

ORDINANCE 2023-06

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 14 OF THE CODE OF THE BOROUGH OF ISLAND HEIGHTS, ENTITLED “EMERGENCY MEDICAL SERVICES”

WHEREAS, patient care facilities have engaged in a practice of placing emergency calls for transportation of patients in non-emergency situations to the Borough’s emergency medical services (“EMS”); and

WHEREAS, the use of the Borough’s first responders for non-emergency medical care is injurious to the health, safety, and welfare of the Borough’s residents, in that it deprives first responders of the ability to respond to true emergencies; and

WHEREAS, the Mayor and Council wish to discourage such practices by requiring private care facilities to have available private ambulance providers for non-emergency calls and requiring reimbursement in the form of a fee for the dispatch of the Borough’s EMS (Island Heights Volunteer First Aid Squad) for non-emergency medical care calls made to patient facilities; and

WHEREAS, the Borough of Island Heights is a body politic and corporate in law pursuant to N.J.S.A. 40A:60-1 et seq.; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey:

SECTION I.

- A. A new Chapter 14 of the Borough Code, entitled “Emergency Medical Services,” is hereby established to provide as follows:

ARTICLE I. Emergency Medical Services for Patient Care Facilities

§ 14-1. Purpose and Scope; Definitions.

- A. The purpose of this article is to preserve and enhance the availability of emergency medical services for legitimate medical emergency situations in the Borough by regulating the use of emergency medical services in certain non-emergency situations.
- B. For the purpose of this article, “patient care facilities” are defined as all state-licensed nursing homes, rest homes, health maintenance organizations, assisted

living facilities, health-care facilities providing in-patient services, and other licensed or unlicensed medical care providers with the capacity to treat outpatients.

§ 14-2. Requirements for Private Ambulance Services.

- A. All patient care facilities located in the Borough are required to own, lease, rent or have promptly available by contract sufficient, appropriately staffed private ambulance services for the treatment and transport of patients in need of non-emergency medical care. Such ambulance services shall be available three hundred and sixty five (365) days per year and twenty four (24) hours per day.
- B. Each patient care facility subject to this article shall file proof of compliance with subsection (A) within sixty (60) days of the effective date of this article and thereafter annually on or before January 1.
 - 1. The required proof must consist of a written contract with no less than two private ambulance service providers under which such providers are obligated to respond promptly to the patient care facility.
 - 2. Alternatively, if the patient care facility elects to own, operate, and provide its own ambulance service, then the required proof must consist of written documentation identifying the make, model, year, color, serial number, license plate number, location, and staffing of each ambulance.
 - 3. The required proofs must be timely submitted to the Borough Clerk along with a certification signed by the resident director, manager, or other authorized corporate officer of the patient care facility affirming: (a) that adequate private ambulance services are available; and (b) that all agents and employees of the facility have been apprised of and trained in the use of such private ambulance services.

§ 14-3. Violations; Penalties.

- A. The failure of a patient care facility to comply with the requirements of 14-2(A) and (B) constitutes a violation of this Article. Both the patient care facility and its resident director, manager, or authorized corporate officer are liable for such violations, which are subject to the maximum fines and penalties established under Section 1-5 of the Municipal Code.
- B. In the event that an employee or agent of a patient care facility located in the Borough takes actions resulting in the dispatch of an emergency medical services (EMS) (Island Heights Volunteer First Aid Squad) and the responding EMS (Island Heights Volunteer First Aid Squad), in its sole discretion, determines that the dispatch did not involve circumstances requiring the use of an advanced life support or paramedic unit, the Island Heights

Volunteer First Aid Squad shall provide the Borough written certification to that effect and the patient care facility shall be subject to a dispatch fee of \$750.00, payable to the Borough. Any such fees collected by the Borough shall be remitted to the appropriate EMS (Island Heights Volunteer First Aid Squad) pursuant to N.J.S.A. 40:5-2.

- C. In the event that any fine, penalty, or fee imposed by this Chapter is not paid as and when due by a patient care facility, its resident director, manager, authorized corporate officer, employee, or agent of a patient care facility, the Borough may seek to collect and enforce said penalties and unpaid fees in Municipal Court and collect such penalties and unpaid fees consistent in the manner prescribed by law.

SECTION II.

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

SECTION III.

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 IV.

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

NOTICE

The foregoing Ordinance was duly adopted by the Mayor and Council at their Regular Meeting held on the 9th day of May, 2023.

**SEAN ASAY
Borough Clerk**