

ORDINANCE NO. 21-2025

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE PROVISIONS OF TOWNSHIP CODE CHAPTER 26 “FIRE DEPARTMENT” TO INCLUDE A NEW ARTICLE VII “EMERGENCY MEDICAL SERVICES”

WHEREAS, the Mayor and Township Council has determined that there is a need to improve and enhance the services provided to the community and to better provide for the health, safety and welfare of the citizens of the Township of East Hanover, including those who may be in need of emergency medical services; and.

WHEREAS, the Mayor and Township Council believes that the above stated goals can be accomplished by authorizing the East Hanover Fire Department (EHFD) to operate a fire-based Emergency Medical Services (EMS) program: and

WHEREAS, N.J.S.A. 40A:14-7 empowers the governing body of any municipality, by ordinance, “to create and establish a paid or part-paid fire department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties and adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of East Hanover, in the County of Morris, State of New Jersey, as follows:

Section 1. Chapter 26, FIRE DEPARTMENT of the Code of the Township of East Hanover is hereby supplemented and amend to include a new Article VIII – Emergency Medical Services as follows:

ARTICLE VIII – EMERGENCY MEDICAL SERVICES

§ 26-84. Definitions:

ADVANCED LIFE SUPPORT (ALS) - An advanced level of pre-hospital, inter-facility, or emergency medical care that includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-arrhythmic agents, intravenous (IV) therapy, administration of specific medications, drugs, and solutions, utilization of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the Commissioner.

BASIC LIFE SUPPORT (BLS) - A basic level of pre-hospital care that includes patient stabilization, airway clearance and maintenance, cardiopulmonary resuscitation (CPR) (to the level of the Professional Rescuer or Health Care Provider as issued by either the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR Guidelines), hemorrhage control, initial wound care, fracture

stabilization, victim extrication and other techniques and procedures as defined in the United States Department of Transportation (U.S.D.O.T.) EMT-Basic National Standards Curriculum.

BASIC LIFE SUPPORT SERVICE or "BLS AMBULANCE SERVICE" - An entity that is validly licensed by the Department to provide pre-hospital basic life support (BLS) care; and/or BLS inter-facility transfers.

COMMISSIONER - The Commissioner of the State Department of Health.

DEPARTMENT - The New Jersey Department of Health and Senior Services.

EMERGENCY MEDICAL SERVICES (EMS) - A system for the provision of emergency care and transportation of persons who are sick or injured and in need of immediate medical care.

EMERGENCY MEDICAL TECHNICIAN – BASIC or "EMT-Basic" - A person trained in basic life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician-Basic (EMT-B) certification as set forth at N.J.A.C. 8:40A.

FIRE-BASED EMS - EMS delivered through first responders utilizing non-transport fire apparatus and/or by a vehicle licensed as an ambulance to transport the sick and injured to an appropriate receiving facility.

FIRE DEPARTMENT - A paid, part-paid, or volunteer firefighting force, body, or agency established by ordinance as a division of municipal government or one or more volunteer fire companies that have contracted with a municipality to provide fire protection. The "fire department" (FD), for all purposes herein, shall be known as the East Hanover Fire Department (EHFD), the firefighting force, body, or agency within the territorial jurisdiction of the Township of East Hanover under the supervisory authority of the Fire Director and "Fire Chief" who shall have command and control for the extinguishing of fires.

FIRE DIRECTOR - The Director of the East Hanover Fire Department (EHFD), the supervisory authority of the FD, inclusive of the EHFD.

FIRST RESPONDER – A police officer, firefighter, or other person who has been trained to provide emergency medical first response services in a program recognized by the Commissioner (N.J.S.A 26:2K-66)

LICENSE or LICENSED - Validly licensed by the Commissioner in accordance with the standards for licensure as set forth in N.J.A.C. 8:40.

MEDICAL DIRECTOR - The physician responsible for the medical oversight of the operations of a basic life support ambulance service that provides emergency response; the specific criteria required of a medical director are set forth at N.J.A.C. 8:40-6.15.

