

# **Public Hearing**

**Application for a Certificate of Public Convenience  
and Necessity by First 2 Aid EMS, Inc to provide  
Interfacility Basic and Advanced Life Support  
transport services in Orange County, Florida**

**Orange County EMS/Office of the Medical Director**

**November 30, 2021**



# **Application for Certificate of Public Convenience and Necessity by First 2 Aid EMS, Inc**

## **Presentation Outline**

**BACKGROUND**

**APPLICATION PROCESS**

**REQUIREMENTS TO GRANT COPCN**

**ACTION REQUESTED**



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# BACKGROUND

- Section 401.25, Florida Statutes, requires applicants for ALS or BLS licensure to obtain a COPCN from each county in which the applicant will operate.
- Florida Statutes authorize each county to adopt reasonable standards for COPCNs.
- Chapter 20, Article III, Orange County Code, requires a COPCN to provide emergency medical care and/or transportation in Orange County and outlines the application process.



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# APPLICATION PROCESS

- **(1) EMS receives an application for a COPCN.**
- **(2) EMS investigates the application, the public need for the proposed service, the geographical area involved, and notifies providers and cities impacted by the service.**
- **(3) EMS publishes notice of the application to the public, and affected persons may file written objections within 30 days.**



# APPLICATION PROCESS

- (4) EMS concludes its investigation and makes a recommendation to the Board.
- (5) The Board takes action to grant or deny the application within 30 to 60 days of receiving EMS's recommendation.
  - The Board may call for a public hearing and may issue a COPCN following the public hearing. Section 20-93(a)(1)-(3), Orange County Code.



# APPLICATION PROCESS

- **August 27, 2021 – First 2 Aid EMS, Inc submitted its amended application for a COPCN to EMS.**
- **Sept. 5, 2021 – EMS published notice of the application in the Orlando Sentinel.**
- **Sept. 29, 2021 – American Ambulance filed an objection to First 2 Aid's COPCN application.**
- **Sept. 30, 2021 – AMR filed an objection to First 2 Aid's COPCN application.**
- **Oct. 15, 2021 – EMS recommended that the BCC grant First 2 Aid's application for a COPCN.**





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# REQUIREMENTS TO GRANT COPCN

- In issuing a COPCN, the Board is required to consider the following:
  - First 2 Aid EMS, Inc's application;
  - Recommendations of local municipalities;
  - Recommendations of EMS; and
  - Any objections that have been filed.
    - AMR and American Ambulance.

Section 401.25(2)(d), Florida Statutes; Section 20-93(a), Orange County Code.



# REQUIREMENTS TO GRANT COPCN

- **Prior to granting a COPCN, the Board shall determine:**
  - (1) that the proposed service authorized by the COPCN is or will be required by the present or future public convenience or necessity; and
  - (2) that the applicant is financially and otherwise available to provide adequate and uninterrupted service at the times required.

**Section 20-93(b), Orange County Code.**



# REQUIREMENTS TO GRANT COPCN

- (1) The proposed service is or will be required by the present or future public convenience or necessity.
  - Granting/denying COPCNs is the Board's prerogative and involves the wisdom of delegation of a legislative duty. *See Cty. of Volusia v. Daytona Beach*, 420 So. 2d 606, 611 (Fla. 5th DCA 1982).
  - COPCN = a written statement or document granting permission to provide BLS or ALS services for the benefit of the population of the County or the population of some geographic area of the County. *See Fla. Admin Code R. 64J-1.001(2)*.



# REQUIREMENTS TO GRANT COPCN

- (2) The applicant is financially and otherwise available to provide adequate and uninterrupted service at the times required.

- EMS Investigation:

- Florida Department of Health
- Bay County EMS
- AdventHealth EMS
- AdventHealth (Business Agreement)
- Zoll (Line of Credit)
- Chase Bank



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## **ACTION REQUESTED**

- **Grant First 2 Aid EMS, Inc's Application for a Certificate of Public Convenience and Necessity to Provide Interfacility Basic and Advanced Life Support Transport Services in Orange County for a two-year term; and authorize the County Mayor or designee to execute and issue a Certificate of Public Convenience and Necessity in accordance with applicable law and consistent with direction from, and on behalf of, the Board of County Commissioners.**
- **Allow staff to make amendments consistent with Board direction and to correct scrivener's errors.**

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