

May 13, 2024

via FedEx and Electronic Mail

Dr. Christian C. Zuver
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Orange County Emergency Medical Services
4654 35th Street
Orlando, FL 32811

Re: Objection to Application of Right By Your Side for COPCN
MLG File No. 122031

Dear Dr. Zuver:

Our firm represents Lifefleet Southeast, Inc., d/b/a American Medical Response (“AMR”) as an existing holder of a Certificate of Public Convenience and Necessity (“COPCN”) to operate Basic Life Support (“BLS”) interfacility services in Orange County. Pursuant to Section 20-94(b) of the Orange County Code of Ordinances, AMR hereby files this objection (the “Objection”) to the Application of Right By Your Side, Inc. (“RBYS”) for a COPCN to operate BLS interfacility service within Orange County. This Objection is timely because it has been served within 14 days of the County’s notice of the Application.

Grounds for Objection

First, the Code requires that any applicant for a COPCN obtain all licenses the state requires. Specifically, the Code states in Section 20-91(c), “[i]t is the board's intent to deem applicants for certificates qualified if said applicants possess **the required licenses** and permits from the state and submit timely, complete, and accurate applications in accordance with this article.” (emphasis added.) Further, Section 20-92(a) states that, “[e]very person that provides ALS or BLS services, including interfacility transport, within the county must obtain a certificate of public convenience and necessity from the board in accordance with this article, and **all applicable licenses** and permits required by the state.” Therefore, if an applicant does not possess the required state licenses at the time of application, the Code deems such applicant unqualified to receive a COPCN. Also, Florida law requires a transportation provider to hold a state license prior to operating in the BLS level of service. *See*: Section 401.25(1), *Florida Statutes*.

Here, the RBYS completely disregards the Code and state law requirement that it hold a state license to operate BLS transport. In fact, in its Application, RBYS states that a state license is “N/A” and provides no explanation why it does not hold a license. See p. 9 of Application. As such, RBYS ignores the above-referenced Code and state law provisions and the Code’s requirement that each application for a COPCN include “[a]ll applicable state licensing information including license numbers.” Code Section 20-93(d)(4).

Further, Section 20-93(7) requires an application to include, “[a] description of each vehicle to be used in the applicant’s operations, including the make, model, mileage, and all vehicle identification, permit, and registration numbers.” In its Application, RBYS completely ignores this requirement and fails to list any vehicles whatsoever.

Notably, in 2021, Osceola Regional Hospital, Inc. applied for a BLS interfacility COPCN and did not have a state license nor did it provide a detailed vehicle roster, just like RBYS. Consequently, on November 30, 2021, the Board of County Commissioners denied Osceola Regional’s application for having no state license and no vehicle roster. Similarly, RBYS’s Application must be denied for failure to follow these critical state law and Code requirements.

Additionally, the Code in Section 20-93(14) requires “[a] description of the applicant’s telephone **and radio communications system** including, but not limited to its assigned frequency, call numbers, and hospital communications capabilities.” The Code also requires in Section 20-93(10) a proposed schedule of rates. In its Application, RBYS provides no information regarding a radio system (it states it operates by cell only) nor does it provide a rate schedule.

Finally, as set forth in the objection filed by American Ambulance, there is no demonstrated need for any additional BLS interfacility operations in Orange County. RBYS has not shown that the existing level of service is not adequate to meet the public need in the BLS interfacility category. Of the eight current BLS interfacility providers, five have entered the market over the past two years. Simply put, the market is adequately served as is and issuing new COPCN’s for BLS interfacility will only cause further cannibalization of the industry and further strain the already thin job market from which companies hire drivers and paramedics.

In sum, there are numerous, serious defects with the Application that merit its denial. If this Application for interfacility transport is granted, without any demonstrated need for such service in Orange County, the intent behind Florida’s certificate of need statute and County Code implementing the statute would be completely eviscerated and the citizens of Orange County would suffer by ever-expanding industry cannibalization. In short, AMR has a record of exemplary service in Orange County, and in other counties throughout Florida and there is no proven need for an additional service provider, notwithstanding the numerous critical omissions from the Application as detailed above.

For all of the foregoing reasons, American Medical Response, as an existing provider of BLS interfacility service in Orange County, respectfully requests that the Application of Right By Your Side, Inc., be denied.

Should you have any questions, please do not hesitate to contact me at (813) 923-1502.

Best regards,

MILLS LAW GROUP PA

Jordan Miller

Jordan Miller

SJM/cls

cc: (via email)