

**ORDINANCE NO. 16-\_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO EMERGENCY MEDICAL SERVICES AND NON-MEDICAL TRANSPORTATION OF NON-AMBULATORY PERSONS; AMENDING AND REVISING SECTION 54-56, DEFINITIONS; AMENDING SECTIONS 54-60, MEDICAL CONTROL BOARD, AND SECTION 54-61, MEDICAL DIRECTOR, REFLECTING CONFORMANCE WITH STATE LAW; AMENDING ALL SECTIONS FOR CLARITY, CONSISTENCY AND UNIFORMITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE AREA EMBRACED; AND PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE.**

**WHEREAS**, The Board of County Commissioners has determined that it is appropriate to modify the services available within the County, while continuing to provide a high level of service for the Countywide ambulance service; and

**WHEREAS**, adding basic life support services will allow for a greater flexibility to meet the appropriate medical transportation needs of the citizens of, and visitors to, Pinellas County; and

**WHEREAS**, allowing stretcher van services will allow for a greater flexibility to meet the appropriate non-medical passenger services needs of non-ambulatory citizens of, and visitors to, Pinellas County; and

**WHEREAS**, provisions of state law provide for the powers and duties of Medical Directors that the provisions of the County ordinance are being modified to reflect.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY THAT:**

**Section 1.** Section 54-56 of Chapter 54 Article III of the Pinellas County Code is amended to read as follows:

Sec. 54-56. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advanced life support (ALS)* means those emergency medical services as defined by F.S. § 401.23(1).

*Ambulance* means any vehicle which is equipped to provide basic life support or advanced life support services, whether privately or publicly owned, which is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for or intended to be used for air, land, or water transportation of patients.

*Ambulance service* means all transports of patients by an ambulance in the county.

*Approved rate schedule* means those fees for ambulance services rendered which have been established by the EMS authority.

*Basic life support (BLS)* means those emergency medical services as defined by F.S. § 401.23(7).

*Certificate of public convenience and necessity* means that certificate issued by the board of county commissioners pursuant to F.S. § 401.25(2)(d) or pursuant to Laws of Fla. ch. 80-585 (compiled as art. II of this chapter).

*Contractor* means the entity selected by the authority, pursuant to the request for proposal process, which is awarded the right to provide all ambulance services in the county, except those specifically exempted by this article.

*County EMS system* means that network of organizations and individuals established to provide emergency medical services to citizens of the county, including public education, EMS communications center operations, first responder services, all ambulance services, and medical oversight including quality assurance and improvement.

*EMS advisory council* means that council established in accordance with Laws of Fla. ch. 80-585.

*EMS authority* or *authority* means the board of county commissioners.

*Emergency medical technician* means a person who is certified to perform basic life support, as defined by F.S. § 401.23(7), and who is certified by both the state and by the medical control board.

*Executive director.* The "executive director" of the EMS authority is the director of the county EMS administration.

*First responder* means any municipality or independent special fire control district which has signed a standardized first responder agreement with the EMS authority and which has been issued a certificate of public convenience and necessity, or an alternative supplier with which the EMS authority may contract for first responder services.

*First responder agreement* means that standardized contract which has been negotiated by the EMS authority with first responders in the county.

*Helicopter ambulance* means any rotary wing aircraft equipped to provide advanced life support services and transportation, and which has received a certificate of public convenience and necessity from the EMS authority.

*Medical control board* means an 11-member board, appointed by the authority, consisting of four licensed physicians specializing in emergency medicine, selected from among the emergency department directors (or their designee) from the acute-care receiving facilities in the county, four administrators from hospitals, one emergency physician appointed by the county medical society, one emergency physician appointed by the county osteopathic society, and one physician from a trauma center.

*Medical director* means a licensed physician, or a corporation, association, or partnership composed of physicians which employs a licensed physician for the purpose of providing medical direction to the county EMS system.

*Paramedic* means a person who is certified to perform advanced life support, as defined by F.S. § 401.23(1), and who is certified by both the state and by the medical control board.

*Patient* means an individual who is ill, sick, injured, wounded or otherwise incapacitated and is in need of or is at risk of needing medical care during transport to or from a health care facility.

*Physician* means a practitioner licensed under the provisions of F.S. ch. 458 or 459.

