

CITY OF MILWAUKEE

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Form CA-43

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October 6, 2004

Alderman Michael J. Murphy
10th Aldermanic District
City Hall, Room 205

Re: Your inquiry dated September 29, 2004 as to whether proposed ordinance relative to "dispatch fees" is legal and enforceable, and if it is legal and enforceable to prohibit an ambulance provider from billing patients for the cost of the ambulance dispatch fee

Dear Alderman Murphy:

We are please to be able to respond.

The proposal institutes a fee, referred to as a "dispatch fee," in the amount of \$23.64 for each time a private ambulance provider is requested to attend the scene of a call initiated in the 911 system.

The proposal further requires the fee to be paid quarterly upon invoice and the Fire Department is required to review the fee on an annual basis and may request adjustment of that fee based on costs associated with the service.

It is well-settled that so long as the fee reflects the actual cost of providing the system in place to initiate a call to an ambulance service provider, and is an aid of recouping those costs, such a fee is both legal and enforceable.

We have, however, been able to determine that the Fire Department dispatcher calls the private providers, who in turn, have their own "dispatch" system for dispatching a unit to the scene.

The fee is really a fee to recover the costs of a private provider participating with the City of Milwaukee in the operation of the 911 system. To avoid infusion, we have suggested a redraft of the ordinance that refers to the fee as a "participation fee" as opposed to a "dispatch fee."

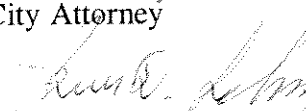
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Your letter goes on to inquire as to whether or not the City of Milwaukee may lawfully prohibit an ambulance provider from billing the patients for the cost of fee imposed upon the ambulance provider for participating in the 911 system.

Since the maximum fee that a provider may charge a patient who is transported is set by § 75-15-14 and -15 of the Milwaukee Code of Ordinances (MCO), we believe that such a prohibition is legal and enforceable. Before the ambulance providers could shift the imposition of the fee forward to the patients, the rates would have to be adjusted under § 75-15-14 and § 75-15-15, MCO.

Very truly yours,


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