NON-VOLUNTEER - A non-volunteer basic life support ambulance service. Includes those agencies that bill patients or insurers for services, hospital-operated services, proprietary services,

municipally-operated ambulance services, services operated by a paid municipal fire department, services operated by a paid municipal police department, industrial first aid squads, or State-operated ambulances.

OFFICE OF EMERGENCY MEDICAL SERVICES or "OEMS" - The Office of Emergency Medical Services in the New Jersey Department of Health and Senior Services (NJDOH).

PRE-HOSPITAL EMERGENCY MEDICAL CARE - The provision of emergency medical care or transportation by trained and certified or licensed emergency medical services personnel at the scene of an emergency and while transporting sick or injured persons to a medical care facility or provider, pursuant to N.J.A.C. 8:40 et. Seq. and 8:41 et. Seq.

PHYSICIAN - A person validly licensed by the New Jersey State Board of Medical Examiners per the standards set forth at N.J.S.A. 45:9-6.

VOLUNTEER AMBULANCE, FIRST AID, OR RESCUE SQUAD - In accordance with N.J.S.A. 27:5F-20, an ambulance, first aid or rescue squad that provides emergency medical services without receiving payment for those services. Whether the members of a squad provide their services for free or are compensated by the squad is irrelevant to a squad's volunteer status.

§ 26-85. Emergency Medical Services: establishment.

The Mayor and Township Council of the Township of East Hanover, also known as the Township, find that in order to better protect the health, safety, and welfare of Township residents and individuals who may require emergency medical services (collectively referred to as "EMS"), it is necessary to establish a formal EMS framework. This ordinance shall establish the East Hanover Fire Department (EHFD) to coordinate and provide pre-hospital emergency medical care. Accordingly, upon the EHFD acquiring a Basic Life Support (BLS) ambulance, the EHFD may provide BLS ambulance service. This ordinance is not intended to, and shall not, govern any currently existing volunteer or non-volunteer ambulance, first aid, or rescue squad.

§ 26-86. Authority to Provide EMS Services.

- A. The Mayor and Township Council of the Township of East Hanover, consistent with the authority granted under Chapter 26, Article II et seq., hereby authorize the East Hanover Fire Department (EHFD) to operate a fire-based Emergency Medical Services (EMS) program.
- B. The EMS program shall be under the direction and control of the Fire Director of the EHFD. The Fire Director or his/her designee shall be responsible for the planning, coordination, and oversight of all EMS operations conducted by the EHFD, including but not limited to staffing, equipment readiness, service delivery, and interagency collaboration.
- C. Volunteer and Non-volunteer services may continue to provide EMS support and services within the Township in coordination and consultation with the Fire Director of the EHFD or his/her designee. The Mayor and Township Council hereby authorize the

Fire Director of the EHFD to enter into interlocal service agreements, mutual aid agreements, or memoranda of understanding (MOUs) to ensure the uninterrupted provision of pre-hospital emergency medical care and BLS ambulance transport services within the Township.

- D. The Mayor and Township Council, in consultation with the Fire Director, shall ensure that a physician licensed by the New Jersey State Board of Medical Examiners to practice medicine is appointed as Medical Director under the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-1 et seq. The Medical Director shall be responsible to the Fire Director or his/her designee and shall carry out duties as outlined in N.J.A.C. 8:40 et seq, or any other duties as assigned by the Fire Director but not duties conflicting with N.J.A.C. 8:40 et seq., such as but not limited to providing guidance, leadership, oversight, and quality assurance for the practice of the EHFD fire-based EMS program.

§ 26-87. Establishment of billing; direct or third-party.

