. Within the Department of Administration, more specifically under the Police Department of the Borough of Elmwood Park, there is hereby created a Division of Emergency Medical Service.

1. Chief of the Division of Emergency Medical Services.
 - a. Position created. The position of Director of Emergency Service will also function as the Chief of the Division of Emergency Medical Service and serve under the direction and supervision of the Police Chief and or Borough Administrator and the Medical Director.
2. Medical Director.
 - a. Position created. The position of Medical Director will provide guidance, leadership, oversight, and quality assurance for the practice of local paramedics and E.M.T.s within the Borough of Elmwood Park. The Medical Director shall be board-certified in emergency medicine and serve under the direction and supervision of the Police Chief and or Borough Administrator.
 - b. Appointment. The Medical Director shall be appointed by the Mayor and Council with the recommendation from the Police Chief, Director of Emergency Services and or Borough Administrator.

C. Membership; officers and uniformed force; table of organization. The Borough of Elmwood Park Medical Service shall consist of an E.M.S. Director and as many other E.M.T. members as are or may be appointed and approved by the Director of Emergency Services, Police Chief and or Borough Administrator, with final approval by and the authority of the Mayor and Council.

1. Officers must hold a valid New Jersey or national E.M.T. certification and be residents of Elmwood Park or an immediate bordering municipality.

D. Ownership of assets; expenses; and operating costs. All Emergency Medical Service Vehicles currently owned or purchased by the Borough of Elmwood Park will remain the property of the Borough of Elmwood Park (ref: Ambulances Unit # 449 and 892). All expenses and costs for proper maintenance and operation of the Emergency Medical Service Vehicles and equipment shall be funded through revenue generated by Elmwood Park E.M.S. services.

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

1. All applicants for membership shall be between the age of 18 and the state maximum permitted age.
2. Be physically fit to perform the duties of an emergency medical technician. The applicant shall submit to a medical evaluation by a licensed physician designated by the Borough.
3. Be subject to a criminal background check and have no prior convictions for any offense or crime.
4. 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.
5. Be subject to pre-employment and random drug testing.
6. Be a certified emergency medical technician of the State of New Jersey or national certification. Any lapse in certification will be cause for immediate suspension of duties. Reinstatement will only occur upon certification being reinstated.
7. Possess a valid New Jersey driver's license.
8. Application and approval for employment.
9. Paid employees shall comply with and follow the Borough of Elmwood Park Personnel Policy Manual and apply to the Borough as directed by said Manual. Appointments as employees will follow the provisions of the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq.
10. Volunteer members shall be appointed in the same fashion as all-volunteer members in the Elmwood Park Fire Department, except that E.M.S. volunteers need not be Firefighter 1 certified; they need only hold a certified emergency medical technician certification of the State of New Jersey or national certification.

11. Volunteer trainees shall be appointed in the same fashion as all-volunteer members in the Elmwood Park Fire Department. They will have 18 months to obtain their certification as an E.M.T. and become a volunteer member.

F. Membership roll; identification.

1. The names of the members and trainees shall be written upon the membership roll maintained by the Emergency Service Director.
2. A member and trainees shall be issued a photo identification card as evidence of membership. This photo identification card shall be surrendered to the E.M.S. Director when demanded or whenever a member has been formally suspended from the Emergency Medical Service or when the member shall cease to be a member of the Emergency Medical Service.

G. Classes of membership/employee. Members shall be divided into two major classifications:

1. A "per-diem member/employee" is defined as a member/employee who is compensated at an hourly rate for his/her Service in the Emergency Medical Service.
2. A volunteer member is any qualified person who meets the criteria of a per-diem member but is not compensated in any way for their time or expenses.

H. Compensation.

1. Per-diem members may work a maximum of 28 hours per week. This may be exceeded only when a life-threatening incident requires personnel recall or during a declared state of local emergency.
2. Per-diem members shall be compensated at a rate established by the Mayor and Council and included as part of the yearly Salary Ordinance established and approved by the Borough Council.
3. Any per-diem officer or member who is appointed to serve as a crew chief on the ambulance for a period of 30 days or more and acting in the capacity of Crew Chief will be compensated at the established rate for that position.
4. All members shall be covered by workers' compensation insurance and group life insurance. In the event of a line-of-duty death, the Borough shall ensure that all applications are processed, and procedures are followed for any eligible state or federal benefits.
5. Per-diem members may be required to contribute a portion of their wages to the Public Employees Retirement System ("PERS"). Employer costs for PERS pension shall be funded through the medical billing revenues.

- I. Emergency Medical Service composition.** The active roster of the Emergency Medical Service shall be comprised of 25 per-diem E.M.T.s necessary to maintain the operations of the Emergency Medical Service. The E.M.S. Director is in addition to the twenty-five-person roster.

