

Postponed Indefinitely 12/11/07

Submitted by: ASSEMBLY MEMBER BIRCH

Prepared by: Assembly Counsel

For reading: March 13, 2007

ANCHORAGE, ALASKA

AO NO. 2007-44

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE CHAPTER 16.100, PRIVATE AMBULANCE
3 SERVICE, TO ESTABLISH A NEW TYPE III LICENSE FOR LIMITED PRIVATE
4 AMBULANCE SERVICE IN CONJUNCTION WITH MEDICAL AIR TRANSPORT; AND
5 AMENDING AMC 16.10.150 TO ESTABLISH AN ANNUAL LICENSE FEE FOR A
6 TYPE III LICENSE .
7

8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

10
11 **Section 1.** Anchorage Municipal Code section 16.100.025, Types of Licenses, is
12 hereby amended to read as follows:
13

14 **16.100.025 Types of licenses.**

15
16 A. A person may apply for one of three [TWO] different licenses under this
17 chapter:
18

19 1. Type I requires the ambulance service to comply with all provisions
20 of this chapter.
21

22 2. Type II requires the ambulance service to comply with all provisions
23 of this chapter except for participation in the rotation system described in
24 Section 16.100.060.C.
25

26 3. Type III requires the ambulance service to be provided by a
27 licensed medical air transport service provider and is valid only for the
28 transport of persons between a hospital, nursing home, residential care
29 facility or residence, or other health care facility and an airport or heliport
30 as described in Section 16.100.050B.4. Type III requires the ambulance
31 service to comply with all provisions of this Chapter except for the
32 Emergency Medical Service radio described in Sections 16.100.030A.11
33 and 16.100.080A.2, and ambulance dispatch described in Section
34 16.100.060. The Type III licensee shall be a licensed medical air transport
35 provider and may accept patient transport from another licensed medical
36 air transport provider. The Type III license application shall be reviewed by
37 the Municipal Fire Chief who shall take action on the license application

within 60 days of filing.

B. A person can change the type of license held [HE HOLDS] to another type by following the procedures and paying the fee set forth in Section 16.100.030.

(AO No. 85-71)

Section 2. Anchorage Municipal Code Section 16.100.150, Administrative Fees, is amended to read as follows:

16.100.150 Administrative fees.

A. *License.* Each type I ambulance service shall pay \$1,000.00 to the municipality at the office of the fire chief for the issuance or annual renewal of any ambulance service license. Type II ambulance services shall pay an annual license fee of \$500.00. A Type III ambulance service shall pay an annual license fee of \$250.00.

B. *Dispatch fee.* Effective January 1, 2002, each Type I and Type II ambulance service shall pay a dispatch fee according to the following table. The fees shall be billed and paid on a quarterly basis. Dispatch fees do not apply to Type III licenses.

TABLE INSET:

Effective Date	Rate
01/01/2002	\$15.00
01/01/2003	17.00
01/01/2004	19.00
01/01/2005	21.00
01/01/2006	23.00
01/01/2007	25.00

C. *Annual review.* The fire chief shall review the dispatch fee annually. Any fee adjustment shall be effective January 1, provided written notice is given to each ambulance service by December 15 of the previous year. Otherwise the adjustment is not effective as applied to any service not receiving notice until 30 days after notice is given.

(AO No. 85-71; AO No. 2001-145(S-1), § 15, 12-11-01)

Section 3. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____day of _____, 2007.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 177-2007

Meeting Date: March 13, 2007

From: ASSEMBLY MEMBER BIRCH
Subject: **AO 2007-44 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 16.100, PRIVATE AMBULANCE SERVICE, TO ESTABLISH A NEW TYPE III LICENSE FOR LIMITED PRIVATE AMBULANCE SERVICE IN CONJUNCTION WITH MEDICAL AIR TRANSPORT; AND AMENDING AMC 16.10.150 TO ESTABLISH AN ANNUAL LICENSE FEE FOR A TYPE III LICENSE .**

Background: Ground transportation by private ambulance service is licensed by the municipality through the Anchorage Fire Department. Currently, only Type I and Type II licenses are available. Type I and Type II licensees are dispatched through the Anchorage Fire Department and reflect the 24-hour on-call ground service availability required for unscheduled emergency transports.

