

ORDINANCE NO. 83-12

HERNANDO COUNTY EMERGENCY AND NON-EMERGENCY MEDICAL
TRANSPORTATION ORDINANCE

AN ORDINANCE REGULATING EMERGENCY AND NON-EMERGENCY MEDICAL TRANSPORTATION; PROVIDING FOR DEFINITIONS; REQUIRING THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, TO ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; PROVIDING FOR THE CLASSIFICATION OF CERTIFICATES; PROVIDING FOR REQUIREMENTS AND ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; SETTING STANDARDS FOR REVIEW AND APPROVAL; PROVIDING FOR REVOCATION, MODIFICATION OR SUSPENSION OF CERTIFICATES; PROVIDING FOR TRANSFER OR ASSIGNMENT; REQUIRING INSURANCE; PROVIDING FOR RATES AND REGULATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING FOR AN EFFECTIVE DATE AND ADOPTION AS AN EMERGENCY ORDINANCE.

WHEREAS, the Board of County Commissioners has found and determined that it is in the public interest, convenience and necessity to regulate emergency and non-emergency medical transportation services to the residents of Hernando County.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION I. PURPOSE AND SCOPE

This Ordinance is enacted pursuant to Section 401.25(8), Florida Statutes, for the purpose of providing standards and necessary regulations for the issuance of certificates of public convenience and necessity for emergency and non-emergency medical transportation services. This Ordinance shall apply and be in force within the incorporated and unincorporated areas of Hernando County except as otherwise specified by Section 13 (Exemptions) of this Ordinance.

SECTION II. DEFINITIONS

When used in this Ordinance, the following terms shall mean as follows:

- A. Air Medical Transportation Service: Any person, firm, corporation, association or governmental agency that engages in the business of providing aircraft transportation for emergency or non-emergency medical patients.

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- B. Advanced Life Support Services, (ALS): Any person, firm, corporation, association or governmental agency that performs any pre-hospital advanced life support measures which include the use of adjunctive equipment and special techniques such as the use of endotracheal intubation or other invasive airways, cardiac monitoring, defibrillation, establishing I.V. lifelines, drug administration or the use of any other supplies, devices, drugs, substances or procedures, determined to constitute advanced life support by a consensus of the ALS Medical Directors in Hernando County.
- C. Ambulance: Any private or publicly owned land, air or water vehicle which is designed, constructed, reconstructed, maintained, equipped or operated, and is used for or intended to be used for air, land, or water transportation of persons who are sick, injured or otherwise helpless.
- D. Basic Life Support Service, (BLS): Any person, firm, corporation, association or governmental agency that performs any emergency first aid and patient care measures which include the application of cardiopulmonary resuscitation (CPR) and other non-advanced life support (ALS) procedures which will support life until the commencement of ALS physician or emergency department treatment.
- E. Board: The Board of County Commissioners of Hernando County or any designee which the Board of County Commissioners may authorize.
- F. Certificate: A Certificate of Public Convenience and Necessity issued by the Board of County Commissioners.
- G. Emergency Ambulance Service: Any person, firm, corporation, association or governmental agency that advertises or engages in the business of

responding to calls for emergency medical care and transportation in Hernando County.

- H. Emergency Medical Technician (EMT): Any person certified by the State of Florida pursuant to Chapter 401 of the Florida Statutes as an Emergency Medical Technician.
- I. Ambulance Driver: Any person who possesses a valid emergency ambulance drivers' certificate issued pursuant to the provisions of Florida Statutes Chapter 401.27(4).
- J. Medical Directors: The qualified physician or physicians who serve as the Medical Directors for ALS services in Hernando County, pursuant to Chapter 401.46(2) of the Florida Statutes.
- K. Non-Emergency Medical Transportation Service: Any person, firm, corporation, association or governmental agency that advertises or engages in the business of transporting persons while on stretchers or in wheelchairs who, because of handicap, illness, injury, or other incapacitation cannot be transported by a regular common carrier, such as bus or taxicab, and neither need nor expect medical attention enroute.
- L. Paramedic: Any person who is certified by the State of Florida and the medical directors in Hernando County, as a paramedic.
- M. Rates: The fares or charges established pursuant to this Ordinance to be paid by passengers or patients for the transportation and/or treatment provided by an advanced life support service, emergency ambulance service, non-emergency medical transportation service or air medical transportation.
- N. Rules and Regulations: Those specific requirements and guidelines which are promulgated and periodically revised by the Board.

