

ORDINANCE #2024-019

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24 ENTITLED
EMERGENCY SERVICE PROVIDERS TO INCLUDE FIRST AID SERVICES FOR
PATIENT CARE FACILITIES

WHEREAS, the Marlboro First Aid and Rescue Squad and the Morganville First Aid and Rescue Squad (hereinafter "Squads"), are non-profit corporations operating pursuant to the provisions of the Township of Marlboro Chapter 24, comprised of volunteers that serve as first responders for first aid calls, benefiting the residents of the Township of Marlboro ("Township"); and

WHEREAS, the Squads may also contract with third party ambulance providers to maintain the optimum level of ambulance coverage for the Township; and

WHEREAS, there are private patient care facilities located within the Township which place a disproportionate number of emergency calls to the Township for first aid service; and

WHEREAS, the Township has become aware that private patient care facilities have placed emergency calls for transportation of its patients, when in fact the calls are for non-emergency medical care; and

WHEREAS, the use of Township emergency medical services for non-emergency medical care is injurious to the health, safety, and welfare of the Township's residents, and deprives first responders of the ability to respond to true emergencies; and

WHEREAS, the Township seeks to ensure that private patient care facilities secure sufficient emergency and non-emergency transportation services for the patients served by these facilities, and discourage calls for Township ambulance service for non-emergencies.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey as follows:

The Township Code of the Township of Marlboro is amended to add Chapter 24, Article IV entitled "First Aid Services for Patient Care Facilities" to the Marlboro Township Code as follows:

Article IV is hereby established:
First Aid Services for Patient Care Facilities

Section 24-14 Purpose.

The purpose of this subsection is to ensure that private patient care facilities secure sufficient emergency and non-emergency transportation resources to serve the patients of these facilities, and preserve and enhance the availability of volunteer first aid squad services for legitimate medical emergency situations in the Township by regulating the use of volunteer first aid squad services in certain non-emergency situations.

Section 24-15 Definitions.

For purposes of this subsection, the following definition applies:

Patient care facility: is defined as Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters, and other similar facilities with a maximum permitted occupancy of 100 persons or more, and institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have 100 or more beds.

Emergency: Circumstances which meet the criteria for dispatch of "advanced life support" or paramedic units, as defined in N.J.S.A. 26:2K-7 et seq., and regulations promulgated thereunder. Such circumstances include, by way of example sudden-onset chest pain suspected to be cardiac in nature, other cardiac emergency, difficulty in breathing, sudden loss of consciousness, suspected stroke, diabetic emergency, life-threatening hemorrhaging and life-threatening trauma and/or hypoperfusion (shock).

Section 24-16 Requirements of Patient Care Facilities.

- A. All patient care facilities located within the Township are hereby 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 365 days per year and 24 hours per day.
- B. In order to satisfy the requirements of subsection (c), each patient care facility subject to this chapter shall file proof of the availability of private ambulance services with the Municipal Clerk within 60 days after final passage of this

chapter, and on or before September 1 of each year thereafter. For purposes of this subchapter, proof of private ambulance availability shall consist of the following:

1. Copy of its Standard Operating Procedure for emergency medical response and non-emergency calls.
2. 24 hour, 7 days per week points of contact who may be reached for assistance by Squads at the time a call is made for assistance.
3. No less than two (2) emergency Basic Life Support (BLS) ambulance providers to provide 24 hour, 7 days per week coverage for its patients and/or visitors, including the names and contact information for the designated providers.

Any changes to the contracted providers designated by the Facility will be reported to the Municipal Clerk within 7 days.

- C. A patient care facility may elect to own and operate its own ambulance(s) in lieu of one of the two (2) required ambulance providers, in which case, documentation of the make, model, year, color, serial number, license plate number, location, and staffing of such ambulance(s) shall constitute proof of same.

As part of the proofs required under this section, the resident director, manager or authorized corporate officer of each patient care facility shall make and file with the Municipal Clerk a signed certification that adequate private ambulance services are available, and that all agents and employees of such facility involved with patient care have been apprised of and trained in the use of such private ambulance services. The failure of a patient care facility to comply with the requirements of this subsection shall constitute an ordinance violation by the patient care facility and its resident director, manager, or authorized corporate officer punishable by a fine not to exceed one thousand dollars (\$1,000).

- D. In the event that an employee or agent of a patient care facility located in the Township opts to utilize the Township for ambulance service resulting in the dispatch of an ambulance, and the responding first aid squad determines that the call for service did not constitute an emergency as defined herein and therefore did not necessitate the dispatching of an ambulance, the private care facility shall be subject to a dispatch and response fee of seven hundred fifty dollars (\$750.00). This fee shall be payable to the Township of Marlboro.

Section 24-17 Insurance and Indemnification.