Intent: AO 2007-44 amends AMC 16.100.025 to add a Type III license, so that patients coming into Anchorage by emergency medical air transport (medevac) can have continuity of patient care to the hospital from the Type III licensee, without interruption. A Type III license is a limited license, distinct from the Type I and Type II licenses. The new Type III license:

- Is not a license for 24-hour on-call ground service dispatched through the Anchorage Fire Department.
- Requires the Type III licensee to be a licensed medical air transport service provider.
- Is limited to providing ambulance ground service where patient care includes medical air transport.
- Is valid only for the transport of persons between a hospital, nursing home, residential care facility or residence, or other health care facility and an airport or heliport.
- Includes a new annual license fee, but does not include an administrative fee for dispatch by the Anchorage Fire Department, because the license is not for 24-hour on-call ground service dispatch provided by Type I and Type II licensees.

This ordinance is one step that can be taken to reduce duplicative costs associated with medical care and improve the health care for Alaskans. The patient is offered continuous medical transport and monitoring directly to the hospital by a single licensed medical transport provider, instead of incurring multiple medical transport billings (whether through insurance, Medicare/Medicaid, or private pay) before even reaching the hospital. These transports do not require emergency dispatch by Anchorage Fire Department, and do not compete for administrative resources of the municipality that should be reserved for the 24-hour on-call emergencies (Type I and Type II licensed services.) The annual license fee is set at \$250.00.

Respectfully submitted:

Chris Birch, Assembly Member, Section 6



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM
NO. AIM 36-2007

Meeting Date: May 1, 2007

From: Assemblymember Birch
Subject: Summary of Economic Effects for AO 2007-44

Attached to this memo is the Summary of Economic Effects for AO 2007-44, regarding an ordinance of the Anchorage Municipal Assembly amending AMC chapter 16.100, private ambulance service, to establish a new type III license for limited private ambulance service in conjunction with medical air transport; and amending AMC 16.10.150 to establish an annual license fee for a type III license.

Prepared By: Steven B. King, Utility Budget Analyst
Reviewed By: Guadalupe Marroquin
Submitted By: Assemblymember Birch

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance of the Anchorage Municipal Assembly amending AMC chapter 16.100, private ambulance service, to establish a new type III license for limited private ambulance service in conjunction with medical air transport; and amending AMC 16.10.150 to establish an annual license fee for a type III license.

AO Number: 2007-44

Title:

Sponsor: Assemblymember Birch

Preparing Agency: Assembly

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>
Operating Expenditures					
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -
2000 Non-Labor	-	-	-	-	-
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no significant public sector economic effects associated with this ordinance. The license fee should cover the administrative costs.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no significant private sector economic effects associated with this ordinance. Any financial differences exhibited in the private sector should represent a transfer as opposed to a loss or gain.

Prepared by: Steven B. King, Utility Budget Analyst

Date prepared: 3/9/2007

Reviewed by: Guadalupe Marroquin

Telephone: 343-4714

Telephone: 343-4376

M.O.A.
2007 MAR 12 PM 2:54
CLEMS OFFICE

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2007-44

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AMEND AMC 16.100, PRIVATE AMBULANCE SERVICE	DATE PREPARED 3/5/07
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Dan Sullivan, Chairman
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker, Assembly Counsel	HIS/HER PHONE NUMBER 343-4419
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Cultural & Recreational Services	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	Consent Agenda- Introduction	
6	ASSEMBLY HEARING DATE REQUESTED 3/13/07	7
		PUBLIC HEARING DATE REQUESTED 5/1/07

M.D.A.
 2007 MAR - 5 AM 8:26
 CLERK'S OFFICE

ORDINANCE NO. AO 2007-44

EXHIBIT A - MINUTES OF THE MAY 1, 2007 REGULAR MEETING
EXHIBIT B - MINUTES OF THE MAY 15, 2007 REGULAR MEETING
EXHIBIT C - EMERGENCY MEDICAL SERVICE BOARD FINDINGS
EXHIBIT D - GUARDIAN FLIGHT POSITION MEMORANDUM

of the redevelopment occurred. The amendment would put the resolution in compliance with Code and the Administration supported it. Mr. Judd responded that construction would begin in a couple of weeks. Tax status began every year on January 1st and if the buildings were all completed by 2009, the taxation would start on that date.

Mr. Tesche recommended approval of the amendment.

To Chair Coffey, Municipal Attorney Jim Reeves responded that he was satisfied that the amendment would meet the conditions of Code.

and the motion to approve the amendment passed without objection.

Mr. Traini stated that he fully supported this resolution. The trailer court had been maintained as inexpensively as possible and its use of aluminum wire had caused many fires. He supported the town center concept.

Dr. Selkregg supported the resolution. This was a community step, working together to make affordable housing possible for low-income families. She stated this was referred to as a tax advantage, but it really was a tax incentive for the lower middle class. She stated she had seen information that linked good design and quality housing to good public safety and reduced crime. As neighborhoods were improved throughout the city there might be real benefits and savings for public safety-related costs.

