



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Partially Staying the Corrective Action *
Previously Imposed Against the La Pine Rural * ORDER NO. 2023-013
Fire Protection District in Order No. 2023-006 *
*

WHEREAS, the La Pine Rural Fire Protection District ("District") is an ambulance service franchisee of Deschutes County and is therefore subject to Chapter 8.30 of the Deschutes County Code ("DCC 8.30") and Appendix A to DCC 8.30, the Deschutes County Ambulance Service Area Plan ("ASA Plan");

WHEREAS, the Board of County Commissioners ("Board") received a complaint from St. Charles Medical Group ("St. Charles") on November 16, 2020, and from St. Charles and La Pine Community Health Clinic ("LCHC") on February 3, 2021, each of which alleged that the District had violated provisions of DCC 8.30 and/or provisions of the ASA Plan;

WHEREAS, the Board assigned the task of investigating the allegations from St. Charles and LCHC to the Deschutes County Ambulance Service Area Advisory Committee ("Committee"), and thereafter the Committee performed their investigation;

WHEREAS, on September 28, 2022, after completing its investigation, the Committee adopted findings, which substantiated two of the five allegations made by St. Charles and LCHC, to wit, that the District (1) discouraged patients from utilizing the District for emergency transports; and (2) charged fees directly to St. Charles and LCHC pursuant to District Ordinance #2019-03 and District Policy #02-03, rather than to patients themselves or their insurers, and that such fees were invalid under Oregon law, and that each of these actions violated DCC 8.30.070 and Section 8.4 of the ASA Plan;

WHEREAS, on January 4, 2023, pursuant to Order No. 2023-006, the Board ordered the District to cure the aforesaid violations by (1) ceasing and desisting from unreasonably discouraging patients from requesting medical transport or treatment via District resources and from unreasonably refusing to provide such transports or treatment when requested, and (2) ceasing and desisting from charging fees to parties other than patients or their insurers for medical transport or treatment, or from collecting such fees that have been charged to third parties by the District, unless the District first procures an agreement from such third parties to pay fees for the medical transport or treatment of a patient prior to providing such medical transport or treatment;

WHEREAS, the District does not dispute the Committee's first finding, has stipulated that its conduct violated DCC 8.30 and/or the ASA Plan, and has agreed to comply with the first corrective action ordered by the Board;

WHEREAS, as described in its letter and request for hearing dated February 3, 2023 ("Request for Hearing"), the District disputes the Committee's second finding, specifically that the District willfully violated ORS 478.410, DCC 8.30.070, and/or Section 8.4 of the ASA Plan by charging and attempting to collect fees from St. Charles and LCHC rather than patients or their insurers for medical transport or treatment, and has requested a hearing before the Board to dispute or clarify the Committee's findings and the corrective action ordered by the Board in Order No. 2023-006;

WHEREAS, the District is currently in litigation with St. Charles and LCHC in *St. Charles, Inc., and La Pine Community Health Center v. La Pine Rural Fire Protection District*, Deschutes County Circuit Court Case No. 21CV28924 (“Lawsuit”), and in the Lawsuit the issue of whether the District’s aforesaid conduct violated Oregon law, including ORS 478.410, is at issue and pending before the court; and

WHEREAS, while the Board is not legally prohibited from determining whether the District’s actions violated ORS 478.410, DCC 8.30, or Section 8.4 of the ASA Plan, for prudential reasons, out of respect for the judicial process, and with the understanding that during the pendency of the Lawsuit the District has agreed not to pursue collection of the fees imposed against St. Charles and LCHC, the Board has chosen to defer to a judicial determination in the Lawsuit of whether the District’s actions violated relevant state law before requiring corrective action or imposing sanctions against the District”, now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. Order No. 2023-006 is hereby stayed, in part. To wit, the Board’s Order in Section 2, paragraph 2, which ordered the District to “cease and desist from charging fees to parties other than patients or their insurers for medical transport or treatment, or from collecting such fees that have been charged to third parties by the District, unless the District first procures an agreement from such third parties to pay fees for the medical transport or treatment of a patient prior to providing such medical transport or treatment, ” is hereby stayed pending a ruling from the court in the Lawsuit on the issue of whether the District’s conduct violated ORS 478.410.

Section 2. All remaining provisions of Order No. 2023-006 remain in full force and effect.

Section 3. Upon receipt of notice that the parties have resolved the Lawsuit without a determination from the court on the issue of whether the District’s conduct violated ORS 478.410 or other Oregon law, the stay ordered herein will immediately be revoked and the Board will proceed to schedule a hearing on the issues presented by the District in its Request for Hearing as soon as practicable after receipt of such notice.

Section 4. This Order is effective upon signing.

Dated this _____ of April 2023.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner