

COMMONWEALTH OF KENTUCKY
COUNTY OF PENDLETON
PENDLETON COUNTY FISCAL COURT
ORDINANCE NO. 220.12

AN ORDINANCE AUTHORIZING THE COUNTY OF PENDLETON TO BILL PERSONS FOR EMERGENCY SERVICES RENDERED BY THE COUNTY OR ITS CONTRACT AGENCIES.

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF PENDLETON, COMMONWEALTH OF KENTUCKY:

Section 1. The Fiscal Court finds as follows:

- a. The County is being required to afford emergency services that had heretofore many times been provided by private concerns;
- b. The County is being required to provide emergency services for which billing had sometimes been handled by other agencies;
- c. The County has an urgent need for additional funds to provide for these emergency services; and,
- d. This ordinance is necessary to insure that payments by third party payors are credited to the County.

Section 2.

- a. "Emergency services" are defined as all activities afforded by the County or any other agency or concern with which the County has contracted for such emergency services which are conducted in order to prevent, mitigate or otherwise address injury or threat of injury to human health, property, or the environment, including but not necessarily limited to services rendered in case of fire, medical, rescue, hazardous material types of emergencies or reasonably perceived threats of any of the foregoing.

b. "Recoverable expenses" shall include all those expenses that are reasonable, necessary, and allocable to the emergency or condition which gives rise to the rendering of such emergency services.

c. "Person" shall include any individual, parent of a minor, guardian or conservator of a disabled person, corporation, association, partnership, firm, trustee, or legal representative.

Section 3.

a. Any person who receives the benefit of any emergency services, personally, by virtue of responsibility for another, or by virtue of ownership or control of property shall owe to the County reimbursement for the cost of said emergency services.

b. Any person receiving such services, as aforesaid, who has the right to recover the cost of any such services from insurance or other third party payors shall cooperate with the County in recovering the same from said third parties by assignment of rights or otherwise.

c. The amount of such recovery shall be the lesser of: (1) the cost to the county of any such services, allocating existing personnel and material costs to the action that may have been taken to address the emergency; (2) the cost to the County for such services based upon any billing to it by any contract emergency service providers; or, (3) the fees as computed under KRS 75.450 or any successor or similar statute.

Section 4.

a. Fees for emergency services may be billed to the person (and/or his insurance carrier or third party payor) by the County or by a billing service with which the County may contract.

b. Payment for such emergency services shall be payable to the County or its order at such address as may be provided in the billing, and any account shall be delinquent thirty (30) days after mailing.

Section 5.

a. If a billing is not paid before it becomes delinquent then the County or its agent shall have the right to use all lawful, available means to collect payment, including filing collection lawsuits against such person and his insurance carrier or third party obligor, and further including collection costs and attorney fees.

b. The County shall have a lien against any property of any person for whom or on whose behalf emergency services have been provided, as anticipated hereunder, for the billed cost of said emergency services or any judgment entered based upon same, which lien shall be superior to any and all subsequently accruing liens, the same to be perfected by filing a statement in the county clerk's office; said lien may be collected in the same manner as mortgage debts.

Section 6. Any person who violates any of the terms of this ordinance shall be guilty of a violation.

Section 7. The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this ordinance, it being the legislative intent of this body to ordain and enact each provision, section, paragraph, sentence, and part hereof separately and independently of such other provision.

Section 8. This Ordinance shall be effective immediately upon its passage and publication as required by law.

Jack Sumpter
HENRY W. BERTRAM
Pendleton County Judge-Executive

ATTEST:

Rita M. Spencer Clerk By: [Signature] Smeal Fiscal Court Clerk
Pendleton County Clerk

First reading: 7-11-06

Second reading: 8-8-06

Passage: 8-8-06

Publication: 8-22-06