

ORDINANCE NO. 2018-13

**TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH**

**ORDINANCE ESTABLISHING SECTION 2-31.3 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
HOLMDEL, TITLED “FIRST AID SERVICES FOR PATIENT
CARE FACILITIES”**

WHEREAS, the Holmdel First Aid Squad, Inc. is a non-profit corporation operating pursuant to the provisions of Holmdel Township Ordinance 2-31.1, comprised of volunteers that serve as first responders for first aid calls, benefiting the residents of the Township of Holmdel (“Township”); and

WHEREAS, the Township has become aware that certain patient care facilities located in the Township have engaged in a practice of placing emergency calls for transportation of its patients, summoning the services of the Holmdel First Aid Squad, Inc., when in fact the calls are for non-emergency medical care; and

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

WHEREAS, the Township Committee seeks to ensure that such practices are discouraged 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 dispatches the volunteer first aid squads for non-emergency medical care calls made to patient care facilities.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey that the Revised General Ordinances of the Township of Holmdel be and are hereby amended as follows:

SECTION 1.

Section 2-31.3 is hereby established [NEW SECTION]:

2-31.3 First Aid Services for Patient Care Facilities

a. The purpose of this subsection is to 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.

b. For purposes of this subsection, the following definition applies:

Patient care facility is 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 10 or more outpatients simultaneously.

c. 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.

d. 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 Township 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 a contract with no less than two private ambulance service providers under which such providers are obliged to respond promptly to the patient care facility. Alternatively, if a patient care facility elects to own and operate its own ambulance(s), such proof shall consist of documentation of the make, model, year, color, serial number, license plate number, location, and staffing of such ambulance(s). 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 Township 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).

e. In the event that an employee or agent of a patient care facility located in the Township takes actions resulting in the dispatch of a volunteer first aid squad regulated pursuant to the provisions of Section 2-31.1, and the responding volunteer first aid squad determines in its sole discretion that the basis for dispatch did not constitute circumstances requiring the use of an advanced life support or paramedic unit, the volunteer first aid squad shall certify accordingly to the Township and the private care facility shall be subject to a volunteer first aid services dispatch fee of \$750.00. This fee shall be payable to the Township of Holmdel. The Township of Holmdel may contribute fee revenue generated under this subsection to the volunteer first aid squads, consistent with Section 2-31.1.

Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance will require patient care facilities located in the Township to certify having available private ambulance services for the treatment and transport of patients in need of non-emergency medical care. It will also impose a fee of \$750 for the non-emergency dispatch of a volunteer first aid squad to a patient care facility.

SECTION 2. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect after final adoption and approval pursuant to law.

LEGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on Tuesday June 26, 2018, and will be considered for final passage at a meeting of said Township Committee to be held on Tuesday, July 17, 2018 at the Holmdel Township Municipal Building, 4 Crawford's Corner Road, Holmdel, New Jersey, at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Thomas Critelli, Mayor

Attest:
Maureen Doloughy, RMC
Township Clerk