Ms. Osslander stated that she had questioned the original ordinance, because once a property received a deteriorated status, it remained that status forever. She would be a NO-vote on this resolution because of the impact to the city tax structure, which was the significant factor in municipal revenue. Taxpayers would have to subsidize, which would not be supported by the people.

Mr. Birch thanked Cook Inlet Housing for the detailed information. The foundation for this project was cast with the designation of the mobile home park as a deteriorated property. Lower-income housing was needed and this was a very well thought out project. He supported.

Mr. Bauer stated that he was not so concerned with the town center concept, as he supported development of affordable housing. Cook Inlet Housing had a great plan for this area. Eventually, with home ownership, the development would contribute to the city. He would support.

Mr. Traini called the Question.

and the motion was passed, 10-1.

AYES: Tesche, Traini, Sullivan, Starr, Coffey, Johnston, Birch, Bauer, Selkregg and Claman.

NAYES: Osslander.

(Clerk's Note: Chair Coffey returned the body to 14.P, to complete the remainder of the Agenda.)

14.T. Ordinance No. AO 2007-44, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 16.100, Private Ambulance Service, to establish a new Type III License for limited private ambulance service in conjunction with medical air transport; and amending AMC 16.10.150 to establish an annual license fee for a Type III License; Assemblymember Birch.

1. Assembly Memorandum No. AM 177-2007.
2. Information Memorandum No. AIM 36-2007.

Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Mr. Birch moved, to approve AO 2007-44,
Mr. Starr seconded,

Mr. Birch stated this would address a concern with health care transportation from the airport to the hospital. It would create a new, Type III License, to provide continuity of care for the patient, by having one ambulance company and crew treat and transport patients between the air evacuation locations outside of Anchorage through Anchorage to the hospital.

Mr. Claman stated there was a memorandum supplied by Guardian Flight relating to this ordinance, which should have been attached to the ordinance.

Municipal Manager Denis LeBlanc stated that Anchorage Fire Chief Craig Goodrich and Fire Battalion Chief Steve Poggi were present that evening and could speak to the issue. Because of the late hour, the Emergency Medical Services (EMS) Advisory Board Chair Dr. Michael Levy was not present. Dr. Levy and the board opposed the ordinance. There were potential negative impacts to the existing 911 emergency system and the Municipality Disaster Operation and Response. There were safety concerns for the emergency vehicles in the city. The current ambulance services in the city performed well, operating through the 911 Dispatch Center. If private ambulance services became unavailable, Anchorage ambulance services would have to be called, which would take a unit out of service to do non-emergency patient transport, which would negatively impact MOA service's ability to respond.

Mr. Tesche moved, to extend the Assembly Meeting to complete this
Mr. Bauer seconded, Agenda item,
and the motion failed.

(Clerk's Note: A show of hands indicated that fewer than the eight members required supported the motion.)

Anchorage Fire Chief Craig Goodrich stated that there were many other implications of allowing a private ambulance service to do business in the city. While there was no financial impact noted in the attached summary, there would be a significant financial impact because the private ambulance service was proposing to use the Anchorage Emergency 911 Dispatch System, for \$25 a dispatch. 1,000 calls would cost \$25,000. He concurred with Mr. LeBlanc, that the MOA did not want to interfere or compete with private enterprise. He urged consideration of rewriting the ordinance, including criteria that established a private transport service, including paying local taxes, hiring local employees and contributing to the local community. The Administration and the Fire Department opposed the ordinance.

Mr. Birch stated that the Anchorage Fire Department and the Administration were condoning a monopoly. There should be an opportunity for competition. There were at least 250 calls every year, when the municipal EMS had to respond because the incumbent business was unable to respond. This ordinance proposed a simple process of granting a license, so there would not be a monopoly of operating services in Anchorage. Chief Goodrich responded the current proposal did not satisfy criteria that were necessary to protect the city. Mr. Birch stated the private service would involve transporting, personal care and loading and off-loading patients from aircraft.

Mr. Starr stated the ordinance included empowering the Fire Chief to study the applications and approve them. Chief Goodrich responded it did not allow enough protection, because there was no latitude to deny a request.

To Chair Coffey, Mr. Birch stated that he would support having the matter Carried Over to the next Assembly Meeting.

Mr. Traini requested having Emergency Medical Services Board Chair Michael Levy present at the next meeting.

Mr. Claman recommended having this matter referred to the Public Safety Committee.

Dr. Selkregg concurred with Mr. Claman. This was a complex issue and it was important not rush it and to do it right.

