

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN ENACTING
CHAPTER 9.50 OF THE ROCKLIN MUNICIPAL CODE TO IMPLEMENT A FEE FOR NON-EMERGENCY LIFT
ASSISTANCE AT LICENSED CARE FACILITIES

WHEREAS, the City of Rocklin Fire Department (“fire department”) responds to many emergency incidents in the City of Rocklin; and

WHEREAS, the fire department has been dispatched to licensed care facilities in the City for the purpose of lifting non-injured residents (“non-emergency”); and

WHEREAS, for the past several years, the fire department has collaborated with staff of local licensed care facilities to reduce their reliance on the 911 system for non-emergency lift assistance of residents; and

WHEREAS, despite this ongoing effort by the fire department, some licensed care facilities continue to utilize the 911 system for non-emergency lift assists; and

WHEREAS, the fire department has responded to four-hundred and ten calls for service at licensed care facilities in the first three quarters of 2021, thirty-seven percent of calls to licensed care facilities are for falls or lift assists; and

WHEREAS, to provide a disincentive for the practice of using publicly-funded emergency services to provide non-emergency assistance to a licensed care facility, the fire department is proposing a fee be assessed whenever a lift assist is performed in these facilities for non-injured residents; and

WHEREAS, the penalty fee will only be applied to non-injury lift assists in licensed care facilities, where the facilities are required by law to provide adequate staffing to meet the needs of their clients; and

WHEREAS, the fire department will continue to provide lift assistance at no cost to residents and businesses not considered a licensed care facility; and

WHEREAS, the City Council of the City of Rocklin wishes to establish a fee to discourage non-emergency lift assistance in licensed care facilities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKLIN DOES ORDAIN AS FOLLOWS:

Section 1. Legislative Findings. The findings and recitals set forth above are true and correct.

Section 2. Purpose. The purpose of this ordinance is to enact Chapter ___ of the Rocklin Municipal Code to establish standards and controls to reduce the number of non-emergency lift assistance calls responded to by the fire department.

Section 3. Authority. This ordinance is enacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code section 37100.

Section 4. Enact. Chapter 9.48 of the Rocklin Municipal Code implementing a fee for non-emergency lift assistance at licensed care facilities.

9.50 Fee for Non-emergency Lift Assistance at Licensed Care Facilities

9.50.010 Purpose.

9.50.020 Definitions.

9.50.030 Determination of Non-emergency Lift Assist.

9.50.040 Assessment of fee.

9.50.050 Administrative Decision.

9.50.060 Waiver of Imposition.

9.50.070 Appeal from Administrative Decision.

Section 9.50.010: Purpose

The purpose of this Chapter is to enact a penalty fee to discourage the use of the 911 emergency system to dispatch personnel of the Rocklin Fire Department or its contractors and partners for non-emergency patient lift assistance at licensed care facilities. The intent is to provide a disincentive for the practice of using publicly-funded emergency services to provide non-emergency assistance to a licensed care facility, which is required by law to provide adequate staffing to care for its clients.

Section 9.50.020 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 licensed care facility for the purpose of lifting an uninjured fallen person to a pre-fall position.

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

“Licensed care facility” means a facility that is required by state law to maintain a license to provide health care, community care, assisted living, and/or residential care services.

Section 9.50.030 Determination of Non-emergency Lift Assist

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

Section 9.50.040 Assessment of fee.

The Fire Chief, or designee, shall be authorized to issue a fee for each incident determined to be non-emergency lift assist at licensed care facilities. The amount of the non-emergency lift assistance penalty fee shall be established by resolution of the city council.

Section 9.50.050 Administrative Decision.

Notice of the imposition of fees 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.

Section 9.50.060 Waiver of Imposition.

In the event the Fire Chief, or designee, determines that City's assessment or determination of a response as a non-emergency lift assist 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 fee(s).

Section 9.50.070 Appeal from Administrative Decision.

Any party subject to a fee 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 fee and must be directed to the Fire Chief, at the address listed on the notice of fee. The written appeal should include the fee reference number and 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 fee, said fee is deemed final.

Section 5. Effective Date. This ordinance shall take effect 30 days after the date of its adoption.

Section 6. Environmental. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 8. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on _____, 2021, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on _____, 2021, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Jill Gayaldo, Mayor

ATTEST:

Hope Ithurburn, City Clerk

First Reading:
Second Reading:
Effective Date:

EXHIBIT "A"

CHAPTER _____

RESIDENTIAL CARE FACILITIES

Sections:

Definitions.

State ambulance license required.

Health Department certification required.

The City of Rocklin Fire Department is the lead emergency medical services agency.

Fee for non-emergency lift assistance at residential care facilities.

* * *

Fee for non-emergency lift assistance at residential 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 Rocklin Fire Department or its contractors and partners for non-emergency patient lift assistance at residential 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 residential care or nursing facility for the purpose of lifting a fallen patient to a pre-fall position.

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

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

B. Determination of Non-emergency Lift Assist. Based upon the assessment undertaken by the commanding officer or Paramedic of an emergency response unit dispatched to a residential care facility and their determination that no emergency medical condition or emergency 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-emergency lift assist in their incident report.

C. Assessment of fee. The Fire Chief, or designee, shall be authorized to issue a fee of \$208 for each incident determined to be non-emergency lift assist at residential care facilities.

D. Administrative Decision. Notice of the imposition of fees 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 fee(s).

F. Appeal from Administrative Decision. Any party subject to a fee 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 fee and must be directed to the Fire Chief, at the address listed on the notice of fee. The written appeal should include the fee reference number and 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 fee, said fee is deemed final.