

ORDINANCE NO. 15,635

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting new Section 38-27, relating to final determination of ambulance fees.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by adding and enacting new Section 38-27, relating to final determination of ambulance fees, as follows:

Sec. 38-27. Final Determination of Fees.

- (a) *Authority Granted to Finance Department to Make Final Determination of Fees.* The Finance Department is granted the authority to make administrative determinations of fees owed to the city resulting from services provided pursuant to section 38-26 and to hold informal hearings on the determination as provided in this section.
- (b) *Notice to Patient.* The Finance Department may initiate administrative proceedings to determine the amount of the fees that are owed as a result of providing those services by sending a notice to the patient by regular mail to the patient's last known address. The notice shall include the following:
 - (1) The services provided and the amount owed.
 - (2) That the amount owed will be determined to be final unless appealed by an informal or formal hearing within 30 days of the date of the notice.
 - (3) That following the hearing process, the appellant is entitled to further challenge the amount owed in court.
 - (4) That this hearing process must be followed in order to contest the amount in court.
 - (5) That the final determination can be collected through the debt offset procedures in Des Moines Code sections 3-26 through 3-29.
 - (6) The notice shall be sent with an appeal form approved by the clerk and instructions as to where to send the form if the patient desires to appeal.
- (c) *Appeal.* Patient must file an appeal form approved by the clerk within the times allowed by this section.
- (d) *Informal Appeals.* If the patient requests an informal appeal, the Director shall schedule a hearing by phone conference to be presided over by the Director or an appointee of the Director. The hearing shall be informal and the presiding officer shall allow the city to present the basis for the claim and the amount owed and allow the patient to present the

basis for his or her claim as to why the fees are not owed or that the amount of the fees is incorrect. The presiding officer may accept any evidence necessary to determine whether the fees are correctly charged to the patient. Following the appeal, the presiding officer shall enter a written administrative order determining whether the debt is owed and the amount of the fees. This order is final for purposes of determining the debt and the amount of the debt for purpose of placing the debt in the Des Moines Offset Program or any other collection efforts that the city decides to pursue unless appealed by the patient. The order shall also state that the order may be appealed to a hearing officer for a formal proceeding pursuant to section 3-21 by written notice to the clerk within 30 days of the date of the order. The order shall be sent by regular mail to the last known address of the patient.

- (e) *Formal Appeals.* A patient may challenge whether the fees are owed or the amount of the fees following a notice sent pursuant to section (d) or if the patient chooses to appeal an order following an informal appeal by providing written notice of appeal to the City Clerk using a form approved by the Clerk within 30 days of the notice or the written administrative order. Upon receipt of a notice of appeal, the Clerk shall schedule a hearing pursuant to section 3-21. The city shall bear the burden of showing by a preponderance of evidence that the fees are owed and the amount of the fees is correct. The hearing officer shall issue a written order determining whether the fees are owed and the amount of the fees. This order may be appealed pursuant to section 3-25 by any party to the administrative action.
- (f) *Final Determination of Fees.* Any notice or order that is not appealed within the allowed time period becomes a final agency determination pursuant to Iowa Administrative Code section 40.3(3)(6).

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Thomas G. Fisher Jr., Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 17- 2174), passed by the City Council of said City at a meeting held December 18, 2017 signed by the Mayor on December 18, 2017 and

published and provided by law in the Business Record on January 5, 2018.
Authorized by Publication Order No. 10211.

Diane Rauh, City Clerk