(Clerk's Note: It was 11:00 p.m. and this item was Carried Over to the Assembly Meeting of May 15, 2007)

- 14.U. Ordinance No. AO 2007-43, an ordinance amending Anchorage Municipal Code Section 25.10.060, Use of Municipal Land, by enacting a new Subsection (E) prohibiting imposition of permit fees based on a percentage of concession revenue, and allowing fee reductions where users assume maintenance responsibilities; Assemblymembers Traini and Osslander.

1. Information Memorandum No. AIM 37-2007.

(Clerk's Note: This item was Carried Over to the next meeting due to a lack of time.)

- 14.V. Ordinance No. AO 2007-70, an ordinance amending Anchorage Municipal Code Chapters 24.30, 24.80 and 14.60 to establish an Annual Vertical Bore Permit, and establish fines and/or penalties to improve excavation safety for the Right-of-Way Division; Development Services Department.

1. Assembly Memorandum No. AM 280-2007.

(Clerk's Note: This item was Carried Over to the next meeting due to a lack of time.)

15. **SPECIAL ORDERS** None.

16. **UNFINISHED AGENDA** None.

17. **AUDIENCE PARTICIPATION** None.

18. **ASSEMBLY COMMENTS** None.


19. **EXECUTIVE SESSIONS** None.

20. **ADJOURNMENT**

Chair Coffey called for a motion to adjourn the meeting.

Mr. Sullivan moved, to adjourn the Regular Assembly Meeting.
Mr. Tesche seconded,
and this motion was passed unanimously.

The Regular Assembly Meeting was adjourned at 11:00 p.m.


DAN COFFEY, Assembly Chair

ATTEST:


BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: June 12, 2007.

MC/ BG

(Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505, or on the Municipal Web Site, www.muni.org ~Assembly~Minutes~year~month~day)

Mr. Claman urged that the document be amended to include a lease-option and he would not support postponement.

Mr. Abbott stated that the Assembly had encouraged the Purchasing Officer to structure a procurement solicitation with maximum flexibility, so the process would be expedited with property owners having sufficient notice to respond and the Assembly being noticed of the proposal merits without undo delay. The Administration opposed postponement.

Chair Coffey put the Question.

and the motion to postpone passed, 9-2.

AYES: Tesche, Traini, Sullivan, Starr, Coffey, Johnston, Birch, Bauer and Selkregg.

NAYES: Ossiander and Claman.

Ms. Ossiander moved, to create a subcommittee to address this issue,
Mr. Claman seconded,
and this was approved without objection.

Chair Coffey appointed Dr. Selkregg as Chair and Mr. Sullivan and Mr. Birch as members to review the issue with members of the Administration. There were no objections. Dr. Selkregg requested 30 days to review the matter.

Mr. Claman moved, following a subcommittee review, to bring the matter before
Mr. Sullivan seconded, the Assembly on June 12, 2007,
and this was approved without objection.

10.E. INFORMATION AND REPORTS None were pulled for review.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION None were pulled for review.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Ordinance No. AO 2007-44, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 16.100, **Private Ambulance Service**, to establish a new Type III License for limited private ambulance service in conjunction with medical air transport; and amending AMC 16.10.150 to establish an annual license fee for a Type III License; Assemblymember Birch.
1. Assembly Memorandum No. AM 177-2007.
 2. Information Memorandum No. AIM 36-2007.
- (Public Hearing was Closed 5-1-07; Action was Carried Over from 5-1-07)

Chair Coffey stated that Public Hearing was closed and there was a motion to approve on the floor by Mr. Birch, seconded by Mr. Bauer.

Mr. Claman moved, to Postpone AO 2007-44 to the last Regular Assembly
Mr. Birch seconded, Meeting scheduled for September, 2007,
and this was approved without objection.

12. APPEARANCE REQUESTS There were none.

13. CONTINUED PUBLIC HEARINGS

- 13.A. Ordinance No. AO 2007-43, an ordinance amending Anchorage Municipal Code Section 25.10.060, **Use of Municipal Land**, by enacting a new Subsection (E) prohibiting imposition of permit fees based on a percentage of concession revenue, and allowing fee reductions where users assume maintenance responsibilities; Assemblymembers Traini and Ossiander.
1. Information Memorandum No. AIM 37-2007. (Carried Over from 5-1-07)

Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Ms. Ossiander moved, to approve AO 2007-43,
Mr. Traini seconded,

Ms. Ossiander stated that she and Mr. Traini had sponsored this ordinance to address of some questions associated with a 1986 resolution, which was attached to the ordinance. Parks and Recreation Commission members had requested to review the matter. Parks and Recreation Director Tom Dillon requested 60 days to allow the sports user group and the commercial vendors time to review the adopted fee structure. Mr. Traini stated this had already been postponed 77 days. Ms. Ossiander requested the matter be reviewed and returned to the Assembly by June 26th.

