

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

REVISED

AGENDA ITEM SUMMARY

Meeting Date: September 12, 2006 ☐ Consent ☐ Regular
 ☒ Ordinance ☐ Public Hearing

Department

Submitted By: **PUBLIC SAFETY**

Submitted For: **Emergency Management / EMS**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on October 17, 2006 at 9:30a.m.: A) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 13, Article II, Emergency Medical Services, Division I (Ord. No. 01-025) entitled Palm Beach County Emergency Medical Services Ordinance of 2006; Providing for Title; Providing for Authority and Purpose; Providing for Definitions; Providing for Territorial Applicability; Providing for Certificate and Endorsements Required; Providing for Procedures for Requesting Certificate; Providing for Investigation and Review of Application; Providing Requirement for Board Approval in Granting a Certificate of Public Convenience and Necessity; Providing for Term and Assignability of Certificates; Providing for Rights and Duties Granted by Certificate; Providing for Provision of Patient Outcome; Providing for Vehicle Permits; Providing for Rules and Regulations; Providing for General Prohibition; Providing for Deficiencies; Providing for Complaint Procedures; Providing for Certification Revocation, Modification, Suspension; Providing Emergency Powers; Providing Exclusion from Certificate or Permit Requirement; Providing for Enforcement; Penalties; Providing Repeal of Laws in Conflict; Providing Savings Clause; Providing Severability; Providing Inclusion in the Code of Laws and Ordinances; Providing Enforcement; Providing Penalty; Providing Captions; and Providing for an Effective Date; and **B) Approve** the inclusion of the Rules and Regulations into the Ordinance.

Summary: This ordinance amendment and its rules and regulations modify the "CON" of Palm Beach County Fire/Rescue to allow the agency to provide transportation of patients from the scene of 9-1-1 calls instead of the private ambulance providers. As a result of a plan developed by Fire/Rescue and the private providers, the Glades area sub-zone and the unincorporated areas from Tequesta to West Palm Beach will be serviced by Fire/Rescue as of January 1, 2008 and the sections referencing the Glades sub-zone will be deleted as of January 1, 2008. Fire/Rescue will provide all emergency response and patient transportation services in those areas. In addition to the modification of Fire/Rescue's CON, the private ambulance providers are requesting the issuance of a 4-year extension of their current Certificate of Public Convenience and Necessity (CON) from January 1, 2008 to December 31, 2011. These requests will be presented to the Board at a public hearing on November 21, 2006. County wide (DW)

Background and Policy Issues: (Continued on Page 3)

Attachments:

1. Proposed Ordinance

Recommended by: *Paul Amico* *8/30/06*
 Department Director Date

Approved by: *Vincent J. Benvenuto* *9/7/06*
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					

NET FISCAL IMPACT

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No XX
Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

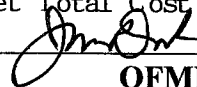
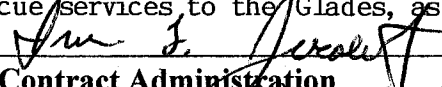
C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS


A. OFMB Fiscal and/or Contract Dev. and Control Comments:

The fiscal impact of providing ALS services is included in FY 2007's \$5.2 million

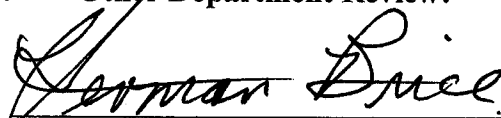
Net Total Cost of providing Fire Rescue services to the Glades, as identified by Fire Rescue

 OFMB	 Contract Administration
8-28-06 CW 09/14/06	8/28/06 E Jones 8/28/06

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:


Department Director

This summary is not to be used as a basis for payment.

Background and Policy Issues: County Fire/Rescue is currently limited to providing patient transportation only to those patients needing advanced life support services. In 2005, the Board discussed increasing that service to all patients, including those needing basic life support services or first aid. The Board directed Fire/Rescue staff to work with both the private providers and the firefighters' union representatives to develop a plan of transition. The representatives of each area have agreed to a plan that is incorporated in the ordinance changes. Under the plan, effective on January 1, 2008 after passage of the ordinance, Fire/Rescue will service all of the Glades area and a portion of the northern area of the County as the sole provider in the unincorporated area and those incorporated areas presently serviced by Fire/Rescue. In the remainder of the County, Fire/Rescue will continue to be the provider of advanced life support transportation and the private providers will continue to be the providers of basic life support transportation. The private providers want a 4-year extension of their current CON's issued now, in order to assure their continued service until Fire/Rescue takes over all emergency patient services in the County. The Board must declare the issuance of this extension and Fire/Rescue's modified CON as an "extraordinary circumstance" in order to bypass the normal public hearing process required for the issuance of either a temporary CON or a CON shorter than the normal 6-year CON time period.

ORDINANCE NO. 2006-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, EMERGENCY MEDICAL SERVICES, DIVISION I (ORD. NO. 01-025) ENTITLED PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES ORDINANCE OF 2006; PROVIDING FOR TITLE; PROVIDING FOR AUTHORITY AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR TERRITORIAL APPLICABILITY; PROVIDING FOR CERTIFICATE AND ENDORSEMENTS REQUIRED; PROVIDING FOR PROCEDURES FOR REQUESTING CERTIFICATE; PROVIDING FOR INVESTIGATION AND REVIEW OF APPLICATION; PROVIDING REQUIREMENT FOR BOARD APPROVAL IN GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; PROVIDING FOR TERM AND ASSIGNABILITY OF CERTIFICATES; PROVIDING FOR RIGHTS AND DUTIES GRANTED BY CERTIFICATE; PROVIDING FOR PROVISION OF PATIENT OUTCOME; PROVIDING FOR VEHICLE PERMITS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR GENERAL PROHIBITION; PROVIDING FOR DEFICIENCIES; PROVIDING FOR COMPLAINT PROCEDURES; PROVIDING FOR CERTIFICATION REVOCATION, MODIFICATION, SUSPENSION; PROVIDING EMERGENCY POWERS; PROVIDING EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT; PROVIDING FOR ENFORCEMENT; PENALTIES; PROVIDING REPEAL OF LAWS IN CONFLICT; PROVIDING SAVINGS CLAUSE; PROVIDING SEVERABILITY; PROVIDING INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING ENFORCEMENT; PROVIDING PENALTY; PROVIDING CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted the Palm Beach County Emergency Medical Services Ordinance, Chapter 13, Article II, (Ordinance No. 96-16); and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, repealed Palm Beach County Ordinance No. 96-16 and replaced it with Ordinance No. 2001-025; and

WHEREAS, Chapter 401, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to provide and maintain for the citizens of said County standards which ensure their health, welfare and well being; and

WHEREAS, the Board of County Commissioners of Palm Beach County recognizes that the public health and safety of the residents and visitors of the County will best be served by enacting emergency medical services legislation; and

WHEREAS, in order to effectively promote the health, safety, and welfare of the residents and visitors of Palm Beach County in need of emergency medical services, it is

1 necessary to establish reasonable standards for issuing Certificates of Public Convenience and
2 Necessity for Advanced Life Support, Advanced Life Support Transportation, and Air
3 Ambulance Services.

4 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

6 **Section 1. SHORT TITLE.**

7 This Ordinance shall be titled "Palm Beach County Emergency Medical Services
8 Ordinance of 2006."

9 **Section 2. AUTHORITY AND PURPOSE.**

10 This Ordinance is promulgated pursuant to Chapter 401, Florida Statutes. The purpose of this
11 Ordinance is to promote the health, safety, and welfare of residents of the County in need of
12 emergency medical services by establishing standards for issuing certificates of public
13 convenience and necessity for advanced life support transportation services, advanced life
14 support services, and air ambulance services, and by providing for the adoption of rules and
15 regulations governing the zones, areas, and operation of the services as described herein.

16 **Section 3. DEFINITIONS.**

17 A. *Administrator* means the County Administrator or his designee.

18
19 B. *Advanced life support* or *ALS* means treatment of life-threatening medical emergencies
20 through the use of techniques such as endotracheal intubation, the administration of drugs or
21 intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a person qualified
22 in accordance with Chapter 401, Florida Statutes.

23
24 C. *Advanced life support rescue* means the extrication and recovery of persons and the use
25 of advanced life support treatment that do not involve fire fighting as a regular duty.

26
27 D. *Advanced life support service* means any person, firm, corporation, association, or
28 governmental entity owning or acting as an agent for the owner of any business or service which
29 furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or
30 professes to engage in the business or service of providing advanced life support.

31
32 E. *Advanced life support (ALS) transportation service* means any person, firm, corporation,
33 association, or governmental entity owning or acting as an agent for the owner of any business or
34 service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to
35 engage in, or professes to engage in the business or service of responding to medical or
36 emergency medical calls with ALS units and which is endorsed by the County to routinely
37 transport patients.

38
39 F. *Advanced life support unit* or *ALS unit* means any land or water vehicle that is designed,
40 constructed, reconstructed, maintained, equipped or operated and is used for or intended to be
41 used for water or land ALS transportation of sick or injured persons requiring or likely to require
42 medical attention or emergency medical attention.

43
44 G. *Advanced life support vehicle* or *vehicle* means any vehicle which is staffed and equipped
45 to provide advanced life support treatment, but not used for transport.

46
47 H. *Air ambulance* means any aircraft used for, or intended to be used for, air transportation
48 of sick or injured persons requiring or likely to require medical attention during transport.