SECTION III. CERTIFICATES REQUIRED

- A. Every person, firm, corporation, association or governmental agency that advertises or engages in the business of operation of an advanced life support service, an emergency ambulance service, a non-emergency medical transportation service or an air medical transportation service in Hernando County must obtain a Certificate of Public Convenience and Necessity from the Board.
- B. Every person, firm, corporation, association or governmental agency that routinely or regularly operates a vehicle in Hernando County for the purpose of engaging in the business of providing advanced life support, emergency ambulance service, non-emergency medical transportation service or air medical transportation service must obtain a Certificate of Public Convenience and Necessity from the Board.

SECTION IV. CLASSIFICATION OF CERTIFICATES

Services granted certificates shall operate in accord with the classification of each service category and sub-category as follows:

- A. Advanced Life Support Service
1. Transport - ALS service maintained or operated with the intention of providing emergency transportation on a regular basis as a matter of established operational policy.
 2. Non-Transport - ALS service maintained or operated with the intention of not providing emergency transportation on a regular basis as a matter of established operational policy.
- B. Emergency Ambulance Service
- Emergency Ambulance Service maintained or operated with the intention of providing emergency medical care and transportation on a regular basis as a matter of established operational policy.

C. Non-Emergency Medical Transportation Service

1. Stretcher - service maintained or operated with the intention of providing non-emergency medical transportation service to stretcher patients only, as a matter of established operational policy.
2. Wheelchair - service maintained or operated with the intention of providing non-emergency medical transportation service to wheelchair patients only, as a matter of established operational policy.

D. Air Medical Transportation Service

A non-military service maintained or operated with the intention of providing transportation by aircraft for emergency or non-emergency medical patients as a matter of established operational policy.

SECTION V. CERTIFICATE APPLICATION REQUIREMENTS

- A. No person, firm, corporation or partnership shall operate any of the services as described in Section IV unless a Certificate of Public Convenience and Necessity is first obtained from the Board.
- B. Each application for a certificate shall include the following:
 1. The name, address and telephone number of the general manager, owner, officers and directors of the applicant.
 2. The date of incorporation or formation of the business association.
 3. If the applicant is a corporation, the type and number of shares outstanding and the name and addresses of shareholders.
 4. The area or areas which the applicant desires to serve.

5. The addresses of the applicant's present and proposed base station location and all sub-stations.
 6. The names and certification numbers of all EMT's, paramedics, drivers, or other attendants, employed by the applicant.
 7. The year, model, type, Department of Health and Rehabilitative Services permit number, motor vehicle or FAA license number and mileage of every ambulance, rescue vehicle, aircraft or other type of transporting or responding vehicle used by the applicant.
 8. A description of the applicant's communication system, including its assigned frequency, call numbers, mobiles, portables, range and hospital communications ability.
 9. The name of the municipalities and description of the geographical area that the applicant has previously been authorized to serve in Hernando County, any other county in Florida or any area outside of the State of Florida.
 10. A sworn statement signed by the applicant or its authorized representative stating that all the information provided by the applicant in the application is true and correct.
 11. A list of equipment and supplies which will be routinely carried on each vehicle.
 12. County Occupational License when applicable.
 13. When applicable, Compilation Statement showing assets and liabilities prepared by Certified Public Accountant.
 14. Any other information as may be reasonably required by the Board.
- C. Each application for Certificate of Public Convenience and Necessity shall be submitted to the Board for review. An initial application fee of

\$_____ shall be required. Renewal applications shall have a fee of \$_____.