2-27.27.1 EXECUTIVE BOARD.

A. Composition of Board; control of the Emergency Medical Service.

1. The Director of Emergency Services, the senior E.M.T. Crew Chief, the Medical Director, Chief of Police and or Business Administrator, the Mayor or his designee and a member of the Council, designated by the majority members of the Council, shall constitute the Executive Board. The Board shall meet quarterly or more frequently as needed for the transaction of Emergency Medical Service business.
2. The Board shall coordinate with the Director of Emergency Services whenever matters pertaining to emergency medical services as set forth in the rules and regulations of the Emergency Medical Service.
3. Adoption of rules and regulations.
4. The Borough Attorney shall be the designated legal counsel for the Executive Board.

- B. The Executive Board** is hereby authorized, empowered, and required when necessary to adopt rules and regulations for the control, management, and government of the Emergency Medical Service. These rules and regulations, after adoption by the Executive Board, shall not become effective and operative until presented and approved by the Director of Emergency Services and Medical Director and authorized by the Mayor and Council.

C. Application. These rules are applicable to all members of the Emergency Medical Service.

D. Distribution. One copy of these rules shall be distributed to each member of the Emergency Medical Service. Each member will be required to sign to confirm receipt of the document.

E. Responsibility for maintenance. It is the continuing responsibility of each member to maintain a current copy of the rules, including additions, revisions, and amendments as issued.

F. Familiarization. Members shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each member to seek clarification through the chain of command for any rule that is not fully understood.

G. Director of Emergency Services.

1. The Director of Emergency Services will also function as the head of the Division of Emergency Medical Service. Pursuant to Municipal Ordinance, the Director shall be the head of the Emergency Medical Service and shall be directly responsible to the Borough Administrator for the efficiency and day-to-day operations of the Emergency Medical Service. Pursuant to policies established by the Executive Board, the Director 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 members and officers;
 - b. Have, exercise, and discharge the functions, powers, and duties of the Emergency Medical Service;
 - c. Prescribe the duties and assignments of all members and officers;
 - d. Delegate such authority as may be deemed necessary for the efficient operation of the Emergency Medical Service;
 - e. Report at least monthly to the Borough Administrator, 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 appropriate authority or other designated officials.
 - g. Allocate funds within the budget, which are appropriated by the governing body.
2. Responsibilities of the Executive Board. The responsibilities of the Executive Board are, subject to the approval and oversight of the Mayor and Council, as follows:
 - a. To maintain the efficient operation of the Emergency Medical Service.
 - b. To organize, control and maintain all property and resources of the E.M.S.
 - c. To develop and implement policies and procedures necessary to govern and direct the day-to-day operations of the E.M.S.
 - d. To provide for the proper training of all members.
 - e. To maintain the overall discipline of the Division of Emergency Medical Service.
 - f. To maintain a constructive relationship with the public, community organizations, the media, and other agencies.
3. Appointment of an E.M.S. Director. The Mayor and Council shall appoint an E.M.S. Director. He/she can be a part-time Borough employee and be designated as a Department Head of the Emergency Medical Service Program.
 - a. Qualifications:
 1. Be not less than 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 and E.M.T. Certification, knowledge of emergency medical care, and the process and procedures of emergency medical services.
 5. Possess knowledge of computers and common programs, including Microsoft Word and Excel.

6. Be available to manage absences and other problems involving shift schedules.
 7. The applicant is not required to be a member of the Emergency Medical Service or a current employee of the Borough; however, preference should be given to a member who meets the qualifications.
- b. Responsibilities:
1. Maintain the staffing schedule of the Emergency Medical Service, ensuring that all shifts are fully staffed without exception.
 2. Maintain a roster of all members 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 members available to respond to general calls.
 4. Collect, review, and forward all run sheets and forward them to the authorized billing agency.
 5. Collect and forward to appropriate officials all personnel and training records as prescribed in the rules and regulations.
 6. Collect, review, and forward all timesheets to the Borough for payroll processing.
 7. Perform any and all other functions necessary to ensure that shifts are staffed, and information is provided to the billing agent.
- c. The E.M.S. The Program Director will be an employee subject to all requirements, allowances, and regulations of such employees set forth in the Borough Personnel Policy Manual and Borough Code.
1. The appointee shall serve a probationary period of six months.
 2. The E.M.S. Program Director will submit a monthly activity report to the Borough Administrator. The Borough Administrator will include this report in his/her monthly report to the Mayor and Council.
 3. The E.M.S. Director shall coordinate the activities of all volunteer members assigned to the Division of Emergency Medical Service in all aspects of training, Service, and assignments with Township B.L.S. units.
 4. Compensation. The E.M.S. The Program Director will be compensated at a yearly rate negotiated with the Mayor and Council.
4. Records maintained the E.M.S.
- a. Director shall see that timely and accurate records are kept of all responses to Calls for Service, training, attendance, certifications, and any other records required by the state, Borough, or other authorized agency.

