

R-90-92

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF A LIMITED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WEST COAST MEDICAL TRANSFER SERVICE, INC. FOR THE PROVISION OF ADVANCED LIFE SUPPORT SERVICE; SETTING FORTH CERTAIN LIMITATIONS; REQUIRING COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS; ESTABLISHING ADDITIONAL CONDITIONS; AND PROVIDING FOR THE DURATION OF THE CERTIFICATE; AND RESCINDING RESOLUTION R-90-07.

WHEREAS, Manatee County has adopted Ordinance 81-8 providing for the issuance of Certificates of Public Convenience and Necessity for emergency medical transportation services; and

WHEREAS, West Coast Medical Transfer Service, Inc. (hereafter "WEST COAST") has submitted an application for a Certificate of Public Convenience and Necessity for the provision of an advanced life support license to be limited to non-emergency, non-first response Basic Life Support and Advanced Life Support inter-hospital transport service in accordance with the provision of Ordinance 81-8; and

WHEREAS, the continued authorization of West Coast to provide non-emergency non-first response Basic Life Support and Advanced Life Support inter-hospital transport service would not appear to unduly adversely impact or affect the operations of the County Emergency Medical Services; and

WHEREAS, West Coast primarily provides non-emergency medical transportation services which are not currently licensed or regulated by Manatee County; and

WHEREAS, nothing contained herein is intended to convey any license or right to perform non-emergency medical transportation services or inter-hospital transportation services in derogation of any licensure requirement established by the State of Florida; and

WHEREAS, a public hearing before the Board of County Commissioners was conducted on April 3, 1990 to consider the application and a copy of the application and proof of publication of the Notice of Public Hearing were submitted and filed with the Board of County Commissioners at that time; and

WHEREAS, based upon all of the evidence and other presentations were made during the public hearing, West coast was found to be capable of providing services in accordance with the provisions contained below; and

WHEREAS, it was determined that there is a Public Convenience and Necessity for the services provided by West Coast in accordance with the terms of the limited Certificate of Public Convenience and Necessity authorized herein.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Manatee County, Florida, that:

1. The issuance of a limited Certificate of Public Convenience and Necessity for West Coast Medical Transfer Service, Inc. for the provision of advanced basic life support services to the citizens of Manatee County is hereby authorized for the purposes set out below:
  - A. The provision of basic life support services or advanced life support services as defined by Chapter 401, Part III, Florida Statutes, upon request of County when such supplemental service is deemed necessary due to an emergency or disaster; and
  - B. The provision of services under circumstances where non-emergency medical transportation services as defined by Chapter 401, Part III, Florida Statutes, would otherwise be appropriate except that administration of oxygen is required for regular use by a patient and has previously been prescribed by a physician duly licensed by the State of Florida.
  - C. The provision of Advanced Life Support services shall be limited to only inter-hospital transportation services requested from a Manatee County Emergency Medical Service provider. It is not the intent of this paragraph to grant to West Coast Medical Transfer Service an exclusive franchise for inter-hospital transports, but rather to release Manatee County Emergency medical Service of the primary responsibility for same. Nothing herein shall limit the right of

Manatee County to grant a Certificate of Public Convenience and Necessity to additional providers.

2. The Certificate of Public Convenience and Necessity authorized herein shall remain valid for the period of time provided below based upon continued compliance by West Coast with the following provisions:

- A. In the event it is determined by the Manatee County Emergency Medical Services Division, Emergency Communications Center (hereafter ECC) or by the County that a major catastrophe or emergency exists, then West Coast shall make available to the County all of its in-service units and personnel to assist in the aid and protection of the health, safety and welfare of the persons involved therein. Whenever units, equipment or personnel of West Coast are under the custody and control of the County pursuant to this provision, the County shall assume all liabilities and obligations arising out of or in connection with such utilization of any in-service units, equipment, and West Coast personnel, however, the County shall not be liable or responsible for obligations, liabilities, claims, damages and causes of action arising out of the negligence of intentional misconduct of West Coast, or its employees, agents, or servants. Provision of in-service units, equipment and personnel by West Coast, in the event of such a major catastrophe or disaster emergency, is a service being rendered by West Coast for and on behalf of the County and the public for and in connection with the privileges and rights granted by the County to West Coast pursuant to the provisions hereof. County shall be under no obligation to pay or reimburse West Coast for services rendered but shall reimburse West Coast for reasonable personnel expenses incurred in the fulfillment of the provision of this paragraph.
- B. In the event the County anticipates calling upon West Coast for services during emergencies not constituting a

disaster as described in 2.A. above, the obligations of the County and West Coast shall be established by separate agreement.