*Provider* means:

- (1) The contractor awarded the contract by competitive request for proposal to provide ambulance services within the county;
- (2) All first responder services which have signed a first responder agreement and which have received a certificate of public convenience and necessity;
- (3) All helicopters used for medical transportation which have received a certificate of public convenience and necessity;
- (4) All specialized mobile intensive care units which are employed for interhospital transport services and which have received a certificate of public convenience and necessity; and
- (5) All wheelchair/stretchers van services which have received a certificate of public convenience and necessity.

*Prudent net worth* means unreserved fund balance of not less than 25 percent of the authority's then current total annual budget, including, but not limited to, operating expenses, contractual payments for first responder services, contractual payments to the provider for ambulance services, replacement fund deposits, overhead and all other budgeted costs. The percentage of prudent net worth as a percentage of the authority's then current annual operating budget should be measured as of October 1 each fiscal year.

*Response time* means the total of elapsed time between the receipt of a request for an ambulance by the contractor until the actual arrival of its ambulance at the scene.

*Sound business financial management practices* means employment of a business structure and financial management practices in which the functions of fee-for-service billings for ambulance service, and patient accounts management, are the responsibility of the EMS authority and are not a responsibility of the contractor.

*Special event* means any public event located in the county for which first responder and/or ambulance services are arranged in advance, and for which first responder and/or ambulance is hired directly by the sponsor of the event, and the only payment for which is by the sponsor of the event, and for which no fee for transport will be charged to the patient.

*Subscription membership program* means a contract which allows county residents to annually fix price and prepay uninsured portions of medically necessary ambulance services.

*Wheelchair/stretchers vehicle* means any privately or publicly owned land, air or water vehicle which is designed, constructed, reconstructed, maintained, equipped or operated, and is used or intended to be used, for transportation of a person in a reclining or non-reclining wheelchair or

stretcher, and whose condition is such that the person does not need and is not likely to need medical attention during transport, and which has received a certificate of public convenience or necessity.

*Wheelchair/Stretcher Van service* means the transport of persons in a wheelchair/stretcher vehicle when such persons are not in need of medical care and are not likely to need medical care.

**Section 2.** Section 54-60 of Chapter 54 Article III of the Pinellas County Code is amended to read as follows:

Sec. 54-60. - Medical control board.

- (a) The medical control board shall be responsible for recommending to the EMS authority a medical director for the county EMS system.
- (b) Other than as provided by 64J-1.004, F.A.C, the medical control board shall adopt, by resolution, such rules and regulations as are necessary and/or proper to implement this article, provided that such standards shall not be less stringent than those standards required by the current rules and regulations, or by first responder agreements between the authority and first responders. All rules and regulations proposed by the medical control board shall be submitted for review and comment to the EMS advisory council. The EMS authority may require a hearing before the EMS authority and, pursuant thereto, may amend, alter or revoke any rule or regulation of the medical control board, before or after its adoption. To the extent not consistent with 64J-1.004, F.A.C, rules and regulations to be promulgated or reviewed by the medical control board shall include:
  - (1) Minimum personnel standards for ambulance personnel, first responder personnel, EMS communications center personnel, and wheelchair service drivers;
  - (2) Certification provisions for EMTs, paramedics, nurses, emergency medical dispatchers, and wheelchair/stretcher van service drivers;
  - (3) Continuing medical education and In-service training;
  - (4) On-board equipment and supplies;
  - (5) Medical protocols for first responder and ambulance service personnel;
  - (6) Radio protocols;
  - (7) Mass-casualty protocols;
  - (8) Transport protocols;
  - (9) Helicopter ambulance protocols therefor;
  - (10) Protocols for interaction by first responder and ambulance personnel;
  - (11) Requirements for uniformity of equipment and supplies;
  - (12) Standards governing on-line medical control physicians;
  - (13) Standards for EMS communications center operations and priority dispatch;

- (14) Standards for electronic medical records, recordkeeping and reporting;
- (15) Standards for wheelchair vehicle/stretchers van services; and
- (16) Procedures for issuance, renewal, suspension, and revocation of certifications of EMTs, paramedics, emergency medical dispatchers or of wheelchair/stretchers van service drivers, which procedures shall contain due process provisions; all such provisions shall be approved, in advance, by the county attorney.

**Section 3.** Section 54-61 of Chapter 54 Article III of the Pinellas County Code is amended to read as follows:

Sec. 54-61. - Medical director.