F. Appointment of Crew Chiefs.

1. Members who meet the qualifications for the position of E.M.S. Crew Chief may submit their names for consideration. These names shall be presented to the E.M.S. Director for review. The E.M.S. Director will review the qualifications of all interested members. The E.M.S. Director may conduct interviews to establish facts, such as available time and management skills. The E.M.S. Director shall make recommendations to the Mayor. The Mayor will appoint the E.M.S. Crew Chiefs.

G. Command of Emergency Medical Service.

1. General supervision of Emergency Medical Service. The E.M.S. Director shall have the general supervision of the Service in conjunction with the Medical Director. Said general supervision by the E.M.S. Director shall not conflict with such rules and regulations for the government and management of the Emergency Medical Service. The E.M.S. Director shall coordinate with the Borough Administrator in the daily operations and management of the Emergency Medical Service.
2. Command at calls for Service.
 - a. In all cases of calls for Service, the E.M.S. Director shall have full power and absolute command and control under the authority of this section.
 - b. When the E.M.S. Director is absent from the call for Service; the highest-ranking line officer shall assume the duties of command until relieved by a higher-ranking officer under the authority of this article.
 - c. When all officers are absent from the call for Service, the on-duty Crew Chief

shall assume the duties of command.

3. Monthly report by E.M.S. Director. The Director shall report monthly to the Mayor and Council, including the number of calls for Service for the month, the condition of apparatus and equipment, personnel status, and any other business.

H. Service and Conduct.

1. Response to Calls for Service. The on-duty crew members shall respond immediately to the call for Service unless otherwise directed by the officer in charge.
2. Training and drills. The Director 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 E.M.S. Director may deem it necessary or beneficial. Members will not be compensated for the time required to maintain required certifications. The Borough will pay any fees or costs for the training that are not covered by the state or other agencies.
3. Record of calls for service and training exercises—the E.M.S. Director shall keep a permanent record of the duty time and attendance at training sessions of each active member of the Emergency Medical Service.
4. Authorized drivers.
 - a. Any member of the Emergency Medical Service who drives any Borough vehicle must complete the required driver training as set forth in the rules and regulations of the Emergency Medical Service. Members of other Borough agencies shall be permitted to operate an ambulance if having completed the adequate driver training course; however, they will only be permitted to drive as long as the proper minimum requirements are maintained for adequate staffing of an ambulance.
 - b. All drivers are subject to an annual driver's license abstract check to be conducted by the Borough of Elmwood Park.
5. Request for repairs or supplies. All requests for repairs or supplies for the Emergency Medical Service shall be presented to the Director for approval. Purchases shall be made in accordance with applicable state and municipal regulations.
6. Unauthorized repairs; emergencies. No member of the Emergency Medical Service shall be permitted to tamper with, fix, or repair any apparatus unless directed to do so by the Director or his/her designee, and then only in the case of an emergency.
7. Rules of conduct.
 - a. General conduct.
 1. Performance of duty. All members 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. Members shall obey all laws, ordinances, regulations, policies, procedures, and directives of the Emergency Medical Service.
 3. Reporting violations of laws and rules. Members knowing of other members violating laws, regulations and statutes, ordinances, or rules of the Emergency Medical Service shall report same in writing to the Director.
 4. Insubordination. Members shall not:
 - a. Fail or refuse to obey a lawful and reasonable order given by a supervisor;
 - b. Use any disrespectful or abusive language or action towards a supervisor or designated Crew Chief.
 5. Conduct toward other department employees. Members shall treat other Emergency Medical Service members with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
 6. Fitness for duty. Personnel shall maintain sufficient physical and psychological conditions in order to handle the variety of activities required of an emergency medical technician.
 7. Driver's license. Members operating Borough motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's

license is revoked, suspended, or lost, the member shall immediately notify the appropriate supervisor, giving full particulars.

8. Address and telephone numbers. Members are required to have a telephone or other method of twenty-four-hour contact. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

I. Alcoholic beverages and drugs.

1. The Borough of Elmwood Park recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor to be intoxicated or under the influence of alcohol or drugs during working hours or is under the reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination.
2. The Department head will immediately report any reasonable suspicions to the Borough Administrator.

