

Chapter 3 $\frac{1}{2}$
Emergency Medical
Services and
Nonemergency Medical
Transportation Services

September 5, 2019

Brief Chronology

November 13, 2018 – The County Commission directed the County Attorney's Office to draft amendments to Chapter 3 ½ transferring the division from the Office of the Medical Examiner and Trauma Services to the Environmental and Consumer Protection Division; introducing enforcement mechanisms; and simplifying the nonemergency transportation licensing procedures

January 10, 2019 – Environmental and Consumer Protection Division presented proposed changes to the EMS Council

October 15, 2019 (tentative) – Proposed amendment to Chapter 3 ½ on the County Commission Agenda.

November 5, 2019 (tentative) – Public hearing on amendments to Chapter 3 ½ on the County Commission Agenda

Chapter 3 ½ Broward County Code of Ordinances

What is it?

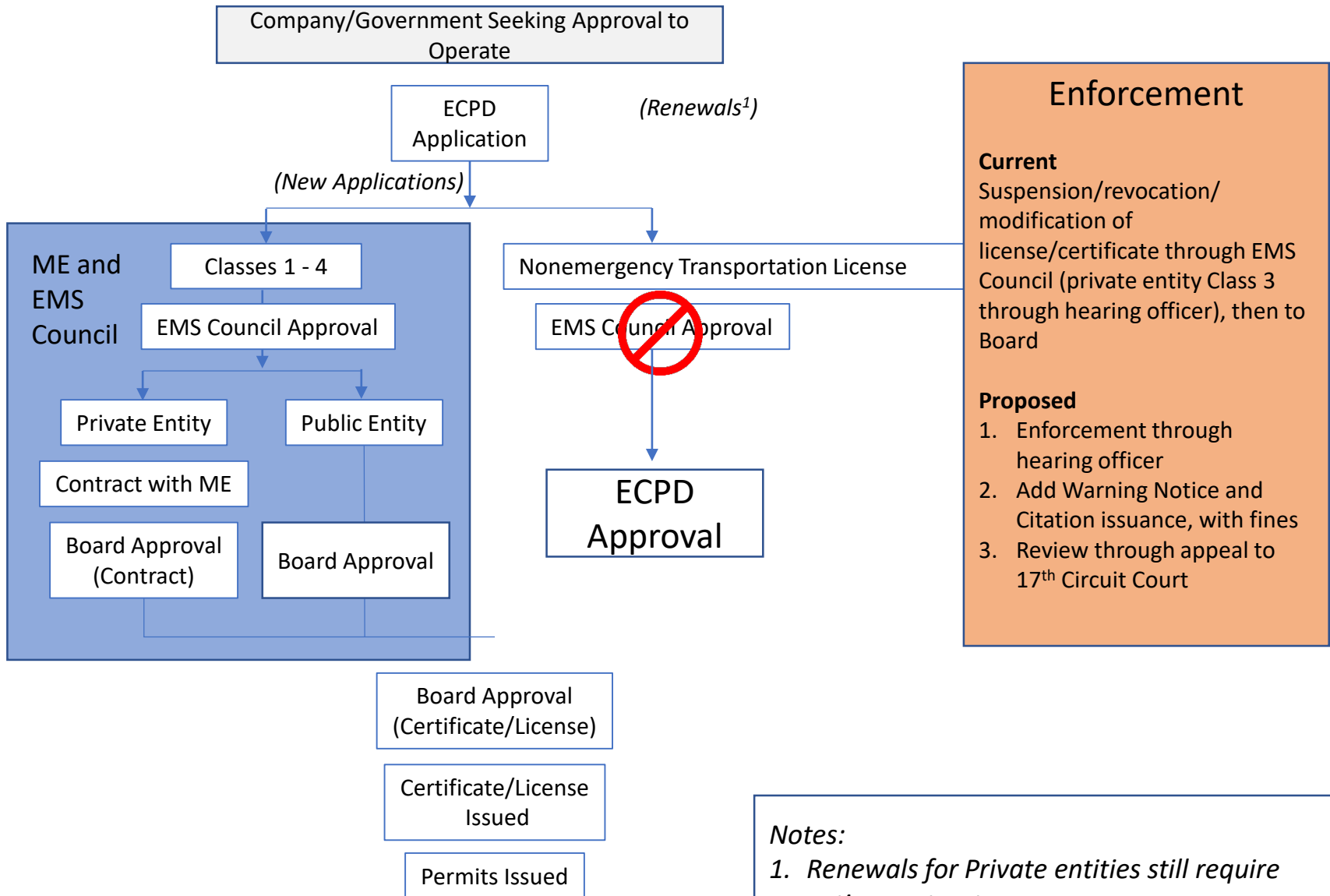
- In a nutshell Chapter 3 ½ requires that every person or entity (including government) that provides ALS or BLS service within Broward County must obtain a certificate of public convenience and necessity from Broward County and the appropriate license issued pursuant to Florida law.
- Every person or entity that provides nonemergency medical transportation services within Broward County must obtain a license from Broward County.