49

- 1 I. *Air ambulance service* means any person, firm, corporation, association, or governmental
2 entity owning or acting as an agent for the owner of any business or service which furnishes,
3 operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to
4 engage in the business or service of responding to medical or emergency medical calls with air
5 ambulances.
6
- 7 J. *Area* means a geographical division of the County that is clearly defined by distinct
8 borders and/or municipal boundaries within which a primary provider will provide services.
9
- 10 K. *Basic life support* or *BLS* means treatment of medical emergencies by a qualified person
11 through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR),
12 splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical
13 antishock trousers, administration of a subcutaneous injection using a premeasured autoinjector
14 of epinephrine to a person suffering an anaphylactic reaction, and other techniques described in
15 the Emergency Medical Technician Basic Training Course Curriculum of the United States
16 Department of Transportation.
17
- 18 L. *Basic life support service* means any emergency medical service which uses BLS
19 techniques.
20
- 21 M. *Board* means the Board of County Commissioners of Palm Beach County, Florida.
22
- 23 N. *Certificate holder* means any person, firm, corporation, association, or governmental
24 entity owning or acting as an agent for the owner of any business or service which has been
25 issued a certificate of public convenience and necessity by the County.
26
- 27 O. *Certificate of public convenience and necessity* or *certificate* or *COPCN* or *EMS*
28 *certificate* means a certificate with endorsements issued by the Board of County Commissioners
29 of the County, deeming it to be in the public convenience and necessity for the named advanced
30 life support transportation service, advanced life support service, or air ambulance service to
31 operate within the confines of the County, as authorized in Florida Statutes, § 401.25.
32
- 33 P. *County* means the incorporated and unincorporated areas of Palm Beach County, Florida.
34
- 35 Q. *Emergency medical call* means any request for the immediate and prompt dispatch of an
36 ALS unit, vehicle or air ambulance or vehicle for the purpose of providing immediate medical
37 assistance or transportation of a sick, injured or otherwise incapacitated patient.
38
- 39 R. *Emergency medical services* means the activities or services to prevent or treat a sudden
40 critical illness or injury and to provide emergency medical care and/or pre-hospital emergency
41 medical transportation to sick, injured, or otherwise incapacitated persons in this state.
42
- 43 S. *Emergency Medical Services Council* or *EMS Council* means the agency appointed by the
44 Board of County Commissioners to advise and provide comment on matters relating to
45 emergency medical services within the County.
46
- 47 T. *En route time* shall be measured as the time beginning when a request for emergency
48 assistance is received at a certificate holder's public safety answering point (PSAP) or dispatch
49 center and ends when an advanced life support unit or advanced life support vehicle, or air
50 ambulance of a certificate holder reports beginning its response to the reported address of the
51 emergency. All en route times are to be measured in increments of minutes and seconds.
52
- 53 U. *Endorsement* means the type(s) of service a certificate holder is authorized to provide and
54 the respective area(s) or zone(s) in which it may provide said service, as shown on an EMS
55 certificate issued by the Board.
56
- 57 V. *Evacuation* means the withdrawal and transport of ill or incapacitated persons who reside
58 in threatened areas and require transportation, to or from a Board-established shelter, utilizing
59 ALS units, when required by the Board due to a local state of emergency.
60
- 61 ~~W. *Glades Sub Zone* means the geographical area of the county which includes the~~
62 ~~incorporated area of the cities of Belle Glade, Pahokee, and South Bay and certain~~

1 ~~unincorporated area that is defined in the rules and regulations within which a secondary~~
2 ~~provider will provide primary advanced life support service.~~ [This provision shall become
3 effective January 1, 2008.]
4

5 W. *Extraordinary Circumstances* means special conditions or events such that, in the
6 discretion of the Board of County Commissioners, considerations of public interest, safety or
7 welfare warrant waiving the normal requirements for extension of a certificate in order to
8 institute pilot programs in cooperation with Palm Beach County Fire Rescue and assure the
9 continuity of service in the County.

10
11 X. *Inter-facility transfer* means the transportation of a patient by an ALS unit or air
12 ambulance licensed under Florida Statutes, ch. 401, between two (2) facilities licensed under
13 Florida Statutes, ch. 395.

14
15 Y. *MedCom* means the Palm Beach County Medical Communications Center.

16
17 Z. *Medical call* means any request for medical assistance or transportation which does not
18 require the immediate or prompt dispatch of an ALS unit, vehicle, or air ambulance, or any
19 situation which does not require the immediate or prompt provision of medical assistance or
20 transportation.

21
22 AA. *Medical control* means direct physician supervision through two-way voice
23 communication or through established written standing orders.

24
25 BB. *Medical director* means a Florida-licensed physician who shall become an active member
26 of the Palm Beach County EMS Council's medical director's standing subcommittee and is
27 employed or contracted to provide medical supervision for the daily operations and training
28 pursuant to Florida Statutes, ch. 401, or advanced life support transportation services, advanced
29 life support services, or air ambulance services, as defined in ch. 64E-2 (F.A.C.).

30
31 CC. *Medical director's standing subcommittee* means a perennial subcommittee of the EMS
32 Council comprised of medical directors of ALS transportation services, ALS services, or air
33 ambulance services.

34
35 DD. *Patient* means any person who requires, or may require, medical assistance and/or
36 transportation.

37
38 EE. *Permit* means the adhesive decal issued by the County to an ALS transportation service,
39 ALS service, or air ambulance service, and which must be affixed to an ALS unit, vehicle, or air
40 ambulance authorized by the Administrator to operate in the County. No ALS unit or vehicle or
41 air ambulance shall operate in the County without obtaining said permit.

42
43 FF. *Primary provider* means the agency designated by the Board to provide advanced life
44 support emergency medical services and/or transport within the area or zone stated upon their
45 COPCN.

46
47 GG. *Response time* shall be measured as the time beginning when a request for emergency
48 assistance is received at a certificate holder's public safety answering point (PSAP) or dispatch
49 center and ends when an advanced life support unit or vehicle or air ambulance of a certificate
50 holder arrives at the reported address of the emergency. All response times are to be measured in
51 increments of minutes and seconds.

52
53 HH. *Secondary provider* means the agency designated by the Board to provide secondary
54 advanced life support transport services within a geographically defined zone.

55
56 II. *Secondary provider zone* or *zone* means the geographical division of the County that is
57 defined in the rules and regulations within which a secondary provider will provide advanced life
58 support service.

59
60 JJ. *Special secondary service provider* means the agency designated by the Board to provide
61 special secondary advanced life support or basic life support services within those gated

1 communities which request to have such services at costs borne by the requesting gated
2 communities.

3
4 KK. *Subscription service program* means an agreement between a certificate holder providing
5 advanced life support (ALS) transportation service in the County and a homeowners' association,
6 condominium association, country club, community association (collectively referred to as
7 "community") or any other person or entity which agreement provides for the provision of
8 various ambulance or ambulance transportation services by the certificate holder for the
9 community, or other person or entity, for a specified premium or price paid by the community, or
10 other person or entity. In an agreement with a community the funds to pay the premium to the
11 certificate holder are generated by assessments paid by the residents to the mandatory
12 homeowners' or condominium association governing the community. The subscription service
13 program shall be authorized by the issuance of a certificate of authority by the state department
14 of insurance. The certificate holder must meet all licensing and other requirements of the
15 department of insurance.

16
17 LL. *Transfer* means the transportation of a patient by an ALS unit or air ambulance as a result
18 of a request for response to a medical call.

19 **Section 4. TERRITORIAL APPLICABILITY.**

20 This article applies in both the incorporated and unincorporated areas of the County.

21 **Section 5. CERTIFICATE AND ENDORSEMENTS REQUIRED.**

22 (a) The County shall issue certificates of public convenience and necessity titled "EMS
23 certificates." Every person, firm, corporation, association, or governmental entity owning or
24 acting as an agent for the owner of any business or service, wishing to respond to emergency and
25 medical calls, which furnishes, operates, conducts, maintains, advertises, engages in, proposes to
26 engage in, or professes to engage in the business or service of providing primary provider or
27 secondary provider advanced life support transportation, primary provider advanced life support,
28 special secondary service provider, inter-facility transfer, inter-hospital or air ambulance
29 services, must obtain an EMS certificate. Due to the standards established by this Ordinance, no
30 "EMS certificates" shall be issued with a BLS endorsement.

31
32 (b) EMS agencies which intend to be an ALS primary provider but not provide routine
33 transport of patients must apply for, and obtain, an ALS service endorsement to their respective
34 certificate of public convenience and necessity.

35
36 (c) EMS agencies which intend to be an ALS primary provider and provide routine transport
37 of patients must apply for, and obtain, an ALS transport service endorsement to their respective
38 certificate of public convenience and necessity.

39
40 (d) EMS agencies which intend to be a secondary provider and provide secondary ALS
41 response and provide routine transport of patients must apply for, and obtain, a secondary
42 provider ALS transport endorsement to their respective certificate of public convenience and
43 necessity and must notify the primary providers within the zone of the intent to apply.

44
45 (e) Only non-governmental EMS agencies may provide interhospital or interfacility transfer
46 services, with the exception of air ambulance transfers. Governmental agencies shall not provide
47 interhospital or interfacility transfer services unless, based on an emergency call as defined in
48 section 3 and originating from the County's emergency 9-1-1 telephone system, the patient's
49 condition requires a response from the nearest available EMS agency, or when air ambulance
50 transfer is required. Emergency interhospital or interfacility transports shall meet the same
51 response time requirements as an emergency medical call.

52
53 (f) Only those agencies which possess a county certificate of public convenience and
54 necessity may provide advanced life support transportation, advanced life support, inter-facility
55 transfer, inter-hospital transport, air ambulance services, and/or respond to emergency or medical
56 calls in the County, except as otherwise provided in Florida Statutes, § 401.33.

57
58 (g) Governmental entities having a public mandate to provide emergency medical services
59 within their jurisdiction may be granted a certificate by the Board and may serve said jurisdiction

1 as the primary provider. Any governmental entity requesting a certificate of public convenience
2 and necessity must comply with all the requirements set forth in this Ordinance including, but
3 not limited to, section 6. The endorsement(s) on the certificate shall reflect the service which is
4 authorized by the Board.

5
6 (h) Agencies which intend to provide special secondary service must apply for, and obtain, a
7 special secondary service provider-nontransport only (name of community) endorsement to their
8 respective certificate of public convenience and necessity.

9
10 ~~(i) During the term of the secondary service provider's certificate of public convenience and~~
11 ~~necessity, the Glades Sub Zone shall be the responsibility of each secondary service provider for~~
12 ~~a period of three years. The board shall determine the term for each secondary provider. [This~~
13 ~~provision shall become effective January 1, 2008.]~~

14
15 (ij) In order to provide services under a subscription service program, the ALS transportation
16 service must hold both a certificate of public convenience and necessity EMS certificate and a
17 certificate of authority issued by the state department of insurance.

18
19 (jk) In the event governmental agencies become the only certificate holders having an ALS
20 transport service endorsement, in order to comply with the mandate of subsection (f) above, a
21 certificate allowing only interhospital or interfacility transfer services shall be issued to those
22 service providers in good standing who had previously provided such service and which
23 otherwise qualify for said certificate.

24 **Section 6. PROCEDURES FOR REQUESTING CERTIFICATE.**

25 (a) Each applicant requesting a certificate of public convenience and necessity shall submit a
26 copy of a completed application as required by Chapter 401, Florida Statutes, and any rules
27 promulgated pursuant thereto. This application must also include:

28
29 (1) Such other forms and information that the Administrator may require for full and
30 complete disclosure of information for consideration by the Board of County Commissioners
31 including, but not limited to, information as to zones, areas, rate schedules, subscription service
32 program, financial information as referenced in section 7 of this Ordinance, current financial
33 statement prepared by an independent accounting firm or, in the case of a governmental unit, the
34 funds budgeted for this service; and

35
36 (2) The specific service endorsement sought and area or zone in which the applicant intends
37 to provide the service; and

38
39 (3) A nonrefundable application fee as established by the Board of County Commissioners,
40 by resolution; and.

41
42 ~~(4) If applying for a secondary provider certificate, an affidavit declaring the applicant's~~
43 ~~agreement to provide advanced life support transportation and advanced life support rescue~~
44 ~~service to the Glades Sub Zone for a consecutive three year period. [This provision shall~~
45 ~~become effective January 1, 2008.]~~

46
47 (b) Public notice shall be given by the Administrator no earlier than one hundred twenty
48 (120) days and no later than ninety (90) days prior to the expiration date of all certificates of
49 public convenience and necessity. This notice shall state that the County will be accepting
50 applications for certificates for all districts and areas of operation within the County.

51
52 ~~Exception: The Administrator shall establish a separate public notice time frame for acceptance~~
53 ~~of initial certificates of secondary providers for zones 1 and 2.~~

54
55 (c) Applications shall be submitted to the Administrator or his designee no earlier than
56 ninety (90) days and no later than forty-five (45) days prior to the expiration date of the
57 certificate of public convenience and necessity.

58
59 (d) Applications for certificates shall be accepted only during the time specified in the public
60 notice, however, applications for special secondary service provider certificates from security

1 companies shall be accepted at any time after the requirements of this section and the following
2 requirements have been met:

3
4 (1) The affected community submits a letter of request for this type service, prepared and
5 signed by an authorized representative of said community.

6
7 (2) A memorandum of understanding is executed between the applicant and the primary
8 certificate of public convenience and necessity holder.

9
10 (3) The applicant verifies adoption and use of the uniform countywide ALS protocols.

11
12 (4) Common medical direction is assured through the applicant's medical director actively
13 participating in the Palm Beach County Medical Directors Association.

14
15 (5) Two-way communications is provided between the primary and special secondary service
16 provider, through a means specified by the primary provider. In addition, the special secondary
17 service provider must maintain a direct means of retransmitting all requests for emergency
18 assistance to the primary provider. Said means shall be as specified by the primary provider.
19 The cost of such communication system shall be the sole responsibility of the interim secondary
20 service provider.

21
22 (6) Incident documentation shall be consistent with the primary provider and shall be made
23 available to the primary provider, upon request.

24
25 (7) The applicant verifies compliance with Florida Statutes, Chapter 401, and Florida
26 Administrative Code Chapter 64E-2 with respect to equipment required for ALS nontransport
27 vehicles.

28 **Section 7. INVESTIGATION AND REVIEW OF APPLICATION.**

29 (a) Upon receipt of an application, the Administrator shall review the application, conduct an
30 investigation, and obtain verification that the applicant meets the requirements of all applicable
31 federal, state and local laws. The investigation shall include consideration of:

32
33 (1) The need for the proposed service in the requested area or zone;

34
35 (2) The financial information of the applicant to ensure continued service to the area or zone
36 which shall include copies of the applicant's past two (2) Medicare audits, if any, and copies of
37 the past three (3) years of consolidated financial statements or audited financial statements of the
38 company and its parent company or holding company, if any. For purposes of this Ordinance, a
39 parent company or holding company shall mean any person, corporation or company holding,
40 owning or in control of more than ten (10) percent stock or financial interest of another person,
41 corporation or company;

42
43 (3) The proposed rate structure as it relates to those currently charged in the County;

44
45 (4) The applicant's assurance that it has met or can meet all federal, state and local
46 requirements; however, said requirements must be met prior to the issuance of a certificate;

47
48 (5) The professional and personal integrity of the applicant;

49
50 (6) The applicant's past performance in this area or zone, as well as in other jurisdictions,
51 zones, or areas which demonstrate at the time of application that the applicant's personnel have a
52 minimum of three (3) years experience providing emergency ALS service and a minimum of
53 three (3) years experience in ALS rescue;

54
55 (7) Other information deemed relevant by the Administrator;

56
57 ~~(8) Nongovernmental applicants must file with the county a performance bond in the amount~~
58 ~~of one million dollars (\$1,000,000.00) for each certificate of public convenience and necessity~~
59 ~~with a performance company qualified to do business in the state. The bond shall be to the~~
60 ~~county and in favor of the county for the benefit of any person injured as a result of a violation of~~

1 ~~this division as well as for the fraud, misrepresentation, breach of contract, financial failure or~~
2 ~~other failure of the business, unfair or deceptive trade practice, disclosure violation, or violation~~
3 ~~of any provision of this division by the certificate holder. The term of the performance bond shall~~
4 ~~be for at least the term of the certificate. The original performance bond required by this section~~
5 ~~shall be filed with the county division of emergency management, EMS office. The county may~~
6 ~~bring an action in a court of competent jurisdiction against the performance bond. In the event~~
7 ~~the county prevails in said action, the court shall award the county reasonable attorney's fees and~~
8 ~~costs, including appellate attorney's fees and costs. The performance bond shall require that any~~
9 ~~performance company canceling a bond provided to a certificate holder pursuant to this section~~
10 ~~shall notify the county of such cancellation in writing at least ten (10) days before cancellation,~~

11
12 (89) Disclosure of any information regarding litigation or investigation, current pending or
13 past final;

14
15 (940) The past three (3) years of federal, state, and/or local agency vehicle and staff
16 inspections.

17
18 (b) The Administrator shall forward all investigative reports to the County Emergency
19 Medical Services Council for its review. A copy of the Administrator's report shall,
20 concurrently, be forwarded to the applicant. After said review, the EMS Council shall provide
21 the Board with its recommendations as to primary and secondary providers. Prior to the review
22 of the applications by the EMS Council, the Administrator may request the Board to set a date
23 for a public hearing, as described in section 8, to consider the applications and the EMS
24 Council's recommendations.

25
26 (c) The applicant shall cooperate with the Administrator in producing or causing to be
27 produced any information appropriate to the investigation and report. Failure to provide any
28 information requested by the Administrator may result in rejection of the application.

29
30 (d) The Administrator's report concerning the application shall be forwarded to the Board for
31 the public hearing.

32 **Section 8. REQUIREMENT FOR BOARD APPROVAL IN GRANTING A**
33 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.**

34 (a) The Board shall schedule public hearings to consider all applications for certificates. The
35 Administrator shall notify all applicants and current certificate holders of the date, time, and
36 place of the public hearing at least ten (10) days prior to said hearing. All applicants shall appear
37 before the Board at the public hearing on the same day.

38
39 (b) At the hearing, the Board shall receive the report of the Administrator, report of the EMS
40 advisory council, testimony from the applicant(s) or any other interested party, and any other
41 relevant information. For all certificates, the Board will consider the public's convenience and
42 the necessity for the service in the zone or area requested. The Board will consider whether the
43 applicant has the ability to provide the necessary service based upon the criteria set forth in this
44 Ordinance and Florida Statutes, ch. 401. The Board shall also consider the recommendations of
45 any municipality or municipalities applying for a certificate or affected by the issuance of a
46 certificate. For special secondary provider certificates only, the Board shall consider the request
47 by an authorized representative of the community. ~~For secondary provider certificates, the board~~
48 ~~shall require the applicant's agreement to provide primary advanced life support transportation~~
49 ~~and advanced life support rescue service to the Glades sub zone.~~ [This revision shall
50 become effective January 1, 2008.]

51
52 (c) At said public hearing, after consideration of the aforementioned information, the Board
53 shall determine, based upon the criteria and guidelines of this Ordinance and Florida Statutes, ch.
54 401, which agencies shall serve all or a portion of the zone or area requested. The agencies
55 determined by the Board as most qualified to serve all or a portion of the zone or area shall be
56 identified as "primary" or "secondary" providers.

57
58 (d) The Board shall then authorize the issuance of the certificate with such conditions,
59 restrictions and/or endorsements as are in the public's interest or deny the application setting
60 forth the reasons for the denial.

(1) The Board of County Commissioners may limit or define the extent to which a "primary" or "secondary" provider may provide service within the zone or area.

(2) All certificate holders shall respond to another certificate holder's area or zone if requested by MedCom, unless it will remove all coverage from its assigned area or zone.

~~(3) The Board of County Commissioners shall, upon the issuing of secondary provider certificates of public convenience and necessity, assign the Glades sub zone to each of the secondary providers for a three year period. Each assignment shall be the equivalent of one half (1/2) of the term of the certificate issued to the secondary provider. [This provision shall become effective January 1, 2008.]~~

(e) Notwithstanding the procedures and substantive requirements for the issuance of a certificate, the Board may grant, at its discretion and at any time, a temporary certificate of public convenience and necessity for a period not to exceed six (6) months in order to safeguard and protect the public health, safety and welfare. This temporary certificate may be renewed.