A. To the extent permitted by law, the Patient Care Facility shall indemnify, defend, and hold harmless the Township of Marlboro, Marlboro First Aid and Rescue Squad and Morganville First Aid and Rescue Squad, including the agents, officials, representatives, and employees thereof, from and against any and all claims, damages, suits, costs, expenses (including, but not limited to, reasonably attorney's fees) arising out of claims by third-parties alleging negligence in connection with the activities covered under its service agreements, and shall supply the Township with written verification of same. Alternatively, at the patient care facility's option, when emergency and non-emergency transport services are privately contracted, the Patient Care Facility shall cause its emergency and non-emergency ambulance and transport service providers to indemnify, defend, and hold harmless the Township of Marlboro, Marlboro First Aid and Rescue Squad and Morganville First Aid and Rescue Squad, including the agents, officials, representatives, and employees thereof, from and against any and all claims, damages, suits, costs, expenses (including, but not limited to, reasonably attorney's fees) arising out of claims by third-parties alleging negligence in connection with the activities covered under its service agreements, and shall supply the Township with written verification of same.

B. The Patient Care Facility shall maintain such insurance as will protect it from claims under workers' compensation acts and any other claims for damages for personal injury, including death, and/or damage to property which may arise from operations under this Agreement, whether such operations be performed by itself or by a subcontractor or anyone directly or indirectly employed by either. The Township of Marlboro, Marlboro First Aid and Rescue Squad and Morganville First Aid and Rescue Squad also shall be named as "additional insured" on all liability policies. Insurance certificates must provide for a thirty (30) day notice of material changes or cancellation. The amounts of each insurance shall not be less than the following:

Commercial General Liability (CGL): Coverage for all operations including, but not limited to, contractual, products and completed operations, and personal injury with limits no less than \$1,000,000 per occurrence/\$2,000,000 aggregate. The Township of Marlboro shall be included as an "additional insured."

Automobile Liability (*required only if patient care facility elects to own and operate its own ambulance*): Coverage for all owned, non-owned and hired vehicles with limits not less

than \$1,000,000 per occurrence, combined single limits (CSL) or its equivalent.

Workers Compensation: As required by the State of New Jersey and Employers Liability with limits not less than \$1,000,000 per accident for bodily injury or disease.

Professional Liability: Coverage no less than \$1,000,000 per occurrence/\$3,000,000 aggregate.

C. Subcontractors of the Patient Care Facility responsible for emergency and non-emergency ambulance and transport service shall be subject to the same terms as the Patient Care Facility and issue a certificate of insurance to the Township in evidence of coverages which shall not be less than the following:

Commercial General Liability (CGL): Coverage for all operations including, but not limited to, contractual, products and completed operations, and personal injury with limits no less than \$1,000,000 per occurrence/\$2,000,000 aggregate. The Township of Marlboro shall be included as an "additional insured."

Automobile Liability: Coverage for all owned, non-owned and hired vehicles with limits not less than \$1,000,000 per occurrence, combined single limits (CSL) or its equivalent.

Workers Compensation: As required by the State of New Jersey and Employers Liability with limits not less than \$1,000,000 per accident for bodily injury or disease.

Professional Liability: Coverage no less than \$1,000,000 per occurrence/\$3,000,000 aggregate.

The Township of Marlboro, Marlboro First Aid and Rescue Squad and Morganville First Aid and Rescue Squad shall be named as "additional insured" on all liability policies. Insurance certificates must provide for a thirty (30) day notice of material changes or cancellation.

Section 24-18 Severability.

If any portion of this Chapter, or its application to any circumstances, is held invalid, the remaining portions shall be considered severable, and shall be given effect to the maximum extent possible.

Section 24-19 Enforcement.

This section shall be enforced by the Marlboro Department of Public Safety, and/or their designees or authorized representatives.

Section 24-20 Violations & Penalties.

- A. Unless otherwise provided by law, statute, or ordinance, any person(s) who is (are) found to be in violation of the provisions of this section shall, upon conviction thereof, pay a fine of \$1,000.00 for the first violation, \$1,500.00 for the second violation, and \$2,000.00 for the third violation and each subsequent violation. Each violation, and every day in which a violation occurs, shall constitute a separate violation. No fines shall be issued for 60 days after publication of this section.
- B. These penalties are in addition to any penalties that may be imposed, including, but not limited to, penalties imposed by N.J.S.A. 2C:33-13.1 et seq.

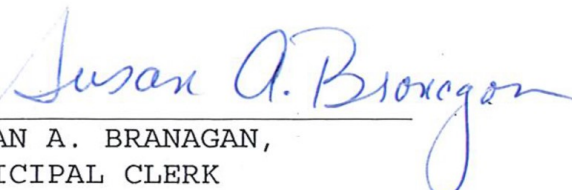
BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

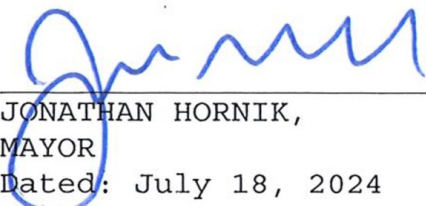
BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

INTRODUCED: JUNE 20, 2024

ADOPTED: JULY 18, 2024



SUSAN A. BRANAGAN,
MUNICIPAL CLERK
Dated: July 18, 2024



JONATHAN HORNIK,
MAYOR
Dated: July 18, 2024