

# DeSoto County Policy for Certificate of Public Convenience and Necessity

## **SECTION 1. PURPOSE AND SCOPE**

This policy is enacted pursuant to Section 401.25 (d) (6), F.S., and Chapter 64J, Florida Administrative Code for the purpose of providing standards and necessary regulations for the issuance of Certificates of Public Convenience and Necessity (COPCN) for basic and/or advanced life support medical transportation services for in/out of county emergency and/or non-emergency transports; to include morgue transport services to the Medical Examiner. Upon request only, must be able to provide emergency backup service within DeSoto County.

## **SECTION 2. CERTIFICATES REQUIRED**

Every person, firm, corporation, association or governmental agency that routinely or regularly operates a vehicle or aircraft in DeSoto County for the purpose of engaging in the business of providing Basic Life Support Service, or Advance Life Support Service must obtain a COPCN from the DeSoto Board of County Commissioners (DCBOCC).

## **SECTION 3. CLASSIFICATION OF CERTIFICATES**

Services granted certificates shall operate in accordance with the classification of each service category and subcategory as follows:

### **a. Basic Life Support Service**

Any emergency first aid and patient care measures which include the application of cardiopulmonary resuscitation (CPR) and other non-advanced life support (ALS) procedures which will support life until the commencement of ALS physician or emergency department treatment.

### **b. Advance Life Support Service**

Any pre-hospital advanced life support measures which include the use of adjunctive equipment and special techniques such as the use of endotracheal intubations or other invasive airways, cardiac monitoring, defibrillation, establishing I.V., drug administration or the use of any other supplies, devices, drugs, substances or procedures, determined to constitute advanced life support under the rules promulgated pursuant to Chapter 401, F.S.

## **SECTION 4. CERTIFICATE APPLICATION PROCESS**

- a. No person, firm, corporation or partnership shall operate any of the services as described in Section 3 unless a COPCN is first obtained by the DCBOCC.
- b. The Review Board will consist of, but not limited to: four representatives from DeSoto County Fire Rescue (DCFR) and a representative from the DeSoto Memorial Hospital (DMH) Emergency Department.
- c. All applications submitted must be completed to entirety including all attachments listed on application.

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- d. Applications can be mailed or delivered to DeSoto County Finance Department, 201 E. Oak St., Suite 203, Arcadia, Florida 34266 or emailed to Cindy Talamantez, Purchasing Director at [c.talamantez@desotobocc.com](mailto:c.talamantez@desotobocc.com). Applications must be received by end of business day, Friday, September 9, 2022. The decision maker must be available for any questions on September 12<sup>th</sup>.
- e. Each application for COPCN shall be sent to the Review Board for review in accordance with procedures established by the policy.
- f. For the purpose of review of applications or determination of applicant's compliance, the Review Board or its designated representative shall be empowered to perform reasonable inspections of any item pertinent to the requirements of this policy.
- g. Upon making such findings and determinations the Review Board shall forward a recommendation to the DCBOCC for the granting or denial of certificates.
- h. Upon request, the applicant shall be furnished a copy of the Review Board's recommendation.
- i. The initial certificate granted by the DCBOCC to a service shall be valid for a three (3) year period less the number of months left until the established renewal date of October 1st. Subsequent certificates granted shall be valid from the aforesaid periods of three (3) years unless otherwise revoked, suspended or modified. DCBOCC can exercise renewal options of one additional year; up to a maximum of three (3) times.

### **SECTION 5. APPLICATION REVIEW CRITERIA**

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

- A. The number and type of services and governmental entities currently providing emergency advanced life support or non-emergency medical services to the area. The basis for determination of need may include a comparison of estimated annual requests for service in the particular certificate category, with the current number of vehicles satisfying requests.
- B. The past performance service record and reputation of the applicant obtained from sources such as hospitals, nursing homes, local public safety agencies and the local Department of Health.
- C. The financial responsibility of the applicant to maintain safe, comfortable services, maintain or replace equipment, and maintain required liability and medical malpractice insurance upon the request of the DCBOCC.
- D. The condition of the vehicles and equipment provided by the service.
- E. The adequacy of the management plan of the applicant upon the request of this service.
- F. Inspection and examination; in accordance with the F.S., Section 401.31, the DCBOCC shall reserve the right to inspect each basic life support, and advanced life support at reasonable times and whenever such inspection is deemed necessary by DCFR.
- G. The effect of the proposed services on the quality and cost of any existing medical transportation or rescue services.

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### **SECTION 6. ISSUANCE**

- A. The DCBOCC shall consider the application at the next regular meeting following the receipt of the recommendations, if it finds that the proposed service meets the public convenience and necessity, issue a certificate, subject to such limitations as the DCBOCC deems necessary to protect health, safety, and welfare.
- B. The certificate shall be valid for a period of three (3) years. DCBOCC can exercise renewal options of one additional year; up to a maximum of three (3) times.
- C. The certificate shall not be transferable or assignable, either voluntarily or by operation of law, without the prior written approval of the Board, upon a finding of conformance with all requirements of this policy.
- D. Every certificate issued under this policy shall state the service territory authorized, the minimum requirements for the motor vehicles to be used in the rendition of such service and conditions and limitations as the Board deems necessary in the public interest.
- E. Duration and Form: certificates shall be effective only for three (3) years from date of issuance, DCBOCC may extend renewals of one additional year; up to a maximum of three (3) times and shall contain:
  1. The name of the service,
  2. A statement showing whether the certificate is for ALS or BLS.
  3. The dates of issuance and expiration.
  4. The geographic areas of, and any limitations on, operation and service in the County.
  5. The signatures of the Chairman of the Board, County Attorney and County Administrator.