Ms. Ossiander moved, to Postpone AO 2007-43 until June 26th and to refer
Mr. Traini seconded, the matter to the Parks and Recreation Commission,
and this was approved without objection.

- 13.B. Ordinance No. AO 2007-70, an ordinance amending Anchorage Municipal Code Chapters 24.30, 24.80 and 14.60 to establish an **Annual Vertical Bore Permit**, and establish fines and/or penalties to improve excavation safety for the Right-of-Way Division; Development Services Department.
1. Assembly Memorandum No. AM 280-2007.
- (Carried Over from 5-1-07)

5/16/7 [unclear]
ref. A0200744



Mark Begich,
Mayor

ANCHORAGE FIRE DEPARTMENT

Emergency Medical Services Board

Michael Levy, M.D., FACEP, FACP; Chairperson

100 East 4th Avenue

Anchorage, Alaska 99501

Phone: (907) 267-4932 / Fax: (907) 267-4984



Area-Wide EMS
Municipality of Anchorage

March 30, 2007

Michael Levy M.D., FACEP, FACP
Chairman, Mayor's Advisory Board on EMS
Alaska Regional Hospital
2801 DeBarr Road
Anchorage, Alaska 99508

M.O.A.
2007 APR - 2 AM 8:08
CLEAN'S OFFICE

Dear Anchorage Assembly:

The Mayor's Advisory Board on Emergency Medical Service (EMS) has reviewed and discussed proposed Anchorage Ordinance 2007-44. The Board unanimously voted against adoption of this ordinance¹. A brief summary of this process is detailed below.

As you are aware, EMS activities in the MOA are regulated through AMC 16.95 and 16.100, the latter being the ordinance that describes the roles and responsibilities of any private ambulance service (PAS). These include participation in the 911 dispatch system operated by the Anchorage Fire Department as well as a description of the types of calls for which the PAS is eligible. The amended ordinance creates another type of ambulance license that would allow for exemption from being dispatched through AFD and would be exclusively involved in transport of medevac patients from the airport to the receiving hospital and vice-versa. It is proposed that these ambulances would comply with state regulations for such vehicles but otherwise would be specifically focused on the medevac missions. They would not, as currently proposed, even have radio communication with AFD dispatch.

The Board's concerns include the following:

- **Potential Impact on the Interhospital Transports:** The current PAS, Transcare, has a long and reliable history in the community. Their testimony to the Board has been one of concern that the proposed amendment will in effect lead to "cherry picking" of a segment of their business upon which they depend to keep more marginal parts of their business available. At the present time, they staff up to three ambulances per day to provide mostly interhospital transports and medevac pick-ups. They also provide a wheelchair

¹ The Board currently has two of its twelve positions awaiting Assembly approval and one member was on military deployment. Seven of the remaining nine members attended the meeting allowing for a quorum. On this vote, one member declined to vote because he is the medical sponsor for Transcare. The vote of the remaining members was unanimous. The Chair later presented this to the other board member who could be reached and he voiced that he would have voted as the other members did, against adoption.

EXHIBIT C

van service that they contend is very marginal in profitability. All of the Board members work in local hospitals in either the emergency or trauma setting and we are very reliant on the service that Transcare currently provides. We use them many times per day for movement of patients between hospitals, for repatriating patients to assisted care settings as well as the movement of patients to and from the airport. The wheelchair van is another service upon which we rely. Due to the strict nature of Medicare guidelines, patients who are able to sit up are not allowed to be transported by a regular ambulance. The only way we can transport such a person (without them having to pay out of pocket) is via the wheelchair van. **The Board felt that the business aspects are an issue outside of our scope but that the argument for the potential impact on our system of withdrawing a part of Transcare's market was compelling.**

- **Potential Impact on the 911 Emergency System:** If Transcare could not profitably operate its current fleet, then it is anticipated that they will cut services. Peak hour demand for non-emergency transports that is currently met by Transcare would fall to the AFD causing us to devote emergency ambulances to the transport of stable patients. The immediate effect would be a lessened availability of transport capability for the sick and injured. If it persisted, additional units might need to be purchased by the taxpayers to offset the problem.
- **Impact on Disaster Operations:** In the event of a local disaster, Transcare's ambulances and crews would be placed into service. These ambulances are fully stocked, crewed by paramedics and in contact with AFD dispatch. The ambulances proposed in the amendment would be crewed only when there is a flight being transported. If the scenario mentioned above occurred, i.e. a lessening of the Transcare ambulance fleet, a disaster resource to the MOA funded by business might be lost.
- **Emergency Vehicle Operation:** It is anticipated that the proposed Medevac ambulances would request the ability to transport patients in an expedited fashion (i.e. lights and sirens) under certain circumstances (e.g. a change in patient's status during transport). This would then lead to a situation in which we would have emergency vehicles coursing through the community over which we have no control or even knowledge of the circumstance.
- **Failure to Demonstrate Benefit to the EMS System:** The Board was concerned that this amendment raises the potential for many negatives to the community with no apparent offsetting benefit.