Section 9. TERM AND ASSIGNABILITY OF CERTIFICATES.

(a) Certificates of public convenience and necessity granted by the Board pursuant to this Ordinance shall be valid for six (6) calendar years. All certificates shall be personal to the applicant and may, with the approval of the Board of County Commissioners at a public hearing, be assigned or transferred, contingent upon the completion of requirements set forth in this Ordinance including, but not limited to, section 7. All EMS certificate holders within the County shall be provided with notice, at least ten (10) days prior, of any public hearing regarding the assignment or transfer of a certificate.

Exception: A certificate issued to a special secondary service provider shall expire upon notification by the affected community and may not be transferred or otherwise reassigned.

(b) Upon a finding of extraordinary circumstances, the Board may grant an extension of an existing certificate for a period of up to four (4) years.

~~(b)c~~ The Board shall have full discretion to approve or deny, with or without cause, any assignment, subcontract, or proposed assignment by the certificate holder. Any assignment or subcontract of the certificate made by the certificate holder without the express written consent of the Board shall be null and void and shall be grounds for the EMS Council to recommend that the certificate be revoked and the County shall have the right to call the performance bond and shall be free to award the certificate to another qualified applicant. Notwithstanding anything to the contrary, acquisition of a nongovernmental certificate holder's company within six (6) months of issuance of the certificate, shall not be grounds for assignment of the certificate.

Section 10. RIGHTS AND DUTIES GRANTED BY CERTIFICATE.

(a) Acceptance of a certificate with an ALS endorsement shall obligate the applicant to:

(1) Provide advanced life support to the entire geographical area or zone as stated on the certificate of public convenience and necessity;

(2) Respond to all emergency medical calls;

(3) When requested by MedCom, respond to another certificate holder's area or zone when the certificate holder for that area or zone is unable to respond, unless it will remove all coverage from its assigned area or zone;

(4) Abide by all requirements of this Ordinance and rules and regulations adopted by the Board and all applicable federal, state and local laws;

(5) Provide access to the applicant's business, ALS vehicles and units and air ambulances for inspection by the Administrator pursuant to sections 12, 16 and 17 of this Ordinance;

(6) Post, at the place of business, a copy of the fee schedule required under this Ordinance;

- 1 (7) Submit to the Administrator any changes or any requested changes in the fee schedule at
2 least sixty (60) days prior to the effective date of such change, and all documentation which
3 justifies the fee change;
4
- 5 (8) Notify the Administrator at least ninety (90) days prior to the termination or reduction of
6 any service;
7
- 8 (9) Not transport patients unless the agency also carries an ALS transport endorsement;
9
- 10 (10) Perform only those services specifically authorized by its certificate endorsement(s), and
11 abide by all restrictions, limitations, and exclusions as identified on the certificate;
12
- 13 (11) Provide the Administrator with copies of updated, current records and/or data which
14 pertain to certificate application, personnel certification, and vehicle data, within thirty (30) days
15 of any change to said records; and
16
- 17 (12) Adopt the minimum standard pre-hospital treatment/transport protocols approved and
18 adopted by the County EMS Council. However, a certificate holder may implement protocols
19 which exceed the minimum standards adopted by the EMS Council.
20
- 21 (b) Acceptance of a certificate with an ALS transport endorsement shall obligate the
22 applicant to:
23
- 24 (1) Provide ALS response and transportation service to the entire zone or geographical area
25 as stated on the certificate of public convenience and necessity;
26
- 27 (2) Respond to another certificate holder's zone or area, when requested to do so by MedCom
28 for emergency medical calls when the certificate holder for that zone or area is unable to
29 respond, unless it will remove all coverage from its assigned area or zone;
30
- 31 (3) Respond to all emergency medical calls unless all ALS units, vehicles, or air ambulances
32 are in service on other emergency medical or medical calls;
33
- 34 (4) Abide by all requirements of this Ordinance and rules and regulations adopted by the
35 Board and all applicable federal, state and local laws;
36
- 37 (5) Provide access to the applicant's business, ALS units, and air ambulances for inspection
38 by the Administrator pursuant to sections 12, 16 and 17 of this Ordinance;
39
- 40 (6) Post at the place of business a copy of the fee schedule required under this Ordinance;
41
- 42 (7) Submit to the Administrator any changes or any requested changes in the fee schedule at
43 least sixty (60) days prior to the effective date of the change and all documentation which ~~justify~~
44 justifies the fee change;
45
- 46 (8) Provide emergency medical service and patient transport at no cost to the patient when
47 requested by the Administrator or his designee because an emergency evacuation of persons
48 from an area or zone is required by a declaration of a local state of emergency by the Board;
49
- 50 (9) Notify the Administrator at least ninety (90) days prior to termination or reduction of any
51 service;
52
- 53 (10) Perform only those services specifically authorized by its certificate endorsement(s), and
54 abide by all restrictions, limitations, and exclusions as identified on the certificate;
55
- 56 (11) Provide the Administrator with copies of updated, current records and/or data which
57 pertain to certificate application, personnel certification, and vehicle data, within thirty (30) days
58 of any change of said records; and
59
- 60 (12) Adopt the minimum standard pre-hospital treatment/transport protocols approved and
61 adopted by the County EMS Council. However, a certificate holder may implement protocols
62 which exceed the minimum standards adopted by the EMS Council.

(c) Acceptance of a secondary provider certificate with an ALS transport endorsement shall obligate the applicant to:

(1) Provide ALS transportation service to the entire zone or geographical area as stated on the certificate of public convenience and necessity;

(2) Respond to another certificate holder's zone or area, when requested to do so by MedCom, for emergency medical calls when the certificate holder for that zone or area is unable to respond, unless it will remove all coverage from its assigned area or zone;

(3) Respond to all emergency medical calls unless all ALS units or air ambulances are in service or are on other emergency medical or medical calls;

(4) Abide by all requirements of this Ordinance and rules and regulations adopted by the Board and all applicable federal, state and local laws;

(5) Provide access to the applicant's business and ALS units, or air ambulances, for inspection by the Administrator pursuant to sections 12, 16 and 17 of this Ordinance;

(6) Post at the place of business a copy of the fee schedule required under this Ordinance;

(7) Submit to the Administrator any changes or any requested changes in the fee schedule at least sixty (60) days prior to the effective date of the change and all documentation which justifies the fee change;

(8) Provide emergency medical service and patient transport at no cost to the patient when requested by the Administrator or his designee because an emergency evacuation of persons from an area or zone is required by a declaration of a local state of emergency by the Board;

(9) Notify the Administrator at least ninety (90) days prior to termination or reduction of any service;

(10) Perform only those services specifically authorized by its certificate endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on the certificate;

(11) Provide the Administrator with copies of updated, current records and/or data which pertain to certificate application, personnel certification, and vehicle data, within thirty (30) days of any change of said records; and-

~~(12) Provide advanced life support transportation and advanced life support rescue services to the Glades sub-zone for the time period identified by the Board of County Commissioners and stated on the certificate. [This provision shall become effective January 1, 2008.]~~

Section 11. PROVISION OF PATIENT OUTCOME DATA.

Hospitals shall, upon request of an EMS provider agency, provide outcome data to the EMS provider agency on individual patients that were transported to said hospital by that agency for the purpose of statistical analysis by the agency's quality assurance and management/improvement program. The outcome data shall consist of admission and/or discharge diagnoses on any and all patients transported to said hospital by the requesting EMS provider agency. An EMS provider agency may not request outcome data on any patients other than those which were treated initially and/or transported by said EMS provider agency. All such requests for outcome data shall be used exclusively by the individual EMS provider agency's quality management/improvement program, and as such, are confidential and protected from discovery as specified by Florida Statutes §§ 395.401, 401.265, and 401.425.

Section 12. VEHICLE PERMITS.

(a) Certificate holders shall be subject to random and routine inspections of their ALS units, ALS vehicles, and air ambulances. ALS vehicles, ALS units, and air ambulances found acceptable by the Administrator shall be issued a permit, in the form of an adhesive decal, which

1 shall be affixed to the ALS vehicles, ALS units, and air ambulances. Permits shall be valid for
2 one (1) year from date of issue.

3
4 (b) A fee, as established by resolution of the Board of County Commissioners, shall be
5 required for each permit issued.

6
7 (c) If, during an inspection, the Administrator ascertains that an ALS vehicle, ALS unit or air
8 ambulance, or its equipment does not comply with the standards as set forth in Florida Statutes,
9 ch. 401, or this Ordinance, the Administrator may suspend or revoke its respective permit until
10 the certificate holder can establish that the ALS vehicle, ALS unit, or air ambulance is once
11 again in compliance. The Administrator shall allow the certificate holder a maximum of thirty
12 (30) days to comply and shall report all permit suspensions or revocations and pertinent
13 information to the Emergency Medical Services Council.

14
15 (d) ALS vehicles, ALS units, or air ambulances with suspended permits which are not
16 brought into compliance within the time specified by the Administrator, shall have its permit
17 revoked. It shall be a violation of this Ordinance for an ALS vehicle, ALS unit, or air ambulance
18 with a suspended or revoked permit to operate within the County.

19
20 (e) A certificate holder which has had a permit revoked must apply to the Administrator for a
21 new permit and shall pay the required fee.

22
23 (f) A certificate holder may appeal the revocation of permit by appearing before the EMS
24 Council at one of its regularly scheduled meetings. A certificate holder seeking to appeal a
25 permit revocation shall make said request in writing to the EMS Council through the
26 Administrator, the Administrator shall then advise the certificate holder of the date and time the
27 appeal may be heard.

28
29 (g) The EMS Council shall hear the appeal and vote to either uphold or rescind the
30 revocation. All decisions of the EMS Council shall be final.

31 **Section 13. RULES AND REGULATIONS.**

32 The Administrator, in consultation with the EMS Council, is hereby authorized to prepare such
33 rules and regulations necessary to carry out the purpose of this Ordinance, and shall present these
34 rules and regulations for consideration to the Board of County Commissioners at a public
35 hearing.

