



Broward County

Legislation Text

File #: 21-2186, Version: 1

Broward County Commission Regular Meeting

Director's Name: Leonard Vialpando

Department: Resilient Environment

Division: Consumer Protection Division

Information

Requested Action

A. MOTION TO APPROVE renewal of Class 2 - Advanced Life Support (ALS) Transfer Certificate of Public Convenience and Necessity and Class 3 - Basic Life Support (BLS) Transport Certificate of Public Convenience and Necessity to: Broward Ambulance Inc., d/b/a American Medical Response, contingent upon completion of the requirements identified in the Broward County Code of Ordinances and entering into an agreement with the County establishing ambulance transport rates, a fee forgiveness program, and defraying administrative costs of monitoring and regulating the ambulance companies.

ACTION: (T-11:59 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically.

B. MOTION TO APPROVE renewal of Class 2 - Advanced Life Support (ALS) Transfer Certificate of Public Convenience and Necessity and Class 3 - Basic Life Support (BLS) Transport Certificate of Public Convenience and Necessity to: MCT Express, Inc., contingent upon completion of the requirements identified in the Broward County Code of Ordinances and entering into an agreement with the County establishing ambulance transport rates, a fee forgiveness program, and defraying administrative costs of monitoring and regulating the ambulance companies.

ACTION: (T-11:59 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically.

Why Action is Necessary

Pursuant to Chapter 3½-6(f) of the Broward County Code of Ordinances, a public hearing must be held to consider the award or denial of Certificates of Public Convenience and Necessity.

What Action Accomplishes

Provides the Board with an opportunity to receive public comments concerning an applicant seeking to provide Class 2 - ALS Transfer services and Class 3 - BLS Transport services within Broward County.

Is this Action Goal Related

No

Previous Action Taken

On December 7, 2021, Motion to Direct the County Administrator to publish notice of a January 25, 2022 Public Hearing.

Summary Explanation/Background

THE RESILIENT ENVIRONMENT DEPARTMENT AND THE CONSUMER PROTECTION DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

Chapter 3½ of the Broward County Code of Ordinances ("Code") requires that a Certificate of Public Convenience and Necessity ("COPCN") be obtained from the County prior to a person, firm, corporation, or association providing ALS or BLS services within Broward County, Florida. Approval of the motion awards Class 2 - ALS Transfer COPCNs and Class 3 - BLS Transport COPCNs to Broward Ambulance Inc., d/b/a American Medical Response and to MCT Express, Inc. ("Applicants"). A Class 2 - ALS Transfer COPCN and a Class 3 - BLS Transport COPCN are valid for the time period established by the Board, not to exceed five years.

The Consumer Protection Division acts as the designee of the County Administrator for the purpose of reviewing and processing applications for Class 2 - ALS Transfer and Class 3 - BLS Transport COPCNs. The application process is promulgated through rules and regulations set forth in Chapter 3½ of the Code. The full applications, including the exhibits, are maintained by the Consumer Protection Division.

The Consumer Protection Division has received and reviewed the renewal applications from the Applicants (Exhibits 1 and 2) and has determined that both Applicants are in compliance with the requirements set forth in Chapter 3½-8 of the Code.

Pursuant to Chapter 3½-8, the EMS Review Committee of the Broward Regional EMS Council reviewed the above applications on November 18, 2021 due to the Division receiving one complaint against each of the applicants during the previous COPCN period, each of which was resolved. The EMS Review Committee recommended approval of the COPCNs to the Applicants (Exhibit 3).

Pursuant to Chapter 3½-6(g) of the Code, the Broward County Office of the Medical Examiner and Trauma Services, the local trauma agency, recommends approval of the COPCNs (Exhibit 4).

Pursuant to Chapter 3½-6(f) and (g) of the Code, the Board must hold a public hearing to consider the pending applications for certificates and determine whether the public convenience and necessity of the residents of Broward County would be best served by granting or denying the applications. In making its determination, the Board considers the items in Section 3½(d) of the Code and the following:

- (1) The recommendations of the County Administrator or designee and the County's local trauma agency;
- (2) The adequacy of the management plan of the applicant;
- (3) The benefits that will accrue to the public interest from the proposed service including, but not

limited to, the community's need for additional service (the applicant has the burden of proving that there is such a need by providing verifiable documents and other evidence);

- (4) The results of a County-conducted survey of the community's needs;
- (5) Any recommendations from municipalities within Broward County;
- (6) All relevant matters presented at the Public Hearing; and
- (7) Other matters deemed to be in the best interests of the public health, safety, welfare, convenience, and necessity of the residents of Broward County.

If the Board approves renewal of the Class 2 - ALS Transfer and Class 3 - BLS Transport COPCNs, the Consumer Protection Division will conduct a review of the remaining requirements (e.g., vehicle inspections and personnel requirements, adequate insurance) pursuant to Chapter 3½ of the Code for compliance relating to emergency medical services transportation, and the Broward County Office of the Medical Examiner and Trauma Services will ensure the approval of a contractual agreement between the County and the Applicants.

Accordingly, the Consumer Protection Division presents these COPCNs to the Board for its consideration.

Source of Additional Information

Philip McChesney, Acting Director, Consumer Protection Division, 954-519-1223

Fiscal Impact

Fiscal Impact/Cost Summary

There is no fiscal impact.