Chapter 3 ½ - Broward County Code of Ordinances

Substantive Changes

1. Chapter 3 ½ is split up into two Articles.
 - Article I – Certificates of Public Convenience and Necessity (includes Class 1 -4 COPCN)
 - Article II – Nonemergency Medical Transportation (formerly Class 5)
2. Chapter 33 of the Broward County Administrative Code was incorporated into Chapter 3 ½.
3. The Division that administers Chapter 3 ½ is the Environmental and Consumer Protection Division (ECPD) rather than the Office of the Medical Examiner and Trauma Services.
4. Membership of the EMS Review Committee was changed to be consistent with sunset review performed by the County last year.
5. ECPD must administratively renew certificates if no complaints against the EMS provider within the past certificate period and ECPD has reviewed the application consistent with Chapter 3 ½. If there are complaints, then the EMS Review Committee must review the application (same as previously).
6. ECPD investigates complaints and violations. Such violations can be enforced as provided in Chapter 8 ½ of the County Code of Ordinances and through a hearing officer. A hearing officer's determination can be appealed to the 17th Judicial Circuit Court.
7. Nonemergency medical transportation licenses are obtained through application from ECPD. A denial of a license may be appealed to ECPD and will be decided by the County Administrator.

Proposed Process Change for ECPD Transition



Enforcement

Current
 Suspension/revocation/modification of license/certificate through EMS Council (private entity Class 3 through hearing officer), then to Board

Proposed

1. Enforcement through hearing officer
2. Add Warning Notice and Citation issuance, with fines
3. Review through appeal to 17th Circuit Court

Notes:

1. Renewals for Private entities still require active contract.

Chapter 3 ½

Chapter 3 ½-1 Definitions.

- Minor changes to alphabetize, fix grammar, and to provide consistency with Chapter 3 ½

Chapter 3 ½-2. Certificates.

- Only addresses certificates of public convenience and necessity
- Licenses deleted and moved to Article II

Chapter 3 ½

Chapter 3 ½ -3. Exemptions.

- Reorganize and consolidation.

Chapter 3 ½-4. Classifications of service.

- 4 Classes – class 5 eliminated and shifted to Article II – nonemergency transportation medical service
- Organizational changes – attempted to make it easier to read

Chapter 3 ½-5. Emergency call zones.

- Remains the same (moved two paragraphs not relating to emergency call zones to section 3 ½-4.

Chapter 3 ½

Chapter 3 ½-6. Applications and Certificates for ALS and BLS Service.

- Consolidated Chapter 33 of the Administrative Code with Chapter 3 ½ for applications
- Applications for ALS and BLS are combined into one section
- New applications are processed by the ECPD and sent to the EMS Review Committee through County Administrator then the County Commission
- No changes to renewal applications (with complaints go to EMS Review Committee – with no complaints are administratively approved.

Chapter 3 ½-7. EMS Review Committee.

- Changes to the membership categories to make consistent with sunset review changes
- Added a third catch-all member not tied to a category to make quorum easier to achieve and provide for more flexibility. A quorum is four members
- EMS Review Committee will no longer hold hearings. A hearing officer will hear all violations (certificates and licenses)

Chapter 3 ½

Chapter 3 ½-8. Renewal of certificates.

- Changed sentence structure but no substantive changes.

Chapter 3 ½-9. Transfer or assignment of certificate.

- Changed to provide that a change in the majority of the ownership or a controlling interest of the EMS provider will be deemed a transfer of assignment. Does not apply to governmental entities.

Chapter 3 ½-10. Insurance.

- Updated insurance requirements to further protect County.

Chapter 3 ½-11. Rates.

- Updated language to ECPD and removed licenses

Chapter 3 ½

Chapter 3 ½-12. Rules, regulations, and reporting.

- Reorganization that integrates Chapter 33 of the Administrative Code.
- Grammar changes

Chapter 3 ½-13. Issuance of temporary certificate.

- Grammar changes

Chapter 3 ½-14. Extensions to certificates.

- County Administrator has the authority to extend certificates to 120 days (previously 60 days).

Chapter 3 ½

Chapter 3 ½-15. Complaints, violations, penalties, hearings.

- ECPD investigates complaints concerning EMS providers in Broward County
- Violations are a combination of Chapter 3 ½ of the County Code of Ordinances and Chapter 33 of the Administrative Code.
- Penalties are enforced through C
- Chapter 8 ½ of the County Code of Ordinances (Code enforcement – through a hearing officer)
- Hearing Officer can order a fine, revocation, suspension, modification. Hearing Officer's Order can be appealed to the 17th Circuit Court.

Chapter 3 ½- Article II

Chapter 3 ½ -16. License required.

- All entities desiring to perform nonemergency medical transportation services must obtain a license.

Chapter 3 ½-17. Application and license for nonemergency medical transportation.

- Combined Chapter 33 of the Administrative Code
- Submit application to ECPD
- ECPD approves all new and renewal license
- A denial of a license can be appealed and County Administration makes a decision

Chapter 3 ½- Article II

Chapter 3 ½-20. Rules, regulations, and reporting.

- Combined Chapter 33 of the Administrative Code

Chapter 3 ½-21. Complaints, violations, penalties, hearings.

- Complaints are investigated by ECPD
- Violations combine Chapter 3 ½ County Code of Ordinances and Chapter 33 of the Administrative Code
- Hearings are conducted in the same manner as Article I.