

Stephen M. Wontrobski
27132 Sombras
Mission Viejo, CA 92692

August 21, 2014

Mrs. Tammi McConnell, Program Manager
Orange County Emergency Medical Services
405 W. Fifth Street, Suite 301A
Santa Ana, CA 92705

Ref: Ambulance Transport RFP Rebate Provision Followup

Dear Ms. McConnell:

In a continued effort to insure full County disclosure to the public on the Ambulance Transport RFP, I request that the following provision be included in the contract.

“Bidder is required to identify on all invoices for service, the specific dollar amount that will be rebated to the OCFA.”

The most pressing reasons to include this clause are:

1. Full disclosure to the public that are being billed.
2. Full disclosure to insurance companies and governmental reimbursement agencies, such as Medicare.
3. As a matter of conscience or religious belief, if an ambulance company does not believe it is right or ethical to “bury” rebate charges, it risks a possible OCFA backlash, if it does so.
4. Removal of OCFA retaliation threat.

Currently there is a very pressing need to eliminate the potential threat of any OCFA retaliation.

The Fire fighters Union in a public OCFA Board of Directors meeting spoke about the OCFA's retaliation against individual union members. In addition, in another OCFA public meeting, the union representative for the Orange County Employees Union spoke out regarding OCFA retaliation against the union regarding union member disclosure of HazMat material disclosure inspection billing irregularities. This is now the subject of a criminal investigation. The Health Care Agency should investigate these assertions, if it has not already done so.

I was advised by Medix Ambulance Company that the OCFA directed it to stop breaking out OCFA rebates as a line item on its invoices. Medix complied. Wouldn't you, if you were the owner and the OCFA had the power to retaliate against you? Since when can a fire agency dictate to a private ambulance company how to prepare and what to bury in its invoice?

The State EMSA Director has inquired if retaliation exists at the OCFA. The proper question the Health Care Agency needs to ask ambulance companies is, “Does an ambulance company fear potential OCFA retaliation, if they: a) report paramedic patient care failures to the Health Care Agency; or b) fail to comply with an OCFA directive that has nothing to do with patient care?” This should be done with an anonymous, confidential response due to the potential threat of OCFA retaliation.

Lastly, can you advise me whether answers to the following Ambulance Transport RFP questions, that were addressed in a prior letter, have been provided to the bidders? My questions relate to Ambulance Transport RFP pages 46 and 47 of 65, Subsection (b) ALS Service Rate.

1. From a strict reading of the provisions, it appears to me that the ambulance transport companies must rebate the ALS Service Rate amount back to the OCFA even if the Medicare Inspector General or State EMSA Office later declares the rebates to be illegal. Is this a correct interpretation?
2. If an ambulance transport company patient or insurance company refuses to pay a transport bill, must the transport company still remit the full ALS Service Rate to the OCFA?
3. Can the ambulance transport company use the services of an outside bill collector to attempt to force payment of the ALS Service Rebate amount?
4. If the ambulance transport company only obtains partial payment for the ALS Service Rate billing, must it remit the full ALS Service Rate to the OCFA?
5. Can the ambulance transport company detail on its customer or insurance company bill, how much money it is rebating to the OCFA?
6. If California insurance companies follow a growing national trend in refusing to reimburse amounts that are rebated to fire departments, must the ambulance transport company still rebate the insurance company denied ALS Service Rate charge to the OCFA?

Sincerely,

Stephen M. Wontrobski

cc: Office of the State EMSA
Orange County Board of Supervisors
Medicare Inspector General

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