

ORDINANCE NO. 5062

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE MESQUITE CITY CODE BY REVISING SECTION 1-16 (AMBULANCE SERVICES – RULES AND POLICIES FOR USER FEES) FOR THE PURPOSE OF REVISING THE HARDSHIP ASSISTANCE POLICY REGARDING AMBULANCE FEES AND CHARGES, AND TO ALLOW SAID HARDSHIP ASSISTANCE POLICY TO BE APPLIED TO AMBULANCE FEES AND CHARGES WITH A SERVICE DATE OF OCTOBER 1, 2022, OR LATER; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS,** the City Council of the City of Mesquite, Texas (the “**City Council**”) finds that the provision of ambulance services is essential to the health and safety of the public; and

**WHEREAS,** the City Council finds that members of the public with limited financial resources may be hesitant to use emergency medical services even when needed because of their inability to pay for such services; and

**WHEREAS,** the City Council finds that revising the hardship assistance policy to defray the costs of ambulance services under certain defined financial circumstances as more fully set forth herein is a matter of public health and safety and serves the public purpose of making emergency medical services more readily available to the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:**

**SECTION 1. Recitals incorporated.**

The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

**SECTION 2. Mesquite City Code Text Amendment.**

The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, thereby revising Chapter 1, Section 1-16 (Ambulance services – Rules and policies for user fees), and said **EXHIBIT A** is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

**SECTION 3. Authority to apply the revised Hardship Assistance Policy retroactively.**

The City Council hereby authorizes City staff and/or its contractors to apply this revised Hardship Assistance Policy for ambulance and emergency medical services ("EMS") bills with a date of service of October 1, 2022, or later.

**SECTION 4. Conflicts Resolution Clause.**

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

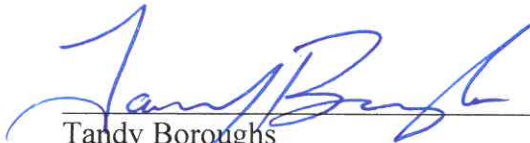
**SECTION 5. Severability Clause.**

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

**SECTION 6. Effective Date.**


That this ordinance shall take effect immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 18th DAY OF SEPTEMBER 2023.**

  
\_\_\_\_\_  
Tandy Boroughs  
Mayor Pro Tem

ATTEST:

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

  
\_\_\_\_\_  
David L. Paschall  
City Attorney

## Mesquite City Code

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### Chapter 1 – GENERAL PROVISIONS

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#### **Sec. 1-16. – Ambulance services – Rules and policies for user fees.**

(a) *Fees.* The fees and charges for response and transportation of persons by the City of Mesquite Fire Department paramedic ambulances include the following:

(1) *Base rate fees.*

- a. *Authorized.* Base rate fees for ambulance service and response, including field-terminated resuscitation responses and non-transport treatment, by a City of Mesquite Fire Department paramedic ambulance, shall be charged in accordance with this Section.
- b. *List of base rate fees for level of care.* See Appendix D – Comprehensive Fee Schedule, § 6-100 – Ambulance services – Fire. The BLS, ALS1 and ALS2 levels of care, as outlined in § 6-100, shall have the meanings as defined in 42 C.F.R. § 414.605, or successor, and as amended.

(2) *Additional fees.*

- a. *Authorized.* In addition to the base rate fees, the City may also charge additional fees as may be applicable.
- b. *List of additional fees.* See Appendix D – Comprehensive Fee Schedule, § 6-100 – Ambulance services – Fire.

(b) *Responsible parties for payment.*

- (1) The person receiving emergency ambulance service, and any person contracting for the service, shall be responsible for payment of all ambulance fees and charges authorized by this Code, less any reduction in fees and charges received pursuant to the hardship assistance policy set forth in Subsection 1-16 (c) below.
- (2) In the case of emergency ambulance service received by a minor, the parent or guardian of the minor shall be responsible for payment of all ambulance fees and charges authorized by this Code for service received by the minor, less any reduction in fees and charges received pursuant to the hardship assistance policy set forth in Subsection 1-16 (c) below.

(c) *Hardship assistance policy.*

(1) In general. It is understood that not all persons receiving emergency ambulance services are financially able to provide payment of all ambulance fees and charges authorized by this Code. It is the policy of the City to provide hardship assistance by allowing a reduction of the ambulance fees and charges authorized by this Code due to certain definable financial circumstances of the person who received the ambulance service, the person contracting for the service, or the party responsible for the payment of the ambulance fees and charges, all as more fully set forth herein.

(2)(1) Adopted guidelines to determine eligibility for hardship assistance. The adopted guidelines to determine eligibility for hardship assistance for ambulance fees and charges owed to the City are identified herein.

a. Responsible Parties may receive a reduction in fees and charges. Based upon the federal poverty level ("FPL") guidelines published in the Federal Register by the U.S. Department of Health and Human Services, as hereafter updated periodically, a person receiving emergency ambulance service, a person contracting for ambulance service or, in the case of service received by a minor, the parent or guardian of the minor (each hereinafter referred to as a "Responsible Party"), may receive a the following reduction in ambulance fees and charges.

b. Amount of reduction in fees and charges. The City of Mesquite will grant a full charity care reduction (i.e. 100% write-off of ambulance service charges to charity care) for any Responsible Party without the ability to pay when the person earns less than or equal to 400% of the Federal Poverty Level (FPL), as published annually by the U.S. Department of Health and Human Services.

~~a. A one hundred (100) percent reduction of the outstanding balance owed by the Responsible Party, if the Responsible Party's "Adjusted Gross Income" (as defined by the Internal Revenue Service) falls below one hundred twenty-five (125) percent of the FPL;~~

~~b. A seventy-five (75) percent reduction of the outstanding balance owed by the Responsible Party, if the Responsible Party's "Adjusted Gross Income" (as defined by the Internal Revenue Service) falls below one hundred fifty (150) percent of the FPL;~~

~~c. A fifty (50) percent reduction of the outstanding balance owed by the Responsible Party, if the Responsible Party's "Adjusted Gross Income" (as defined by the Internal Revenue Service) falls below one hundred seventy-five (175) percent of the FPL; or~~

~~d. A twenty-five (25) percent reduction of the outstanding balance owed by the Responsible Party, if the Responsible Party's "Adjusted Gross Income" (as defined by the Internal Revenue Service) falls below two hundred (200) percent of the FPL.~~

c. (2) Determination of income. The City of Mesquite and/or its contractor(s) shall rely on financial data provided by the Responsible Party and may also utilize data from credit bureaus and other sources to determine if the Responsible Party is eligible for charity care. In all cases, a Responsible Party's income level will primarily be determined by obtaining a copy of one (1) of the following:

~~a. The Responsible Party's most recently filed federal tax return; or~~

~~b. A recent payroll check stub of the Responsible Party; or~~

~~c. Proof of the Responsible Party's social security income, disability, and/or other sources of income.~~

**EXHIBIT A TO ORDINANCE NO. 5062**

Mesquite City Code, Chapter 1; Sec. 1-16 Sec. 1-16. – Ambulance services – Rules and policies for user fees.

City Council Meeting Date: September 18, 2023

- (3) *City's professional billing service contractor.* The professional billing service contractor performing ambulance billing services for the City (the "Contractor") may rely on these adopted guidelines and provide hardship assistance without further approval from the City; however, the City reserves the right to review any of the bills that received hardship assistance in order to ascertain if the Contractor is acting in conformity with these adopted guidelines. The City further reserves the right to modify this ordinance at any time.

**Cross reference** – § 6-100 – Ambulance services – Fire, Appendix D – Comprehensive Fee Schedule.

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