



## ORDINANCE NO. 28550

1 AN ORDINANCE relating to ambulances; amending Chapter 6B.50 of the Tacoma  
2 Municipal Code by the addition of a new section thereof, to be known and  
3 designated as Section 6B.50.070, "Penalty for non-emergent lift assistance  
4 at licensed care facilities," to authorize the assessment of penalties for non-  
5 emergent patient lift assistance performed by the Tacoma Fire Department  
6 or its contractors at licensed care facilities; and declaring an effective date.

7 WHEREAS the Tacoma Fire Department ("TFD") has been dispatched via  
8 911 to licensed care facilities in the City for the purpose of lifting patients with  
9 non-emergent medical conditions, and

10 WHEREAS, for the last several years, the TFD has worked with staff of local  
11 care facilities to reduce their reliance on the 911 system for non-emergent lift  
12 assistance of patients, and

13 WHEREAS, in 2014, the Medical Services Office of TFD and staff of the  
14 FD CARES program began attending monthly meetings of the local licensed care  
15 industry, currently the Pierce County Care Transitions Consortium, to share  
16 information about the proper use of 911, and to share documents from the TFD  
17 and the Washington State Department of Social and Health Services which provide  
18 clear guidelines about when to call 911, and

19 WHEREAS in addition, TFD staff has had multiple one on one meetings  
20 with supervisors and staff of the facilities to educate them about proper 911 use,  
21 emphasizing that non-emergent lift assists are the responsibility of facility staff,  
22 however, despite this ongoing effort by TFD, some local facilities continue to utilize  
23 the 911 system for non-emergent lift assists in their facilities, and

24 WHEREAS it is estimated by TFD staff that their emergency personnel will  
25 be dispatched to approximately 365 non-emergent list assists in 2018, and due to  
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the continued misuse of TFD services for non-emergent lift assists, TFD is  
 1 proposing that a penalty charge of \$850 will be assessed whenever a lift assist is  
 2 performed for non-emergent medical aid in these facilities, and

3  
 4 WHEREAS the penalty charge will only be applied to non-emergent lift  
 5 assists in registered family homes, skilled nursing facilities, and assisted living  
 6 facilities, as Washington State law requires these facilities to provide adequate  
 7 staffing to meet the needs of their residents, which includes assessing a resident's  
 8 condition following a fall and assisting the resident back into a pre-fall position;

9 Now, Therefore,

10  
 11 BE IT ORDAINED BY THE CITY OF TACOMA:

12 Section 1. That Chapter 6B.50 of the Tacoma Municipal Code is hereby  
 13 amended by the addition of a new section thereof, to be known and designated as  
 14 Section 6B.50.070, "Penalty for non-emergent lift assistance at licensed care  
 15 facilities," as set forth in the attached Exhibit "A."

16  
 17 Section 2. That this ordinance shall have an effective date of February 1,  
 18 2019.

19 Passed \_\_\_\_\_

20  
 21 \_\_\_\_\_  
 Mayor

22 Attest:

23 \_\_\_\_\_  
 City Clerk

24 Approved as to form:

25  
 26 \_\_\_\_\_  
 Deputy City Attorney



**EXHIBIT "A"**

**CHAPTER 6B.50**

**AMBULANCES**

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Sections:

- 6B.50.010 Definitions.
- 6B.50.020 State ambulance license required.
- 6B.50.030 Health Department certification required.
- 6B.50.040 The City of Tacoma Fire Department is the lead emergency medical services agency.
- 6B.50.050 Basic life support services by contract.
- 6B.50.060 Ambulance service rates.
- 6B.50.070 Penalty for non-emergent lift assistance at licensed care facilities.

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**6B.50.070 Penalty for non-emergent lift assistance at licensed care facilities.**

It shall be the policy and practice of the City to discourage the use of the 911 emergency system to dispatch personnel of the Tacoma Fire Department or its contractors and partners for non-emergency patient lift assistance at licensed care facilities.

A. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings given:

"Lift assist" means a response by a fire department emergency response unit or the emergency response unit of a private contractor of the City or the unit of another public safety department providing automatic or mutual aid to the City to a state licensed care or nursing facility for the purpose of lifting a fallen patient to a pre-fall position.

"Non-emergent/emergency" means a determination, based upon an assessment by the commanding officer of the emergency response unit, that there is not an emergent medical condition or medical necessity justifying the presence of the emergency unit at the facility.

"Licensed care facility" means a Washington State licensed care or nursing facility, such as a registered adult family home, a skilled nursing facility, or an assisted living facility.

B. Determination of Non-Emergent Lift Assist. Based upon the assessment undertaken by the commanding officer of an emergency response unit dispatched to a licensed care facility and their determination that no emergent medical condition or emergent medical necessity exists, but the staff of the facility desires that emergency response personnel complete a lift assist of a fallen patient, the officer shall declare the incident a non-emergent lift assist in their incident report.

C. Assessment of Penalty. The Fire Chief, or designee, shall be authorized to issue a penalty charge of \$850 for each incident determined to be non-emergency lift assist at licensed care facilities.

D. Administrative Decision. Notice of the imposition of penalty charges under the provisions of this section shall be sent to the owner or management of the facility where the incident occurred; provided that, with respect to business premises, the owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence shall be presumed to be the appropriate person to receive the notice, unless the City is notified otherwise.

E. Waiver of Imposition. In the event the Fire Chief, or designee, determines that City's assessment or determination was in error or there were other mitigating facts which the commanding officer did not possess at the time of the incident, the Fire Chief, or designee, may waive imposition of the applicable penalty(ies).

F. Appeal from Administrative Decision. Any party subject to a penalty under the provisions of this section shall have a right of appeal to the Fire Chief, or designee. A notice of appeal must be submitted in writing no later than ten days after issuance of the notice of the penalty and must be directed to the Fire Chief, at the address listed on the notice of penalty. The written appeal should include the penalty reference number and



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the party's reasoning why the determination of notice of non-emergency lift assist should be reconsidered. Within 30 days of receipt of a written appeal, an impartial review of the appeal shall be completed and a recommendation shall be presented to the Fire Chief, or designee, for final decision, which will be reported to the appellant in writing. Unless a notice of appeal is properly filed in accordance with this section within ten days of the issuance of notice of penalty, said penalty is deemed final.