The information available to the Board supporting this decision is attached. I would be happy to make myself available for any questions.

Respectfully,



Michael Levy M.D., FACEP, FACP
Chairman, Mayor's Advisory Board on EMS

Attachments: 4 pages

March 26, 2007

Dear Medical Advisory Board Members:

For those of you who do not know me my name is Darrell Carlson, I'm the President (owner) of TransCare Medical Services, Inc. TransCare is the private ambulance company that's been transporting all the patients over the past eighteen years that do need ambulance transport but who do not need a Municipal 911 EMS ambulance response. Among those medical transports we are dispatched to are local facility to facility and for patients that are flown into or out of Anchorage via air ambulances.

On February 23rd we became aware of AO NO. 2007-36 submitted by Assembly Member Chris Birch. This ordinance if passed would amend chapter 16.100 of the code to enact a new subsection that would create a new type of private ambulance service license exclusively for medivac services. AO NO. 2007-36 has since been amended and is now known as AO 2007-44 also introduced by Mr. Birch I believe on behalf of Dr. Sterling AKA Guardian Flight.

TransCare is opposed to amending chapter 16.100 of the code for many reasons. No new types of licenses are needed. The current ordinance does not preclude or prohibit air ambulance services from obtaining a Municipality of Anchorage private party ground ambulance service license.

Assembly memorandum 177-2007 states the intent is so the medivac can have continuity of patient care with medical air transport without interruption. An ordinance amendment is not needed to accomplish this goal; in fact no change is needed. It is routine for medivac crew personnel to accompany their patient during the ground ambulance portion of the transport, hence no impact on continuity of care. In fact patients who are experiencing a critical need during the ground transport component may benefit from there being both a medivac team and a ground transport paramedic in the patient compartment with the patient. This practice is commonplace in most cities across the United States including Anchorage.

The memo further states the ordinance change will reduce duplicative costs associated with medical care and improve health care for Alaskans. How could that be possible? I don't see where this ordinance amendment indicates all ground ambulance services by type III licensees will be provided for free. As you know medical billing is very complex and has many regulatory constraints, all of which will still have to be followed by a type III provider. The billings will not be diminished as a result of this type of license.

I believe the impact of such a change will be profoundly negative for our company and will poorly impact the Anchorage Fire Department EMS System. The net affect of air ambulance services transporting their own patients via their own ground ambulances will cause a diminished availability of ground ambulances in Anchorage. This will poorly impact the 911 response times and will cause delays in some ground ambulance

transports of medivac patients and facility to facility transports of ground ambulance patients.

The service we provide is like a utility. Over the years we have created the necessary infrastructure to provide all private ambulance service within Anchorage on demand when ever needed. The quality and the quantity of the service we provide is proven. At the very least we are performing satisfactorily. The Municipal government is not asking for more service, the public isn't asking for more service, the medivac companies aren't asking for more or better service and the hospitals and nursing homes haven't asked for more or improved service. We have experienced an excellent working relationship with all of them.

Medivac companies providing their own ground ambulance transports will cause TransCare to diminish the size of its infrastructure and its ability to respond to the community need on demand. I believe the AFD 911 EMS System will have to respond to or delay calls when TransCare is unavailable to manage multiple transport needs. This will impact there availability to respond to 911 medical emergencies. If this ordinance is adopted, within a year's time we would most likely remove from service up to two ambulances and would lay off up to nine employees. I anticipate our availability to respond will be reduced 30 to 50%.

The Municipality through its wisdom has decided the provision of private ambulance service should be safeguarded through its control and oversight. Policy makers must act responsibly, not act in a way that will dismantle a working system in favor something that is unproven and not needed.

This ordinance amendment if passed will provide no benefit to our community. It will delay ground ambulance response to Interfacility transports including those between hospitals, nursing homes, diagnostic centers, dialysis centers and medial clinics including some requests for 911 EMS service.