- C. West Coast shall participate in disaster training exercises in which the County operated EMS facilities are utilized, within twenty-four (24) hours of the determination of the date of such exercises, the County shall notify West Coast of the nature, location, date and time of the exercises.
- D. In the provision of basic life support services and advanced life support services authorized herein, West Coast shall maintain compliance with all applicable laws and regulations of the State of Florida as they currently exist and as they may be amended and the provisions of Manatee County Ordinance 81-8 and any subsequent ordinance supplementing, amending or replacing Ordinance 81-8 to the extent that such ordinance regulates the services that will be performed by West Coast which have been authorized herein.
- E. Calls for services which West Coast is not authorized to provide shall be immediately directed to the ECC or such other agency named in written instructions to West Coast from Manatee County.
- F. West Coast shall maintain a log of all requests for services pursuant to the authorization granted herein and Manatee County shall have the right to inspect such log during normal office hours upon giving West Coast twenty-four hours notice. The aforesaid log shall be retained by West Coast for a minimum of three (3) years. Such logs shall also include a record of any service performed by West Coast which resulted in basic life support services or advanced life support services not authorized herein and shall additionally provide immediate notice to the ECC of the performance of such services.
- G. Advertising, publications and solicitations by West Coast shall clearly state that West Coast provides non-

emergency service and shall include the telephone number of the ECC as the method for requesting emergency services. Such advertising may also state that West Coast provides the service authorized under Section 1.B. above.

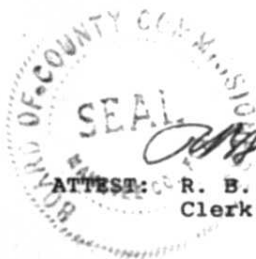
H. West Coast shall provide the Board of County Commissioners a schedule of rates and charges for the provision of any service authorized herein and shall not alter those rates and charges without first providing a new schedule of rates and charges to the Board of County Commissioners. West Coast shall be responsible for billing and collecting all such compensation or fees as separate contractual arrangements between West Coast and the particular customer, patient or other person. The County shall have no liability or responsibility in connection with the compensation or fee charged for services by West Coast to such customers, patients or other persons.

3. The Certificate of Public Convenience and Necessity issued pursuant to this resolution shall be deemed to have taken effect on May 1, 1990 and shall expire on December 4, 1991 unless sooner revoked, suspended, extended or renewed as provided by the Manatee County Ordinance 81-8 or any ordinance supplementing, amending or replacing Ordinance 81-8.
4. The Certificate of Public Convenience and Necessity authorized herein may not be transferred or assigned without the prior written consent of the County.
5. This resolution rescinds and replaces Resolution R-90-07.

ADOPTED WITH A QUORUM present and voting this the 1st day of May, 1990.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Karvin D. Glavin  
Chairman



ATTEST: R. B. SHORE,  
Clerk of the Circuit Court

EMERGENCY MEDICAL SERVICES

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS, the West Coast Medical Transfer has requested authorization to provide

Advanced Life Support services to the citizens of Manatee County; and  
(Advanced Life or Basic Life Support)

WHEREAS, there has been demonstrated there is a need to provide these essential services to the citizens of this county; and,

WHEREAS, the above named service affirms that it will maintain compliance with the requirements of the Emergency Medical Services Act (Chapter 401, F.S.) and rules (Chapter 10D-66, F.A.C.).

THEREFORE, the Board of County Commissioners of Manatee County hereby issues a certificate of Public Convenience and Necessity to said Company to provide ALS, Transport services with limitations as prescribed on this certificate.  
(BLS, ALS-transport  
ALS non-transport)

In issuing this certificate, the governing body of Manatee County has considered recommendations of affected municipalities.

Date Issued May 1, 1990 Date of expiration December 4, 1991  
(Unless certificate is sooner revoked or suspended)

Limitations: For ALS service upon request of County and in non-emergency circumstances where regular oxygen treatment is required and ALS inter-hospital transport services as more specifically defined by resolution R-90-92.

ATTEST: R. B. Shore  
R. B. SHORE, CLERK OF CIRCUIT COURT

Patricia M. Glass  
(Chairman, Board of County Commissioners)