### **SECTION 7. MODIFICATION, SUSPENSION OR REVOKE**

- A. Every COPCN issued pursuant to this policy is subject to revocation, modification or suspension when it is found that:
  1. The certificate holder has failed or neglected to render services as required by the certificate, or the Rules and Regulations promulgated under Chapter 401 of Florida Statutes, or
  2. The application by which the certificate was secured contained false representations or omitted material or facts, or
  3. The certificate holder or its agent has demanded money or other compensation in excess of that established in its schedule of fees or rates filed with the DCBOCC, or
  4. The certificate holder has been convicted of a felony which renders the certificate holder of such character and conduct which fail to meet standards of conduct considered appropriate in the licensed activity. In determining whether to revoke, suspend or modify a certificate holder's certificate, the DCBOCC shall consider the following factors:
    - a) The nature and seriousness of the offense.
    - b) The circumstances under which the felony occurred.
    - c) The amount of time which has passed since the commission of the offense.
    - d) The age of the person when he committed the offense.
    - e) Whether the offense was an isolated or repeated violation.

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- f) Social conditions which may have contributed to this offense.
- g) Any evidence of rehabilitation.
- h) The type of position or employment in which the certificate holder is involved.
- i) Any extenuating or mitigating circumstances which the certificate holder may offer.

### **SECTION 8. APPEAL PROCESS**

Any application that has been denied or any certificate holder who has been revoked, suspended or modified may seek relief through an appeal to a court of competent jurisdiction within thirty (30) days of denial, revocation, modification or suspension.

### **SECTION 9. RENEWALS OF CERTIFICATES**

All requirements applicable to initial applicants for COPCN shall be applicable to certificate holders seeking to renew their COPCN.

### **SECTION 10. RIGHTS AND DUTIES BY CERTIFICATION**

Acceptance of the Certificate shall obligate the applicant to:

- A. Provide continuous and uninterrupted services to the extent, and for the area, authorized by the certificate;
- B. Provide services to adjacent areas or routes, when requested to do so by public safety agencies, in emergency situations;
- C. Keep such records as may be required by the Federal or State government or by the DCBOCC, pursuant to any rules and regulations adopted by resolution under this policy and furnish or make such records available to the DCBOCC, County Manager, Public Safety Director or their designee, for inspection at reasonable time and places.
- D. Every certificate holder shall keep accurate records or receipts from operations, operating and other expenses, capital expenditures and such other operating and patient information as may be required by the DCBOCC.
- E. Prompt service is required for every call for Emergency and/or Non-Emergency Ambulance Service shall be answered promptly. Patients shall be loaded and transported without being subject to unreasonable delays. Those instances where there is a delayed response between receipt of a transport and dispatch of an ambulance shall be reported to the Public Safety Director with documentation of circumstances which delayed the response.
- F. When emergent response is requested by DeSoto County Fire Rescue, the certificate holder is required to respond in 120 seconds or less, 60% of the time. When a scheduled response is requested from DeSoto Memorial Hospital, the response time shall be 30 minutes or less, 90% of the time. Requests for service that are unscheduled but urgent, shall have a response time of 30 minutes or less, 90% of the time. For requests that are unscheduled but not urgent, the response time shall be one (1) hour or less, 90% of the time.

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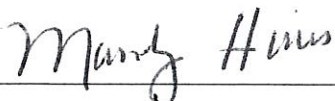
- G. Twenty-four-hour service; every certificate holder shall be required to operate a minimum of one (1) ambulance on immediate calls, at all times. Further, every certificate holder shall be required to maintain a second ambulance on a standby basis which will be available on notification of need when one ambulance is out.
- H. Must have radio capability to communicate through the DeSoto County Sheriff's Department Dispatch system for ambulance operations within DeSoto County.
- I. All certificate holders shall file with the application a schedule of proposed rates for transportation or treatment of patients; as well as morgue transport rates.
- J. Daily Manifests; every operator shall provide each driver with a daily manifest upon which shall be recorded the time, place or origin, destination, and charges for each trip made and such other operating and patient information as may be required by the DCBOCC. Every operator shall retain and preserve all daily manifests for at least two (2) years, and such manifests shall be available for inspection by the DCBOCC upon request of an authorized county official.
- K. Monthly report sent to the Public Safety Director stating the date and response time of each call; as well as whether calls are emergent, scheduled or unscheduled events.

### SECTION 11. COMPLAINT PROCEDURES

- A. Complaints about the services of a certificate holder shall be directed and received by the Public Safety Director and/or their designee to investigate and make recommendations as to what action, if any, should be taken to the DCBOCC.
- B. The DCBOCC shall then either revoke, modify, suspend or affirm the certificate in question, after providing notice and an opportunity for the applicant or other interested parties to address the DCBOCC.

**PASSED AND ADOPTED** this 10th day of August, 2022

ATTEST:

  
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MANDY HINES

COUNTY ADMINISTRATOR