I would welcome The Fire Departments Emergency Medical Service and the Mayor's EMS Advisory Board to assess the impact of AO 2007-44 and to comment on any impact relevant to Anchorage's EMS or Health care community.

I will be unable to attend the meeting scheduled for the morning of the 27th however; our Chief Operating Officer Samantha Jedlicki and our Medical Director Dr. Tim Silbaugh may speak on TransCare's behalf

Thank you,

Darrell L. Carlson
President TransCare Medical Services, Inc.

March 12, 2007

Dear Assembly Member,

The Emergency Department at Providence Alaska Medical Center has recently reviewed the proposed amendment to chapter 16.100 of the municipal code as put forth in AO No. 2007-44. There are some very concerning aspects of this proposed ordinance. The addition of an ambulance service that can limit their hours and, therefore, limit the type of patients they are willing to transport is of concern. This would likely lead to services who preferentially operate to avoid certain transports. Currently, the system in place allows any ambulance service to operate and to be dispatched through the Municipality Dispatch. This allows for a fair distribution of all patients who need transport. This new ordinance would allow services to bypass this system and to only be available for a select patient population (i.e. airport transports, limited nursing facilities etc). This would drastically reduce the availability of ambulance service for interhospital transports, and discharged patients from the hospital. This would then make us rely on AFD to pick up the extra need. This would in fact increase waiting times for moving patients from the hospital, take current AFD ambulances out of service and quite possibly increasing response times for AFD paramedic response and transport. Currently, Anchorage allows private ambulance services to operate in a fair disruption system without regard to patient origin, destination or ability to pay. Allowing the new ordinance would erode the current fair system and would likely diminish current care.

As the busiest Emergency Department in the state we are constantly fighting overcrowding and this possible ordinance change will likely increase wait time for patients in need of care. In addition, the decreased number of ambulance's available for dispatch could directly impact the Anchorage Fire Department's ability to respond to local 911 dispatch calls.

It is very important to the Emergency Department to have safe, timely, and reliable transport to and from our facility. It is our concern that the proposed ordinance would result in a downgrade of our current EMS system and would result in decreased quality of care for our patients and community.

Respectfully,

Richard C. Navitsky MD, FACEP
Medical Director
Department of Emergency Medicine
Providence Alaska Medical Center

Lisa Rabinowitz MD
Chairperson
Department of Emergency Medicine
Providence Alaska Medical Center

Phone interview with Eric Stirling M.D.
3/5/07

Present: Soren Threadgill, Michael Levy

Topic: ammendment to 16.100 PAS ordinance

Dr Stirling's reasons for the amendment:

1. Unease regarding having another entity billing for care provided for to a patient already under the care of his flight service. Concern about the possibility of this being construed as bilking the payor (Medicare fraud)
 - a. Waste of TC labor
 - b. Pt gets another bill leading to confusion and decreased satisfaction

Responses to details of questions:

What other reasons does he have for wanting to have an exception to the current ordinance?

2. Can stock with the equipment they might need during transport (e.g. vent tubing) within this amulance that would not be found in a usual ALS ambulance.
3. Could bundle the ground transport with their bill for medevac.
4. Upset that he wasn't dealt with in a professional fashion by the municipality (raising question of collusion/anticompetitive behaviors) with specific reference to how long it took to get a response to his license request.
5. Proposes that others might be able to use his service as well (other flight services)
6. Guardian's Fairbanks ambulance does 400-500 transports per year.
7. Radio: wants to avoid expense and does not want to participate in 911 dispatch. Proposes cell phone. Would get a radio if necessary.
8. Driver (emt) EVOC.

Dr Stirling was given a copy of this letter prior for his review to distribution and he added the following:

Additions:

Lost revenue and costs accrued thus far in the application process = \$325,000

5/1/07
Presentation
File

M.O.A

GUARDIAN FLIGHT POSITION MEMORANDUM

RE: AO No. 2007-36

2007 MAY -1 PM 2: 28

TYPE III AMBULANCE SERVICE

CLERK'S OFFICE

The Ordinance: The proposed ordinance creates a new Type III ambulance service whereby a Type III licensee could provide continuity of care for patients transported to Anchorage by air from other parts of the state, and allow the ground ambulance to transport the patient to Anchorage area hospitals or other health care facilities. The Type III licensee would be limited to those functions and would not provide general, 24-hour on call ambulance service as set forth for Type I and Type II licenses.

The Intent: The purpose of AO No. 2007-36 is to provide continuity of care for the patient by having one ambulance company and one ambulance crew treat and transport the patient starting with the air evacuation from locations outside of Anchorage and being met and transferred by a ground ambulance in Anchorage.