- A. The EHFD EMS program may obtain and maintain licensure through the OEMS. Upon receiving this licensure and acquiring a BLS ambulance, the EHFD may provide BLS ambulance service for reimbursement to aid in the provision of those services. No person requiring emergency medical services (EMS) shall be denied services due to a lack of insurance or inability to pay.
- B. The EHFD may apply for a provider number through applicable federal and state Medicare and Medicaid programs to enable participation in a direct or third-party billing and reimbursement plan (the “payment plan”).
- C. Individual(s) receiving EMS - whether or not residents of the Township of East Hanover - and/or their financially responsible parties, insurers, or carriers, shall be billed for EMS provided by the EHFD according to the Township’s adopted EMS fee schedule, or at such rates as may be established and revised by the Township from time to time.
- D. Individual(s) receiving EMS shall provide the EHFD, at the time of service or as soon as practicable thereafter, with all relevant insurance and billing information to facilitate direct or third-party billing. The Township may, at its discretion or as required by law, bill insurers directly and accept assignment of insurance benefits for payment.
- E. Individual(s) that are not Township residents shall be liable for any applicable co-payments, deductibles, or remaining balances not covered by their insurance. The Township shall make reasonable efforts to collect such balances in accordance with applicable federal and state laws and regulations, including those established by the Centers for Medicare & Medicaid Services (CMS). The Township may also submit claims to secondary insurers where applicable. Exceptions may be made if:
 - 1) The Township is aware that the individual(s) meet criteria for financial hardship or indigence; or
 - 2) The cost of billing and collecting would exceed the amount to be recovered.

- F. The Township shall not balance bill any Township resident for any fee, balance, out-of-pocket expenses, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Township bill a Township resident for EMS provided if the resident is not covered by private or public insurance.
- G. The Township, either directly or through a direct or third-party billing agency, may offer payment plans or partial or full forgiveness of EMS charges when:
 - 1) The financial status of the individual(s) or responsible party warrants such accommodation; and
 - 2) A good-faith effort has been demonstrated by the individual(s) or responsible party toward satisfying the bill.
- H. If an individual(s) receives direct payment from a third-party payer for EMS services rendered by the EHFD and the Township has not received that payment through assignment, the individual(s) shall be obligated to remit those funds to the Township. Failure to do so may result in the individual(s) being liable for the cost of services and any additional collection costs.
- I. In consultation with the Mayor and Township Council, the Fire Director is hereby authorized to enter into agreements with hospitals or agencies providing Advanced Life Support (ALS) services, enabling those facilities to bill for ALS care and reimburse the Township for transport costs within forty-five (45) days of receiving payment.

§ 26-88. Third-Party Billing Procedure.

- A. The EHFD is authorized to contract with a third-party billing agency, herein known as the billing agency for EMS billing and collections, provided the billing agency meets the following criteria:
 - 1) The agency maintains a compliance program consistent with guidance issued by the Office of Inspector General for third-party medical billing companies (63 Fed. Reg. 70138 et seq.).
 - 2) The billing agency and its personnel are not excluded from participation in any federal or state healthcare program.
 - 3) The billing agency is bonded and/or insured to the Township's satisfaction.
- B. The direct or third-party agency shall use the data to bill individual(s), their insurers, or financially responsible parties in accordance with the Township EMS fee schedule. However, Township residents shall not be balance billed for any uncovered amounts as outlined in the fee schedule section.
- C. In the case of extraordinary or complex incidents, the Township reserves the right to

assess additional fees related to specialized equipment, vehicle use, or personnel, as necessary.

§ 26-89. EMS Fee Schedule.

In consultation with the Mayor and Township Council, the Fire Director or his/her designee from time to time may review the EMS fee schedule and, by resolution, set forth the amount to be charged for EMS services. Such adjustments shall reflect changes in the federal CMS fee schedule and overall program costs.

Section 2. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Any section of Chapter 26 “Fire Department” of the Township Code not expressly repealed, replaced, amended or supplemented by this ordinance remains in full force and effect

Section 5. This Ordinance shall take effect upon final publication as provided by law.

Attest:

TOWNSHIP OF EAST HANOVER


Nicolette J. Calabro, RMC, Township Clerk


Joseph Parnullo, Mayor

Introduced: July 7, 2025
Adopted: August 4, 2025

I, Nicolette J. Calabro, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on August 4, 2025


Nicolette J. Calabro, RMC, Township Clerk