- D. For the purpose of review of applications or determination of applicant's compliance, the Board or its designated representative shall be empowered to perform reasonable inspections of any item pertinent to the requirements of this Ordinance.
- E. The Board shall hold a public hearing for the purpose of considering all pending applications for a certificate. All applicants and all present certificate holders shall be notified of the date, time, and place of the public hearing. Said notice shall be sent by certified mail, not less than twenty (20) days prior to the public hearing.
- F. At such hearing, the Board shall consider all applications and pertinent information and shall make its finding as to each applicant, and shall determine whether the public convenience and necessity of the residents of Hernando County would best be served by granting or denying such applications.
- G. Upon making such findings and determinations, the Board shall vote on the granting or denial of certificates.
- H. The initial certificate granted by the Board to a service shall be valid for a two (2) year period less the number of months left until the established renewal date of September 1st. Subsequent certificates granted shall be valid from the aforesaid periods of two (2) years unless otherwise revoked, suspended or modified.

SECTION VI. APPLICATION REVIEW CRITERIA

The Board shall review the application in consideration of, but not limited to, the following criteria:

- A. The number and type of services and governmental entities currently providing emergency advanced

life support or non-emergency medical service or air medical transportation services to the area.

1. The basis for determination of need may include a comparison of estimated annual requests for service in the particular certificate category, with the current number of vehicles satisfying requests.
- B. The past performance and service record of the applicant obtained from sources such as hospitals, nursing homes, local public safety agencies and the local Department of Health and Rehabilitative Services EMT representatives.
- C. The financial responsibility of the applicant to maintain safe, comfortable services, maintain or replace equipment, and maintain required liability and medical malpractice insurance upon the request of the Board.
- D. The condition of the vehicles and equipment provided by the service.
- E. The adequacy of the management plan of the applicant upon the request of this service.
- F. The extent to which the service is needed to improve the overall capability of medical transportation services within the County.
- G. The effect of the proposed service with respect to the quality and cost of existing service and the effect on the overall cost of medical transportation service within the County.
- H. The effect of the proposed service on existing hospitals and other health care facilities.
- I. The recommendations of any affected municipality.

SECTION VII. CERTIFICATE REVOCATION, MODIFICATION, SUSPENSION OR AFFIRMATION

- A. Every Certificate of Public Convenience and Necessity issued pursuant to this Ordinance is subject

to revocation, modification or suspension when it is found that:

1. The certificate holder has failed or neglected to render services as required by the certificate, or the Rules and Regulations promulgated under Chapter 401 of Florida Statutes, or
2. The application by which the certificate was secured contained false representations or omitted material facts, or
3. The certificate holder or its agent has demanded money or other compensation in excess of that established in its schedule of fees or rates filed with the Board, or
4. The certificate holder has been convicted of a felony which renders the certificate holder of such character and conduct which fail to meet standards of conduct considered appropriate in the licensed activity. Indetermining whether to revoke, suspend or modify a certificate holder's certificate, the Board shall consider the following factors:
 - a. The nature and seriousness of the offense.
 - b. The circumstances under which the felony occurred.
 - c. The amount of time which has passed since the commission of the offense.
 - d. The age of the person when he committed the offense.
 - e. Whether the offense was an isolated or repeated violation.
 - f. Social conditions which may have contributed to this offense.
 - g. Any evidence of rehabilitation.
 - h. The type of position or employment in which the certificate holder is involved.

- i. Any extenuating or mitigating circumstances which the certificate holder may offer.
- B. Complaints about the service of certificate holders or evidence of infractions shall be received and investigated by the County Administrator or his designee.
- C. If the Board finds that revocation, suspension, modification or affirmation of a certificate is warranted, notice shall be sent to the certificate holder by certified mail of such finding and of the date of the public hearing on the matter, not less than twenty (20) days prior to the hearing date.
- D. A public hearing shall be held by the Board on the scheduled date, for the purpose of considering revocation, suspension, modification or affirmation of the certificate.
- E. The Board shall then either revoke, modify, suspend or affirm the certificate in question.

SECTION VIII. PROCESS FOR APPEAL

Any person who is aggrieved or substantially affected by a decision of the Board may seek relief through appeal to a court of competent jurisdiction.

SECTION IX. RENEWALS OF CERTIFICATES

- A. Applications for renewal of Certificates of Public Convenience and Necessity shall be made on forms provided by the Board and received not later than September 1st of the year in which a certificate expires.
- B. All requirements applicable to initial applicants for Certificates of Public Convenience and Necessity shall be applicable to certificate holders seeking to renew their Certificates of Public Convenience and Necessity.