The Problem: Currently, an air medical transport company, such as Guardian Flight, terminates its care in Anchorage at the airport, thus requiring a whole new ground crew and a whole new company (with new fees and costs) to take over for the patient transport. This is economically inefficient and results in higher health care fees to the public, and to the state through Medicaid and Medicare, as well as to private insurers, since two providers are doing the job of one.

Further, the interruption in the medical team and transfer to the new team interferes with patient care continuity and increases the risk of mortality or morbidity or other complication resulting from miscommunication, misdirection, over-medicating or other iatrogenic injury.

The Opposition: Transcare has submitted an opposition to this ordinance, which was supported by the Mayor's Advisory Board on EMS. In a very candid statement, Transcare admits that it now has a monopoly on such ambulance ground service and it does not want any competition. It states that it may lose revenues, and perhaps lay off some employees, if it loses business. Transcare asserts that if it makes less money its quality of care may suffer.

The Response: First and foremost, the assembly should not be in the business of creating or protecting economic monopolies. Monopolies are the exception, free market competition is the rule. It is true that some utilities are allowed monopolies (electric cooperatives, gas lines, etc.) but in those industries, capital infrastructure is measured in the hundreds of millions, and sometimes billions. Here, the capital outlay for ambulances or garages and related equipment is measured in the hundreds of thousands, comparable with buying a six-plex property, for example. The MOA does not limit who can buy real estate, however, on the grounds of economic infrastructure; neither should it do so here.

As Transcare's main point in opposition, supported by the Mayor's Advisory Board on EMS, is that Transcare is currently enjoying a monopoly, Guardian Flight suggests this

EXHIBIT D

is actually good evidence to approve this ordinance to allow more businesses to enter the field. Recall in the 1980's the gloom and doom predicted by ATT and other large communication monopolies when forced to allow competition. The result was a communications revolution and consumer benefits everyone takes for granted today.

Guardian Flight supports the approval of AO No. 2007-36 as submitted by Assembly Member Birch for these additional reasons.

We believe that it is to the patients' benefit to have a continuity of care both in the sense of having the same provider hospital to hospital and economically in only being billed from a single provider.

- Transcare asserts that the more people involved in the transport the better. Even though it might appear that more hands are better; when it comes to patient care the opposite is often more correct. In most cases where air transport is provided a patient is packaged at one hospital by the crew that will care for the patient for several hours. If during transport a crisis occurs it is much more important that the care providers initially in charge of the care remain because they know the equipment, they know the patient's condition, and they know what has already been done as far as triage, stabilization and medication.
- When an air transport company has to turn a patient over to another company for ground transportation the patient receives a separate billing for the ground transportation even though the medical crew rides to the hospital with them. Additional billings result in additional co-pays that must be covered by the patient this increases the cost of medical care. Insurance and government payments are doubled.
- Approval of this ordinance is one step that can be taken to reduce the cost associated with medical care and improve the health care for Alaskans.

Further we feel that approval of this ordinance enhances the EMS system currently in place within the Municipality of Anchorage.

- By having an additional service available for the air transport companies both the existing ground transportation company and the Municipality's resources are freed up to provide emergency response.
- In the case of an area wide disaster, additional resources are available to supplement the existing EMS responders freeing the 911 services for emergency response by using the non-911 services to provide routine and critical transports not related to disaster response. This is a public benefit that cannot be undervalued if there is ever a local or statewide emergency, such as a large earthquake or terrorist attack.

While we believe and support governmental oversight and control for the purpose of establishing the levels of professional practices (and the Type III licensee must meet the professional standards currently in place) and public safety; it is not productive or fair to the public for the Municipality to create a monopoly where none is warranted to protect one privately held business. But Transcare has asked for a continuing monopoly.

By approving AO No. 2007-36 and allowing another level of ground ambulance transport to be established within the Municipality, the number of jobs should be increased. Guardian Flight will be hiring employees in Anchorage and leasing real estate for its operations. Thus, even if Transcare lets one or two employees go (something that is purely speculative at this point), Guardian Flight will be adding that many jobs and more. There is a net gain to the city in employment and economic activity.

History has shown that competitive businesses do not reduce the number of jobs but act to increase both the number of jobs and services provided, used and paid for by the public. With a level of service required for a Type III license, entry level positions in the EMS discipline will also be increased. This has the added benefits of more jobs for our young people allowing them to stay in the state and improving the training and experience opportunities for those that want to continue with a career in EMS.

Approval of AO No. 2007-36 is good public policy and beneficial to the residents of the Municipality and does not reduce the EMS service or level of care currently provided. It will enhance public safety and economic activity.