The medical director shall serve as the medical director for the county EMS system. The medical director shall be appointed by, and serve at the pleasure of, the authority. The medical director, if he is an individual, or in the case of a corporation, the licensed physician hired by the medical director, shall be board certified in emergency medicine by the American Board of Emergency Medicine or by the American Osteopathic Board of Emergency Medicine. The medical director shall adopt in accordance with 64J-1.004, F.A.C., or carry out the protocols adopted by the medical control board, and shall present to the authority an annual report, written and oral, on the clinical progress of the county EMS system. The medical director shall not receive or accept any remuneration, financial or otherwise, from any provider.

**Section 4.** Section 54-62 of Chapter 54 Article III of the Pinellas County Code is amended to read as follows:

Sec. 54-62. - EMS authority, duties and responsibilities.

- (a) The EMS authority shall provide the county with basic life support and advanced life support ambulance service, such service to comply with all applicable state laws and rules, as well as all rules, regulations, standards and response times as the EMS authority or the medical control board may from time to time promulgate.
- (b) The EMS authority shall provide such ambulance service by the award of a contract to a provider after a competitive request for proposal process. Such competitive request for proposals shall be conducted for the selection of a contractor no less frequently than every 11 years. The contract awarded to the contractor shall require the contractor to provide all ambulance services in Pinellas County, except for those exempted in section 54-59 of this article.
- (c) The EMS authority shall set and adjust an approved rate schedule. The approved rate schedule shall be uniform throughout the county and shall be applicable regardless of whether the transport for which a fee is charged is performed by the contractor or by a first responder.
- (d) The EMS authority shall implement a subscription membership program, unless otherwise prohibited by law.
- (e) The EMS authority shall determine reasonable and customary costs for provision of EMS services in the county, including first responder services. As part of that determination process, the authority shall promulgate rules and regulations which recite the policies for

funding the provision of first responder services. Such rules and regulations shall set forth the complete standardized first responder agreement which has been prepared for presentation to all first responders. They shall also contain a provision offering each existing municipal or independent special fire control district first responder the annual option to continue operating under its standardized first responder agreement, subject to the annually revised compensation level, and a provision that if such existing first responder elects not to exercise its option to continue operating at the new compensation level, the authority shall determine the authority's costs of alternative methods of providing first responder services. In the event that such alternative method of providing first responder services exceeds the level of funding provided in the standardized agreement, the authority shall offer to the municipal or independent special fire control district first responder service which refused to continue operating under its first responder agreement a right of first refusal to provide first responder services at the alternative cost level as determined by the authority under this subsection. Provided, however, that this right of first refusal shall apply to the proffered agreement in its entirety, and shall not apply to selected first responder stations or units within the provider's jurisdiction.

- (f) The EMS authority shall issue certificates of public convenience and necessity to providers.
- (g) The EMS authority shall be responsible for hiring a medical director.

**Section 5.** Section 54-63 of Chapter 54 Article III of the Pinellas County Code is amended to read as follows:

Sec. 54-63. - EMS advisory council.

The EMS advisory council shall review and comment upon all rules, regulations and procedures that are adopted by the medical control board; provided that such rules, regulations and procedures may be adopted on an emergency basis by the medical director or medical control board, without prior review by the EMS advisory council, if in the opinion of the medical director an emergency exists which requires prompt action by the medical control board.

**Section 6.** Section 54-66 of Chapter 54 Article III of the Pinellas County Code is amended to read as follows:

Sec. 54-66. - Violations.

It shall be a violation of this article:

- (1) To perform duties as an EMT, paramedic or dispatcher without a current license issued by the medical control board.
- (2) To permit a person to work as an EMT, paramedic, or dispatcher without a current license issued by the medical control board.
- (3) To use, or cause to be used, any ambulance service other than the providers authorized to operate in the county by virtue of a certificate of public convenience and necessity, or by contract with the authority.

- (4) For any person to provide ambulance service within the county, except for the contractor which contracts with the EMS authority and such other providers which hold certificates of public convenience and necessity.
- (5) To use, or cause to be used, any wheelchair/stretchers van service other than a wheelchair/stretchers van service authorized to operate in the county by virtue of a certificate of public convenience and necessity.
- (6) For any person to provide wheelchair/stretchers van service within the county without a certificate of public convenience and necessity.
- (7) To knowingly give false information to induce the dispatch of a first responder unit or ambulance.

**Section 7. Severability.**

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

**Section 8. Effective Date.**

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

**Section 9. Areas Embraced.**

Pursuant to Ch. 80-585, Laws of Florida, as amended, and Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

**Section 10. Codification.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.