SECTION X. TRANSFER OR ASSIGNMENT OF CERTIFICATES

- A. No certificate issued pursuant to this Ordinance is assignable or transferrable except upon written

approval by the Board in the same manner and subject to the same application, investigation, fees and public hearing as original applications for certificates.

- B. Any transfer of shares of stock or interest of any person or operator so as to cause a change in the officers or stockholders shall be deemed a transfer or assignment.

SECTION XI. INSURANCE

Every certificated service shall carry bodily injury and property damage insurance or its equivalent, with solvent and responsible insurers authorized to transact business in the State of Florida, or be qualified by the State as a self insurer, to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the service's motor vehicles. Each vehicle shall be insured for the sum of at least one hundred thousand dollars (\$100,000.00) for injuries to or death of any one person arising out of any one accident, in the sum of at least three hundred thousand dollars (\$300,000.00) for injuries to or death of more than one person in any one accident and for the sum of at least fifty thousand dollars (\$50,000.00) for damage to property arising from any one accident. Each ALS or BLS service shall maintain medical malpractice insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for injury to one person, and in the amount of at least three hundred thousand dollars (\$300,000.00) for injury to more than one person in any one incident. Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any financial judgment entered against the service or any person driving a vehicle of the service. Such insurance shall be obtained and certificates or certified copies of such policies shall be filed with the Board. All such insurance policies shall provide for a thirty (30) day cancellation notice to the Board.

SECTION XII. RATES

All certificate holders shall file with their application a schedule of proposed rates for transportation or treatment of patients. All initial rates and subsequent rate changes are subject to the review and approval of the Board.

SECTION XIII. EXEMPTIONS

The provisions of this Ordinance shall not apply to the following:

- A. The U.S. Military
- B. Hospitals transporting their patients in hospital vehicles where there is no charge for that service.
- C. Any public bus or school bus system.
- D. Taxicabs or any other public transportation system.

SECTION XIV. RULES AND REGULATIONS

A. The Board or its designee is hereby authorized to prepare such rules and regulations, subject to the Board of County Commissioners approval, necessary to carry out the purpose of this Ordinance relative to the following subject matter:

- 1. Design and construction of vehicles
- 2. Mechanical and first aid equipment and supplies to be carried on vehicles
- 3. Sanitation of vehicles
- 4. Minimum training and qualifications of Paramedics, EMT's and other attendants
- 5. Obedience to traffic laws
- 6. Central places of business of ambulance services
- 7. Communication equipment
- 8. Personnel, vehicle and financial record keeping
- 9. Level of service
- 10. Personnel manning and riding in vehicles
- 11. Response time
- 12. Procedures for response to call
- 13. Record keeping and reporting
- 14. Deficiency Correction Notice

15. Such other matters as are in the interest of the public health, safety, welfare, convenience and necessity of the citizens of Hernando County.

B. All regulations promulgated under the preceding paragraph shall be approved by the Board by resolution in regular session.

SECTION XV. PENALTIES

Any person who violates a provision of this Ordinance shall be subject to punishment as provided by Florida Statute 125.69. Violators shall be prosecuted by the Office of the State Attorney in the same manner as misdemeanors are prosecuted and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. In addition to any other remedies, violations may be enjoined by the Board.

SECTION XVI. SEVERABILITY

Should any provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

SECTION XVII. CONSTRUCTION OF ORDINANCE

The provisions of this Ordinance shall be liberally construed in order to effectively carry out the purposes of this Ordinance in the interest of the public health, safety and welfare of the citizens and residents of Hernando County.

SECTION XVIII. EMERGENCY ORDINANCE

The Board hereby finds that an actual emergency exists within Hernando County which threatens the health, safety and welfare of the residents of Hernando County in that there exist no criteria for evaluating the issuance of certificates of public necessity and convenience. This Ordinance is adopted as an emergency Ordinance pursuant to Section 125.66 Florida Statutes by a vote of all five members of the Board of County Commissioners of Hernando County.

ADOPTED THIS 22nd day of November, 1983. A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY Henry P. Ledbetter
HENRY P. LEDBETTER, CHAIRMAN

Attest Harold William Brown, Deputy Clerk
HAROLD WILLIAM BROWN, CLERK