

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 9, 2021 [] Consent [] Regular
[] Ordinance [X] Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Emergency Management

EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, (ORDINANCE NO. R.2017-030) TITLED THE EMS ORDINANCE; AMENDING SECTION 13-20(d) (COPCN AND ENDORSEMENTS REQUIRED); PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY; PROVIDING INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary: On February 2, 2021, the Board of County Commissioners approved a preliminary reading and advertise for public hearing. The Emergency Medical Services (EMS) Ordinance establishes standards for issuing Certificates of Public Convenience and Necessity (COPCN's) which are required to provide emergency medical services in the County including the provision of Advanced Life Support (ALS) transport and Basic Life Support (BLS) inter-facility transfer services. Currently, the EMS Ordinance restricts governmental agencies from providing inter-facility transfer services; which are termed Secondary Services. The Health Care District of Palm Beach County (HCD) wants to develop their own hospital based emergency medical system and apply for a Secondary Service Provider COPCN to provide inter-facility transports of patients which would be limited to patients needing transports from Lakeside Medical Center (LMC), a public hospital in Belle Glade, to other HCD facilities and specialized treatment centers and patients needing transports to and from the JFK North Addiction Stabilization Unit operated in partnership with HCD and the County. This amendment to the EMS ordinance would allow a governmental agency operating a public hospital to provide limited inter-facility transfer services with conditions when such hospital has obtained a COPCN from the County and a license from the State. Following approval of this amendment, the HCD is eligible to apply for a Secondary COPCN; which would still come back to the Board of County Commissioners (BCC) for review and approval as part of the regular Secondary COPCN solicitation process that expires June 30, 2021. At the December 17, 2020 EMS Council meeting, the EMS Council reviewed and unanimously recommended approval of the EMS Ordinance revisions. This proposed amendment to the EMS Ordinance was presented to the League of Cities on January 20, 2021. Countywide (LDC)

Background and Policy Issues: The EMS Ordinance is established pursuant to Chapter 401, Florida Statutes which grants counties the ability to grant COPCNs to EMS providers within the County. Pursuant to Florida Statutes, Chapter 401, in order for the State to license an applicant to provide emergency medical services an applicant must obtain a Certificate of Public Convenience and Necessity (COPCN) from the County in which the applicant will operate. The EMS Ordinance provides standards for issuing COPCNs in accordance with Chapter 401, Florida Statutes.

Attachment:

- 1. Proposed EMS Ordinance Amendment: Strike-through/Underlined Version
- 2. Proposed EMS Ordinance: Clean Version
- 3. Proof of Publication

Recommended By: [Signature] 2/26/21
Department Director Date
Approved By: [Signature] 3/3/21
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

| Fiscal Years | <u>2021</u> | <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> |
|---|-------------|-------------|-------------|-------------|-------------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| Net Fiscal Impact | <u>0</u> | _____ | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

Is Item Included in Current Budget? Yes ___ No ___
 Does this item include the use of federal funds? Yes ___ No X

There is no fiscal impact associated with this agenda item. Fees associated with a Secondary COPCN are a onetime \$500 application fee and an annual \$150 permit fee per unit.

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

Departmental Fiscal Review: *[Signature]* 12/20/20

II. REVIEW COMMENTS

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

[Signature] 1/14/21
 OFMB *LM 1/19*

[Signature] 1/29/21
 Contract Administration
 1-28-21 TW

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, (ORDINANCE NO. R.2017-030 AS AMENDED); AMENDING SECTION 13-20(d) (COPCN AND ENDORSEMENTS REQUIRED); PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY; PROVIDING INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 13, Article II, Section 13-20 of the Palm Beach County Code sets forth provisions relating to the requirement of obtaining a Certificate of Public Convenience and Necessity (COPCN) to engage in the business or service as a Secondary Provider to provide Inter-Facility Transfer services in the County; and

WHEREAS, Section 13-20(d) of the Palm Beach County Code currently provides that governmental providers will not provide Inter-Facility Transfer services unless there is an Emergency Medical Call and the Patients' condition requires a response from the nearest available EMS agency, or when Air Ambulance Transport is required; and

WHEREAS, the Health Care District of Palm Beach County is an independent taxing district created to provide health services throughout the County and is operating the C.L. Brumback Primary Care Clinics, the Edward J. Healey Rehabilitation & Nursing Center, and the Lakeside Medical Center Hospital; and

WHEREAS, the Health Care District of Palm Beach County requires the ability to provide Inter-Facility Transfer of its Patients to specialized treatment centers and other facilities within Palm Beach County to complete the continuum of Patient care; and

WHEREAS, the Board of County Commissioners has determined it is in the best interests of the County to allow governmental entities operating public hospitals to provide Inter-Facility Transfer services to facilitate Patient transfers to and from specialized service and treatment centers.

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

Section 1. Chapter 13, Article II, Section 13-20(d) of the Palm Beach County Code is hereby amended as follows:

Sec. 13-20. COPCN and endorsements required.

(d) Governmental agencies shall not provide Inter-Facility Transfer services unless there is an emergency medical call and the patient's condition requires a response from the nearest available EMS agency, or when air ambulance transport is required. Emergency or Inter-Facility Transfers shall meet the same response time requirements as an emergency medical call. However, a governmental agency operating a public hospital may provide limited Inter-Facility Transfer services in accordance with conditions granted under an approved COPCN.

Section 2. Repeal of laws in conflict.

All local laws and ordinances applying to the unincorporated area of the county in conflict with any provision of this article are hereby repealed to the extent of any conflict.

Section 3. Savings clause.

Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all administrative and court orders, fines, and pending enforcement issued pursuant to this authority and procedures established by Chapter 13, Article II, of the Palm Beach County Code shall remain in full force and effect.

Section 4. Severability.

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

Section 5. Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word Ordinance may be changed to section, article, or other appropriate word.

Section 6. Captions.

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

Section 7. Effective Date.

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 202__.

**ATTEST:
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
County Attorney

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CLERK & COMPTROLLER**

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BY ITS BOARD OF COUNTY
COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
County Attorney