36
37 The Board may adopt and subsequently amend rules and regulations adopted hereunder at a
38 public hearing, provided notice of the proposed change has been presented to the EMS Council
39 and to the certificate holder for review no later than thirty (30) days prior to consideration by the
40 Board.

41 **Section 14. GENERAL PROHIBITION.**

42 It shall be a violation of this Ordinance, and shall be reported to the Emergency Medical Services
43 Council, for any person, business entity or governmental agency to:

44
45 (1) Obstruct, bar or otherwise interfere with an inspection conducted under the purview of
46 this Ordinance and/or the rules and regulations adopted hereunder;

47
48 (2) Make an omission of a material fact or a false statement in any application or other
49 document filed with the Administrator;

50
51 (3) By telephone or otherwise, cause to be placed or place a false emergency medical call;

52
53 (4) Violate or fail to observe any requirement of this Ordinance, or any rule, regulation or
54 order under the provision of this Ordinance;

55
56 (5) Represent herself, himself, or itself as an advanced life support transportation service, an
57 advanced life support service, air ambulance service, or engage in the business of conducting an
58 advanced life support transportation service, advanced life support service, inter-facility transfer,
59 inter-hospital transport, air ambulance service, and/or respond to medical calls in the County

without first obtaining an appropriate certificate of public convenience and necessity from the Board as provided herein and the necessary state licenses, except as otherwise provided pursuant to Florida Statutes, ch. 401.33.

(6) Operate an ALS unit, vehicle, or air ambulance that does not meet the requirements of this Ordinance; or

(7) Obstruct, bar, or otherwise interfere with patient care.

Violations of this Ordinance shall be punishable as provided herein or as provided elsewhere in accordance with Florida Statutes, ch. 125.69. Each day of continuing violation shall be considered a separate offense.

Section 15. DEFICIENCIES.

(a) Whenever the Administrator determines, by inspection or otherwise, that a certificate holder is not in compliance with requirements under this Ordinance or its rules and regulations, Florida Statutes, ch. 401, Rule 64E-2 (F.A.C.) or any other applicable law, the Administrator shall order the certificate holder to correct such deficiency.

(b) Every such correction order, whether verbal or written, shall include a statement of the deficiencies found, the period prescribed within which a deficiency must be corrected, and the provision of the law relied upon. The affected certificate holder may file a written request with the Administrator for reconsideration of the order or any portion thereof, within five (5) calendar days of the receipt of such order. Failure of the Administrator to respond to the certificate holder's written request for reconsideration within seven (7) calendar days of receipt shall void the correction order. All information shall be forwarded to the Emergency Medical Services Council.

Section 16. COMPLAINT PROCEDURE.

(a) All complaints filed against a certificate holder shall be reviewed. The certificate holder who is the subject of said complaint shall be immediately notified of same. The Administrator may designate a committee to conduct this review. The findings of said committee will be submitted to the Administrator. If this review substantially verifies that a violation of this Ordinance and/or rules and regulations adopted hereunder, or any applicable law has occurred, the Administrator may conduct an investigation. The Administrator shall be provided access to the certificate holder's business records for inspection to assist in said investigation. Upon completion of the investigation, the Administrator may present his/her recommendation to the EMS Council for their review and recommendation prior to submission to the Board of County Commissioners.

(b) If the Administrator or Emergency Medical Services Council finds through an investigation that revocation, suspension, or modification of a certificate is warranted, the Administrator shall notify the certificate holder by certified mail, and the Board of County Commissioners in writing, of such investigative findings. This notice shall state the reasons for any finding and establish a public hearing date. The public hearing shall be held by the Board of County Commissioners for the purpose of considering the Administrator's investigation and recommendation. The Administrator shall forward the public hearing results to the state EMS office.

Section 17. CERTIFICATION REVOCATION, MODIFICATION, SUSPENSION.

(a) Every certificate issued pursuant to this Ordinance is subject to revocation, modification, suspension or fines where it is found that:

(1) The certificate holder has failed or neglected to adhere to this Ordinance or the rules and regulations promulgated by the Board, Florida Statutes, ch. 401, and any other applicable law, or has failed to abide by the conditions and restrictions stated on the certificate; or

(2) The application submitted to secure a certificate of public convenience and necessity from the Board of County Commissioners contains a false representation 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 filed with the Board pursuant to this Ordinance; or

(4) The certificate holder has failed to comply with a correction order issued under section 15 of this Ordinance; or

(5) The certificate holder has been adjudicated guilty of a felony, unless the certificate holder's civil rights have been restored; or

(6) The certificate holder has been found guilty, by a court of competent jurisdiction, of any criminal offense involving moral turpitude; or

(7) The certificate holder has committed malpractice or negligence in the operation of its service; or

(8) The certificate holder has had their/its state license revoked or suspended.

(b) The EMS Council shall review and make recommendation to the Board of County Commissioners regarding certificates subject to revocation, modification, or suspension. The Board of County Commissioners may either accept or reject the recommendation of the EMS Council.

(c) Notwithstanding the procedures and substantive requirements for the issuance of a certificate, the Board reserves the right, without a public hearing, to designate a current certificate holder to complete the term of another certificate holder whose certificate has been revoked or otherwise terminated.

Section 18. EMERGENCY POWERS.

If a situation exists which poses a serious or imminent threat to the health, safety, welfare, or public need and convenience, the Administrator shall have such temporary emergency powers as are necessary to remedy the situation.

Section 19. EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT.

Certificates or permits shall not be required for:

(1) The transport of a patient or passenger pursuant to the Good Samaritan Act, Florida Statutes, ch. 768.13;

(2) ALS and/or BLS units or air ambulances based outside the County which pick up a patient outside the County and transport them into the County, or which pick up a patient inside the County and transport them out of the County;

(3) All ALS vehicles which serve primarily as administrative vehicles;

(4) Those ALS and/or BLS units and services that are exempt pursuant to Florida Statutes, § 401.33;

(5) ALS or BLS units providing mutual or automatic aid to a zone or area when the zone or area's permitted ALS units are unable to respond, or when the patient's condition necessitates immediate transportation as identified in the minimum standard pre-hospital treatment protocols as approved and adopted by the County EMS Council, or as confirmed by Medical Control; or

(6) ALS or BLS units or air ambulances from another County which respond when requested through an officially executed mutual aid agreement.

Section 20. ENFORCEMENT; PENALTIES.

(a) *Enforcement.*

- 1 (1) This Ordinance shall be enforced by personnel authorized by the Administrator, and law
2 enforcement officers within their respective jurisdictions.
- 3
- 4 (2) Any violation of this Ordinance is a civil infraction.
- 5
- 6 (3) Any certificate holder who has committed an act in violation of this Ordinance shall
7 receive a citation from the Administrator's authorized personnel or any law enforcement officer
8 who has reasonable cause to believe that the certificate holder has committed a civil infraction in
9 violation of this Ordinance.
- 10
- 11 (4) The county court shall have jurisdiction over all violations of this Ordinance.
- 12
- 13 (5) The county clerk shall:
 - 14
 - 15 a. Accept designated fines and issue receipts therefore.
 - 16
 - 17 b. Provide a uniform citation form serially numbered for notifying alleged violators to
18 appear and answer to charges of violation of this Ordinance. Such citation forms shall be issued
19 to and receipted by the Administrator.
 - 20
- 21 (6) Violation of any provision of this Ordinance shall be punishable by a fine not to exceed
22 five hundred dollars (\$500.00).
- 23
- 24 (7) Any certificate holder issued a citation shall be deemed to be charged with a civil
25 violation and shall comply with the directives on the citation.
- 26
- 27 (8) Payment shall be made, either by mail or in person, to the violations bureau within the
28 time specified on the citation. If a certificate holder follows this procedure, he or she shall be
29 deemed to have admitted the infraction and to have waived his or her right to a hearing on the
30 issue of commission of the infraction.
- 31
- 32 (9) All fines collected as a result of said citations (except those fines collected as a result of
33 citations issued by municipal law enforcement officers, which shall be remitted by the clerk of
34 the court directly to the municipality issuing the citation) shall be paid into the County treasury
35 and deposited into an account designated for use by the Administrator.
- 36
- 37 (10) Any certificate holder who fails to make payment within the specified period shall be
38 deemed to have waived his or her right to pay the civil penalty as set forth in the citation.
- 39
- 40 (11) Any certificate holder who elects to appear before the court to contest the citation shall be
41 deemed to have waived his or her right to pay the civil penalty. The court, after a hearing, shall
42 make a determination as to whether a violation has occurred and may impose a civil penalty not
43 to exceed five hundred dollars (\$500.00) plus court costs.
- 44
- 45 (12) If a certificate holder fails to pay the civil penalty, or fails to appear in court to contest the
46 citation, he or she shall be deemed to have waived his or her right to contest the citation, and in
47 such case, a default judgment may be entered and the judge shall impose a fine at that time. An
48 order to show cause may be issued. If the fine is paid, the case shall be dismissed. If the fine is
49 not paid, judgment may be entered up to the maximum civil penalty.
- 50
- 51 (13) Any certificate holder cited for an infraction under this Ordinance shall sign and accept
52 the citation indicating a promise to pay the fine or appear in court. Any certificate holder who
53 willfully refuses to sign and accept a citation issued by an officer shall be guilty of a
54 misdemeanor of the second degree, punishable as provided by Florida Statute § 775.082 or
55 775.083, as may be amended.
- 56
- 57 (14) The certificate holder may require mandatory court appearances for violations resulting
58 in the issuance of a third or subsequent citation to a certificate holder. The citation shall clearly
59 inform the certificate holder of the mandatory court appearance. The Administrator shall
60 maintain records to prove the number of citations issued to the certificate holder. Certificate
61 holders required to appear in court do not have the option of paying the fine instead of appearing
62 in court.

(15) It is the purpose of this Ordinance to provide additional cumulative remedies. Each violation of this Ordinance and/or the rules and regulations adopted hereunder, and each day in which a continuing violation of this Ordinance exists, shall constitute a separate offense. Multiple offenses may result in a review as identified in section 17 of this Ordinance.

(16) Emergency requests. For every advanced life support emergency request to which the certificate holder's response time exceeds eight (8) minutes if serving as a primary ALS provider or ten (10) minutes if serving as a secondary provider, the certificate holder shall be fined one hundred dollars (\$100.00) for each response.

(17) Unscheduled inter-facility non-emergency transfer requests and scheduled interfacility transfers and transports.

(18) The Administrator or the court, as the case may be, in its discretion, may excuse a violation of this Ordinance upon a showing of good cause by the certificate holder.

(19) With the exception of an appeal by a certificate holder from the enforcement provisions herein, a violation of this Ordinance shall create no inference or presumption in any other legal or administrative proceeding.

(20) Requests for transport of emergency medical patients in which the certificate holder's response time exceeds eight (8) minutes, the certificate holder shall be fined fifty dollars (\$50.00) for each late response.

(21) Requests for transport of an urgent nature, but which are not of an emergency medical classification and have not been prescheduled more than twenty-four (24) hours in advance of the requested pickup to which the certificate holder's advanced life support unit responds later than thirty (30) minutes after the scheduled time of pickup, the certificate holder shall be fined fifty dollars (\$50.00) for each response.

(22) For every routine scheduled transport, made twenty-four (24) or more hours in advance of the requested pickup to which the certificate holder's responds later than fifteen (15) minutes after the scheduled time of pickup, the certificate holder shall be fined fifty dollars (\$50.00) for each response.

(23) The certificate holder shall be fined one hundred dollars (\$100.00) in the event that the response time report required to be supplied by the certificate holder pursuant to the rules and regulations adopted hereunder is incomplete, illegible, inaccurate, altered, falsified or is not submitted as required.

~~e. The provisions of this section shall take effect January 1, 2002.~~

Exception: The provisions of this subsection do not apply to governmental entities.

(b) *Penalties.* Notwithstanding any other provisions herein, a violation of any provision of this Ordinance or the rules and regulations adopted hereunder shall be prosecuted in the same manner as a misdemeanor pursuant to Florida Statutes, ch. 125.69, and, upon conviction, the violator shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in the County jail for not more than sixty (60) days, or both such fine and imprisonment. Each day that a violation continues shall be considered a separate offense.

Section 21. REPEAL OF LAWS IN CONFLICT.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 22. SAVINGS CLAUSE.

Notwithstanding anything to the contrary, all provisions of Palm Beach County Code Section 13-16 through 13-34, codifying Palm Beach County Ordinance No. 2001-25, as amended, are specifically preserved and remain in full force and effect for the limited purpose of enforcing any alleged violations of said Code which occurred prior to its repeal or amendment.

1 **Section 23. SEVERABILITY:**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
3 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
4 holding shall not affect the remainder of this Ordinance.

5 **Section 24. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

6 The provisions of this Ordinance shall become and be made a part of the Palm Beach
7 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
8 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
9 word.

10 **Section 25. ENFORCEMENT.**

11 This Ordinance is enforceable by all means provided by law. Additionally, the County
12 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
13 Beach County.

14 **Section 26. PENALTY.**

15 Any violation of any portion of this Ordinance shall be punishable as provided by law.

16 **Section 27. CAPTIONS.**

17 The captions, section headings, and section designations used in this Ordinance are for
18 convenience only and shall have no effect on the interpretation of the provisions of this
19 Ordinance.

20 **Section 28. EFFECTIVE DATE.**

21 The provisions of this Ordinance shall become effective upon filing with the Department
22 of State.
23

24 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
25 County, Florida, on this the ____ day of _____, 2006.

26 **SHARON R. BOCK,**
27 **CLERK & COMPTROLLER**

PALM BEACH COUNTY, FLORIDA, BY ITS
 BOARD OF COUNTY COMMISSIONERS

28
29
30 By: _____
31 Deputy Clerk

 By: _____
 Tony Masilotti, Chairman

32
33 **APPROVED AS TO FORM AND**
34 **LEGAL SUFFICIENCY**

35
36
37 By: _____
38 County Attorney
39

40 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of
41 _____, 2006.
42

1
2 **PALM BEACH COUNTY ORDINANCE NO. 2006-_____**
3

4
5 **RULES AND REGULATIONS**
6 **OF THE**
7 **DEPARTMENT OF PUBLIC SAFETY**
8 **EMERGENCY MEDICAL SERVICES SECTION**
9
10

11 **PURPOSE**

12 These rules and regulations are issued as authorized by Section 13-27 Palm Beach County Code
13 of Ordinances, as amended by Ordinance No. 2006-_____, for the purpose of improving the
14 quality of pre-hospital emergency medical care to the residents and visitors of the County.
15 Further, it is the purpose of these rules and regulations to promote the policy of the County to
16 reduce the morbidity and mortality of trauma, to maintain a level of care and service in which
17 quality and accessibility are paramount, and to speed the healing of persons who are sick or
18 otherwise in need of pre-hospital emergency medical services.
19

1

2 **SECTION I: GENERAL**

3 **A. APPLICATIONS**

4 1. An "Application for EMS Certificate Form" (PBC Form 0988) shall be completed
5 by the applicant. This form shall accompany every application for Certificate of Public
6 Convenience and Necessity and be submitted to the Division of Emergency Management EMS
7 Office.

8 2. Applications for Certificates of Public Convenience and Necessity shall include
9 copies of the appropriate State of Florida Department of Health and Rehabilitative Services EMS
10 application forms and shall accompany the applicant's request for Certification.

11 **B. COMPLAINTS AND INVESTIGATIONS**

12 1. Complaints about a Certificate Holder shall be reviewed after the complaint has
13 been submitted in writing to the Administrator or his designee. The complaint should state the
14 date, time, nature of the incident, location of the incident, and any other information relative to
15 the incident which may assist the Administrator in his review.

16 2. The Administrator shall review the complaint, and if warranted, conduct an
17 investigation. The Administrator may present the findings to the EMS Council.

18 **C. OPERATING PROCEDURES**

19 1. Each Certificate Holder shall maintain a central place of business and any
20 additional places within the Zone(s) or Area(s) calculated to provide minimum response time to
21 emergency medical calls. At the central place of business there shall be:

22 1.1 a filing system and adequate storage space for all records required by this
23 Ordinance;

24 1.2 a copy of all pertinent laws, rules and regulations regulating emergency
25 medical services in Palm Beach County;

26 1.3 a conspicuously posted schedule of all rates charged by the Certificate
27 Holder;

28 1.4 the Certificate of Public Convenience and Necessity conspicuously posted;
29 and

30 1.5 the State License conspicuously posted.

1 2. Every Certificate Holder shall be required to operate a sufficient number of
2 Advanced Life Support Vehicles or Units, and implement necessary policies/procedures to
3 ensure an average en route time of not greater than three (3.0) minutes average "en route"
4 response to all emergency medical calls occurring within their Zone or Area per calendar month.

5 2.1 Every Primary Provider Advanced Life Support Certificate Holder shall
6 be required to operate a sufficient number of Advanced Life Support units
7 and implement necessary policies/procedures to ensure an average
8 Response Time of eight (8.0) minutes to all emergency medical calls
9 occurring within their Zone or Area per calendar month.

10 2.2 Every Secondary Provider Advanced Life Support Certificate Holder shall
11 be required to operate a sufficient number of Advanced Life Support units,
12 and implement necessary policies/procedures to ensure an average
13 Response Time of ten (10.0) minutes to all emergency medical calls
14 occurring within their Zone or Area per calendar month.

15 3. A schedule of rates shall be provided or made available to each patient upon
16 request.

17 3.1 Under no circumstances shall payment be required prior to emergency
18 transportation of those patients requiring further medical treatment at a
19 hospital.

20 3.2 The Certificate Holder may request payment prior to transport when
21 responding to medical calls or when higher medical authority has
22 determined, and the patient examination record states, that ambulance
23 transportation is not required.

24 4. Any request for modification or alteration of the requirements of this section must
25 be submitted in writing to the Administrator of his designee and be approved by the
26 Administrator or his designee. All requests shall clearly state the reason(s) for the modification
27 or alteration and shall be exact in the detail identifying the benefit to the patient. The
28 Administrator may deny or approve any request for modification or alteration and report the
29 actions to the EMS Council.

30 **D. COMMUNICATIONS EQUIPMENT**

31 1. All ALS units, vehicles, and Air Ambulances which respond to emergency

1 medical or medical calls shall possess functional operating capability of direct two-way radio
2 communication with MedCom and be in compliance with the State of Florida Emergency
3 Medical Services Communications Plan.

4 2. All Certificate Holders shall have the availability of two-way radio contact with
5 their ALS units, vehicles, or Air Ambulances which respond to emergency medical or medical
6 calls. All Special Secondary Service Providers shall, at their own expense, ensure direct two-
7 way radio communications with the Primary Service Providers, as specified by the Primary
8 Providers.

9 3. Every ALS unit, vehicle, or Air Ambulance responding to emergency medical
10 calls dispatched by MedCom shall notify MedCom when en route to a call, arrival at a call, en
11 route to the hospital, arrival at the hospital, and when available for another call.

12 4. Any requests for modification or alteration to the requirements of this section
13 must be submitted in writing to the Administrator. All requests shall clearly state the reason(s)
14 for the modification or alteration and shall be exact in the detail identifying the benefit to the
15 patient. The Administrator may deny or approve any request for modification or alteration and
16 shall report the actions to the EMS Council.

17 **E. PATIENT ATTENDANTS**

18 1. Every ALS unit or vehicle shall be staffed according to the standards identified in
19 the Rules and Regulations of Florida Statute Chapter 401 as it pertains to paramedic and
20 emergency medical technician patient attendants.

21 2. Duties of Patient Attendants:

22 2.1 provide medical assistance to the patient as required through oral or
23 written protocol;

24 2.2 ensure that each patient in need of additional medical care is offered a
25 means of transportation from the scene to an appropriate medical facility;
26 and

27 2.3 determine appropriate medical facility destination from the agency
28 Medical Director or through oral or written protocols when transport is
29 required.

30 3. Personnel attending a patient shall:

31 3.1 not direct, any patient to any specific facility, agency or other service

1 occupation or profession for the private or personal gain of the ambulance
2 driver or attendant;

3 3.2 not smoke in vehicles that are used, or that may be used, to transport
4 patients; and

5 3.3 not ask for remuneration in excess of, or in addition to, that listed in the
6 fee schedule of rates provided to the Administrator and posted in the
7 central place of business.

8 4. When a patient attendant is evaluating the appropriate mode of patient transport to
9 a medical facility, the choice shall be made in consideration of patient condition and the
10 availability of ambulances, or the direction of higher medical authority or patient preference.

11 **F. VEHICLES**

12 1. Every ALS unit, vehicle, and Air Ambulance purchased for use, or intended for
13 use, within Palm Beach County shall be inspected by the Administrator or his designee to ensure
14 that each ALS unit, vehicle, and Air Ambulance meets all applicable laws of the State, of Florida
15 and Palm Beach County laws as it pertains to ALS units, vehicles, and Air Ambulances.

16 2. The Certificate Holder shall notify the Administrator or his designee when a new
17 ALS unit, vehicle, or Air Ambulance is placed into operation and shall, within five (5) days of
18 placing the ALS unit, vehicle, or Air Ambulance into operation, have the ALS unit, vehicle, or
19 Air Ambulance inspected.

20 2.1 ALS units, vehicles, and Air Ambulances found to be in compliance with
21 all applicable laws of the State of Florida and Palm Beach County shall be
22 granted authority to operate in Palm Beach County by being issued a
23 Permit.

24 3. Each authorized ALS unit and vehicle shall also meet current State of Florida
25 motor vehicle standards.

26 **G. RECORDS**

27 1. Emergency medical service response and other records maintained by the service
28 as required by the State of Florida and this Ordinance shall be accessible to the Administrator or
29 his designee.

30 2. Insurance policies, or certificates thereof, or certified copies of such insurance
31 policies shall be provided to the Administrator and shall provide for a thirty (30)-day

1 cancellation notice to the Division of Emergency Management, EMS office. Agencies which are
2 self-insured shall provide evidence that the insurance plan has been approved by the Department
3 of Insurance, State of Florida.

4 3. On a monthly basis, each service provider (Primary, Secondary, Special
5 Secondary, Air Ambulance) shall submit a response time report to the Administrator. Reports
6 shall include a minimum of the following items: total number of EMS calls responded to by
7 Zone or Area, total number of calls with an over 8.0 minute response time (over 10.0 minutes for
8 Secondary Providers, over 20.0 minutes for Aeromedical Providers) by Zone or Area, average en
9 route time by Zone or Area, and average response time by Zone or Area.

10 **H. INSPECTIONS**

11 1. The Administrator, or his designee, shall inspect each holder of an EMS
12 Certificate prior to, and as a continuing part of, the Certification process. This inspection shall
13 determine the continuing compliance to the Ordinance, these Rules and Regulations and State
14 Law by the Certificate Holder as a condition of Certificate and Permit issuance.

15 2. Inspections shall be conducted periodically and may be conducted without notice
16 to the Certificate Holder at reasonable times and whenever such inspection is deemed necessary
17 by the Administrator. Inspections shall be conducted without impeding patient care.

18 3. If, during the course of an inspection, a situation is found which, in the
19 determination of the Administrator, will jeopardize the safety or welfare of the EMS personnel or
20 patient care, the Administrator may exercise the powers available identified in Section 18 of the
21 Ordinance to ensure compliance of the Certificate Holder with the Ordinance.

22 **I. RESPONSE TIMES.**

23 1. Primary Certificate Holders shall promptly dispatch an Advanced Life Support
24 unit or vehicle to every emergency medical call reported within their Zone or Area. Each
25 Certificate Holder shall insure all en route times and response times are measured from the
26 receipt at the Public Safety Answering Point or dispatch center.

27 1.1 Primary Provider Advanced Life Support units or vehicles shall maintain
28 not greater than three (3.0) minutes en route time to each emergency
29 medical call within that Certificate Holder's primary Area or Zone. Each
30 Certificate Holder shall maintain, on a monthly basis, an average en route
31 time of not greater than three (3.0) minutes, to all emergency medical calls

1 within their primary Zone or Area. Every emergency medical call in
2 which an Advanced Life Support unit or vehicle takes longer than three
3 (3.0) minutes to be en route, or which cannot be responded to by the
4 Certificate Holder, shall be recorded by the Certificate Holder and kept on
5 file at its central place of business and made available to the Administrator
6 or designee upon request. Excluded from these requirements are all calls
7 not received as an emergency, all inter-facility transports, all calls
8 responded to for stand-by, and all calls with a disposition of "cancel" or
9 "assist."

10 1.2 Any Certificate Holder, dispatched or otherwise requested to respond by
11 MedCom, shall notify MedCom when they are unable to have en route, an
12 Advanced Life Support unit or ALS vehicle within three (3.0) minutes of
13 receipt of a call. This notification to MedCom shall indicate: when an
14 ALS unit or ALS vehicle will be available to respond and its estimated
15 time of arrival; and the actual location of the ALS unit or ALS vehicle
16 available to respond. MedCom may allow the next available Advanced
17 Life Support unit or ALS vehicle of the Certificate Holder to respond or
18 may secure response from another Certificate Holder.

19 1.3 Primary Provider Advanced Life Support Units or ALS vehicles shall
20 maintain not greater than an eight (8.0) minute response time to each
21 emergency medical call within that Certificate Holder's primary Zone or
22 Area. Each Certificate Holder shall maintain, on a monthly basis, an
23 average response time of not greater than eight (8.0) minutes to all
24 emergency medical calls within their primary Zone or Area. The
25 ~~Certificate Holder responsible for service within Glades Sub Zone shall be~~
26 ~~designated a Primary Provider within the Glades Sub Zone and shall~~
27 ~~maintain on a monthly basis, an average response time of not greater than~~
28 ~~eight (8.0) minutes to all emergency medical calls within the incorporated~~
29 ~~areas of Belle Glade, Pahokee, and South Bay.~~ [This revision shall
30 become effective January 1, 2008.] Every emergency medical call
31 in which an Advanced Life Support unit or ALS vehicle takes longer than

1 eight (8.0) minutes to arrive at the scene shall be recorded and kept on file
2 for review by the Administrator. Excluded from these requirements are all
3 calls not received as an emergency, all inter-facility transports, all calls
4 responded to for stand-by, and all calls with a disposition of cancel or
5 assist, and all calls which occur during a natural or man-made disaster.

6 1.4 If a Certificate Holder's Non-Advanced Life Support vehicle arrives on
7 scene first and ascertains no medical severity of the patient(s), the Non-
8 Advanced Life Support vehicle may slow or cancel the response of the
9 responding Advanced Life Support unit.

10 1.5 Any permitted vehicle which is operated by a Secondary Provider within a
11 zone shall arrive at the scene of each emergency medical call within ten
12 (10.0) minutes of receipt of the call by the Certificate Holder. Each
13 Secondary Provider Certificate Holder must maintain an average of at
14 least ten (10.0) minutes, from the receipt of call to arrival at the scene with
15 an Advanced Life Support unit, for all of the Certificate Holder's
16 emergency responses within each Zone or Area on a monthly basis. Every
17 emergency medical call in the Secondary Provider zone which takes
18 longer than ten (10.0) minutes for its ALS unit ambulance to arrive at the
19 scene shall be recorded and kept on file for review by the Administrator.
20 Excluded from these requirements are all calls not received as an
21 emergency, all calls responded to for stand-by, all calls with the
22 disposition of cancel or assist, delays en route as approved by the
23 Administrator, and all calls in which the response is delayed due to being
24 slowed by MedCom or an on-scene Primary Provider, and calls which
25 occur during a local, natural or man-made disaster.

26 2. Every Certificate Holder shall provide the Administrator, upon request, with a
27 monthly recording of the following:

28 2.1 the time each emergency call was received by the agency;
29 2.2 the time an ALS vehicle, ALS unit, or Air Ambulance was dispatched;
30 2.3 the time the responding ALS vehicle, ALS unit, or Air Ambulance was en
31 route; and

1 2.4 the arrival time of the respective ALS vehicle, ALS unit, or Air
2 Ambulance.

3 3. Patient transport by a Certificate Holder in a vehicle other than a Permitted
4 Advanced Life Support unit shall be recorded by the Certificate Holder and a copy shall be
5 forwarded to the Administrator for review within ten (10) days of any such occurrence. This
6 recording shall indicate the date, time, and location of the incident and a statement of the
7 justification for the transport.

8 4. Priority Dispatch

9 4.1 Agencies using a nationally recognized priority dispatch system may
10 apply for a waiver to modify the time limits imposed by these rules. The
11 determination to grant the waiver shall rest with the Administrator, and
12 must have the approval of the EMS Council. Any waiver granted by the
13 Administrator must establish the specific time limits that will be met by
14 the agency receiving the waiver.

15 4.2 For calls classified by the priority dispatch system as life threatening the
16 time limits established in the waiver shall not be more than those
17 contained in Section I, 1.1 through part 1.5, of these rules.

18 4.3 A waiver for response times may be revoked by the Administrator at any
19 time.

20 5. Response Times for Air Ambulance.

21 5.1 When requested by MedCom and when flight conditions permit,
22 Certificate Holders shall promptly dispatch an Air Ambulance to
23 emergency medical calls.

24 5.2 An Air Ambulance shall be en route to emergency medical calls within an
25 average of five (5.0) minutes of the Air Ambulance crew's receipt of the
26 call. Excluded from these requirements are all calls not received as an
27 emergency, all inter-facility transports, all calls responded to for stand-by,
28 and all calls with a disposition of "cancel" or "assist." This shall be
29 calculated on a calendar month basis for the Certificate Holder.

30 5.3 An Air Ambulance responding to emergency medical calls shall arrive on
31 the scene of an emergency medical call within an average of twenty (20.0)

1 minutes of that unit's receipt of the call. This average shall be calculated
2 on a calendar month basis for the Certificate Holder.

3 5.4 The number of emergency medical calls responded to by the Certificate
4 Holder in which response time exceeds twenty (20.0) minutes shall not be
5 greater than 15% of the total number of emergency medical calls
6 responded to in each calendar month.

7 6. If the Certificate Holder is not able to dispatch an Air Ambulance within five
8 (5.0) minutes of receipt of the call, the Certificate Holder shall notify MedCom. This
9 notification to MedCom shall indicate:

10 6.1 When an aircraft will be available to respond; and

11 6.2 The actual location of the available aircraft to respond.

12 7. Response times for inter-facility/inter-hospital transfers.

13 7.1 Requests for transport of emergency medical patients must be responded
14 to by having an ALS unit at the requesting facility within eight (8.0)
15 minutes after receipt of the call. An Air Ambulance responding to
16 requests for transport of emergency medical patients shall arrive at the
17 requesting facility within twenty (20.0) minutes of the unit's receipt of the
18 call.

19 7.2 Requests for transport of an urgent nature, but which are not of an
20 emergency medical classification and have not been-pre-scheduled, must
21 be responded to within thirty (30.0) minutes of the agreed upon time. This
22 response must be maintained for an average of ninety (90%) percent of the
23 calls for each calendar month.

24 7.3 Response times for routine scheduled calls shall be responded to by
25 having an ALS unit at the requesting facility within fifteen (15.0) minutes
26 of the agreed scheduled time. This response must be maintained for an
27 average of ninety (90%) percent of the calls for each calendar month.

28 7.4 In the event that the patient is not ready for transport within thirty (30)
29 minutes of arrival of the ALS unit, the responding agency may leave the
30 requesting facility.

31 Upon request of the Administrator, EMS agencies shall provide response time

1 information pertaining to all or any portion of their inter-facility/inter-hospital transfers, for any
2 given period of time.

3 **J. DRIVERS AND PILOTS**

4 1. Drivers shall comply with the law of the State of Florida as it pertains to
5 emergency vehicle operators.

6 2. It is the duty of every driver of an ALS vehicle or ALS unit to:

7 2.1 promptly respond to emergency medical calls;

8 2.2 when dispatched or requested to respond by MedCom, establish and
9 maintain two-way radio contact with MedCom; and

10 2.3 obey all traffic laws.

11 3. Drivers of ALS vehicles and ALS units shall not:

12 3.1 direct, prescribe, or manipulate a patient to choose any particular facility,
13 agency or other service, occupation or profession for the personal gain of
14 the driver, patient attendant, or owner operator of the Primary or
15 Secondary service;

16 3.2 smoke in any vehicle which patients are, or may be, transported; and

17 3.3 ask for remuneration in excess of or in addition to that listed in the fee
18 schedule provided to the Administrator.

19 4. Air Ambulance pilots shall comply with Federal Aviation Regulations and all
20 applicable state and local statutes, regulations, rules, and ordinances governing Air Ambulance
21 operations. It is the duty of every Air Ambulance pilot to:

22 4.1 ensure the aircraft is airworthy and ready for flight;

23 4.2 maintain awareness of current and forecast weather conditions;

24 4.3 respond promptly to emergency calls;

25 4.4 maintain safety throughout the mission; and

26 4.5 establish and maintain communication with MedCom.

27 **SECTION II: RESPONSE OUTSIDE OF ZONE OR AREA**

28 1. Certificates of Public Convenience and Necessity shall be valid only within the
29 Zone or geographic Area specified on the Certificate.

30 2. Certificate Holders shall not respond to an emergency medical call in the Zone or
31 geographic Area of another Certificate Holder, unless:

- 1 2.1 the service is requested, by MedCom or the affected adjoining service, to
2 respond into the affected Zone or Area; or
- 3 2.2 an ALS vehicle or ALS unit of the Certificate Holder finds itself at or near
4 an emergency medical call in the Zone or Area of another Certificate
5 Holder, the ALS vehicle or ALS unit operator shall:
- 6 (a) advise MedCom of the proximity to the call and that it intends to
7 respond and render aid.
- 8 (b) MedCom will advise the responsible Certificate Holder that
9 another ALS vehicle or ALS unit is on-scene rendering aid. The
10 responsible Certificate Holder may respond to assist the on-scene
11 ALS vehicle or ALS unit.
- 12 2.3 Certificate Holders receiving emergency medical calls requesting a
13 response into an adjoining Zone(s) from agencies or persons other than
14 MedCom shall:
- 15 (a) obtain all pertinent information from the caller, including the name
16 of the caller, phone number, address of the call, and a brief nature
17 of the emergency; and
- 18 (b) respond to the call if the location and time to arrive will benefit
19 patient care; and
- 20 (c) relay the information to MedCom subsequent to the call.
- 21 3. Each Certificate Holder shall be responsible to provide emergency medical
22 response to calls outside of their assigned Zone(s) when required by MedCom, if staffed and
23 equipped ALS vehicles or ALS units are available unless it will remove all coverage from its
24 assigned Zone or Area.
- 25 4. MedCom shall assign ALS units to respond to calls outside of their assigned
26 Zone(s) by the proximity of the units to the patient.

27 **SECTION III: AREAS AND SECONDARY PROVIDER ZONES**

- 28 1. Certificates of Public Convenience and Necessity shall be valid only within the
29 Zone(s) or geographic Area(s) specified on the Certificate.
- 30 2. Secondary Provider Certificate Holders with an Inter-facility/Transfer

1 Endorsement may respond to medical calls and provide inter-hospital transfers and transfers
2 anywhere within the County, using ALS units permitted in Palm Beach County.

3 3. The EMS Certificate Zones for holders of Secondary Provider ALS Transport
4 Endorsements are as follows:

5 3.1 Zone 1: All of the unincorporated territory bounded on the North, by the
6 Martin-Palm Beach County Line; on the south by Hypoluxo Rd. and its
7 extension west to the L40 canal and its extension east to the Atlantic
8 Ocean; on the west to the range line dividing Ranges 39E/40E and its
9 southerly extension to Southern Blvd., then continuing south along the
10 L40 canal to its intersection with the westerly extension of Hypoluxo Rd.

11 AND all of the incorporated territory of:

- 12 (a) The Town of Jupiter
- 13 (b) The Village of Tequesta
- 14 (c) The Town of Jupiter Inlet Colony
- 15 (d) The Town of Juno Beach
- 16 (d) The City of Palm Beach Gardens
- 17 (e) The Village of North Palm Beach
- 18 (f) The Town of Lake Park
- 19 (f) The City of Riviera Beach
- 20 (g) The Town of Palm Beach Shores
- 21 (h) The Town of Mangonia Park
- 22 (i) The City of West Palm Beach
- 23 (j) The Town of Cloud Lake
- 24 (k) The Town of Glen Ridge
- 25 (l) The Town of Lake Clarke Shores
- 26 (m) The Village of Palm Springs
- 27 (n) The City of Lake Worth
- 28 (o) The City of Atlantis
- 29 (p) The Town of Lantana
- 30 (q) The Town of Manalapan

- 1 (r) The Town of South Palm Beach
- 2 (s) The Town of Haverhill
- 3 (t) The City of Greenacres
- 4 (u) The Village of Royal Palm Beach
- 5 (u) The Town of Palm Beach
- 6 (v) The Village of Wellington

7 3.2 Zone 2: All of the unincorporated territory bounded on the North by
8 Hypoluxo Road, and its extension west to the L40 canal and its extension
9 east to the Atlantic Ocean; on the west by the L40 canal from its
10 intersection with the westerly extension of Hypoluxo Road south to its
11 intersection with the Palm Beach-Broward County Line; on the east by the
12 Atlantic Ocean. AND all of the incorporated territory of:

- 13 (a) The Town of Hypoluxo
- 14 (b) The City of Boynton Beach
- 15 (c) The Town of Ocean Ridge
- 16 (d) The Town of Briny Breezes
- 17 (e) The Town of Gulfstream
- 18 (f) The City of Delray Beach
- 19 (g) The Village of Golf
- 20 (h) The Town of Highland Beach
- 21 (i) The City of Boca Raton.

22 ~~3.3 Glades Sub Zone: Bounded on the north by the Palm Beach/Martin~~
23 ~~County Line; on the west by the Palm Beach/Hendry County Line; on the~~
24 ~~south by the Palm Beach/Broward County Line; on the east by the range~~
25 ~~line dividing Ranges 39/40E, south from the Palm Beach/Martin County~~
26 ~~Line to its intersection with the L-8 Canal; then south to its intersection~~
27 ~~with the L7/6 Canal, to its intersection with the Palm Beach/Broward~~
28 ~~County Line; AND all of the incorporated territory of:~~

- 29 ~~(a) The City of Pahokee~~
- 30 ~~(b) The City of Belle Glade~~

1 ~~(c) The City of South Bay~~ [This provision shall become effective
2 January 1, 2008.]

3 4. In the event the number of emergency calls in Zone 1 or Zone 2 is reduced by
4 fifteen (15%) percent or more in any single calendar year, the Zones or Areas referenced herein
5 may be modified based on the following procedure:

6 4.1 The Certificate Holder shall petition the County's EMS Advisory Council
7 for review of the distribution of calls and the Certificate Holder shall carry
8 the burden of proving that there exists a fifteen (15%) percent loss of
9 emergency calls. ~~However, the mid term exchange of the Glades Sub-~~
10 ~~Zone shall be considered as a loss of emergency calls.~~ [This revision
11 shall become effective January 1, 2008.]

12 4.2 The EMS Council shall reconvene the Ambulance Zone Task Force to
13 work with staff to review and recommend changes to the Zones.

14 4.3 The Task Force shall present its findings to the EMS Council. The EMS
15 Council shall either approve, reject or modify the Task Force's
16 recommendations for submission to the Board of County Commissioners
17 at a public hearing.

18 4.4 At the public hearing, the Board of County Commissioners shall either
19 approve, deny, or modify the zone change recommendation.

20 4.5 If approved or modified, the zone change shall take effect ninety (90) days
21 after its approval by the Board.