J. Judicial appearance and testimony regarding E.M.S. matters.

1. Members 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 Borough employment or if members are informed that they are a party to a civil action arising out of Borough employment, they shall immediately notify the appropriate supervisor. They shall consult with the Director and the Borough Administrator before responding to any such subpoena, giving a deposition, or signing an affidavit.
2. Court appearance. When appearing in court on the Emergency Medical Service business, members shall wear the Emergency Medical Service uniform or appropriate business attire.
3. Department investigations. Members must answer questions, file reports, or render material and relevant statements in an Emergency Medical Service investigation when such questions and statements are directly related to job responsibilities. Members shall be advised of and permitted to invoke all applicable constitutional and statutory rights, including consultation with Counsel at the member's expense.
4. Truthfulness. Members 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.

K. Policy for Emergency Medical Services billing.

1. Purpose.
 - a. The Borough of Elmwood Park 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 Elmwood Park Emergency Medical Service is funded by local taxes, it is in the best interest of the residents of Elmwood Park 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.
2. Billing for Service.
 - a. The Elmwood Park Emergency Medical Service (the "program") shall obtain licensure from the New Jersey State Department of Health.
 - b. The Borough of Elmwood Park 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 Elmwood Park and/or their financially responsible parties, insurers, or carriers, will be billed for emergency medical services provided by Elmwood Park Emergency Medical Service according to the fee schedule established herein or at rates established by the Borough of Elmwood park 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 Borough's billing of third-party payment sources for services rendered. The Borough 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 shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance. The Borough 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 Borough may bill any applicable coinsurance carriers for such amounts. Exceptions include only those instances where the Borough has knowledge of a particular patient's indigence or where the Borough 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 Borough shall not bill any Elmwood Park resident for any fee, balance, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Borough bill an Elmwood Park resident for emergency medical services provided if the resident is not covered by private or public insurance.
- g. The Borough of Elmwood Park 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:
 - 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 bill payment.
- h. A patient for whom the Borough of Elmwood Park has not received payment from a third-party payer on assignment and who receives compensation directly from a third-party payer for emergency medical services rendered by the Emergency Medical Service 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 send such funds may be held liable for costs of collection in addition to the charges for emergency medical services rendered.
- i. The Borough of Elmwood Park shall be authorized to enter into contracts with area hospitals that provide advanced life support (A.L.S.) services to patients transported by the Elmwood Park Emergency Medical Service. This will allow the hospitals to bill for emergency medical services and reimburse the Borough for its transportation costs within 45 days of receiving payment.

3. Procedure for third-party emergency medical services billing.

- a. **Billing responsibility:** The Township Business Administrator and the Township Chief Financial Officer, in consultation with the municipality's EMS program consultant, will be responsible for the plan's billing. Or at tyhr option of the Mayor and Council
- b. The Borough of Elmwood Park may by resolution authorize the Mayor and or the Borough Administrator and Borough Clerk to enter into a contract with a third-party billing agency for the performance of E.M.S. billing and collection services; provided, however, that the following standards for such third-party billing contracts are met:
 - 1. 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.
 - 2. Neither the billing agency nor 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 Borough of Elmwood Park.
- c. A detailed listing of patients who utilize emergency medical services provided by Elmwood Park Emergency Medical Service will be compiled by the Borough of Elmwood Park. 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 E.M.S. 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. Signature of the patient, when possible, or authorized decision maker.
 9. Name of receiving physician.
 10. Names, titles and signatures of ambulance personnel, when possible.
- d. 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 Elmwood Park resident for any fee, balance, deductible, or co-payment not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Borough bill an Elmwood Park resident for emergency medical services provided if the resident is not covered by private or public insurance.
- e. The fee for emergency medical services shall at the onset as follows:
- a. \$800 plus \$9 per mile per trip.
 - b. Non-transportations, where aid is provided, shall be billed at a rate of \$400. A fee of \$250 will be charged when medical attention is refused (R.M.A.).
 - c. The Executive Board shall make all necessary recommendations to the Mayor and Council in the review and amendment and establishing future fee changes and schedules and those changes to fees for services shall be reviewed and approved by way of resolution by the Mayor and Council on a yearly basis.
- f. Other fees:
1. Oxygen administration: \$75.
 2. Disposable cervical collar: \$35.
 3. AED administration: \$95.
 4. EpiPen: \$150.
 5. Nonemergency (scheduled) stretcher transport: \$500.
 6. Refusal fee (treatment without transport): \$200.
 7. Narcan administration: \$150.
4. The Director shall review the fees for services listed in subsection 3c above annually and adjust said fees based on the recommendation of the E.M.S. Director and the Borough Financial Officer, the Mayor and Council approval and in accordance with the federally approved Medicare fee schedule.
5. The Borough of Elmwood Park may, at its discretion, bill additionally for materials, vehicle, and/or personnel costs in the case of major or unique incidents.

SECTION 2. In the event any section, part, or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 3. All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

ATTEST: _____

Erin Delaney, MPA, RMC

Borough Clerk

APPROVED: _____

Robert Colletti, Mayor

Introduced:

Adopted: