Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 5(Q)

From: George M. Burgess
County Manager

Subject: Resolution approving an application for a Certificate of Public Convenience and Necessity to Variety Children's Hospital d/b/a Miami Children's Hospital to provide ground ambulance service

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RECOMMENDATION

It is recommended that the Board approve the attached resolution approving an application by Variety Children's Hospital d/b/a Miami Children's Hospital (MCH) for a Certificate of Public Convenience and Necessity (COPCN) to provide ground ambulance service.

SCOPE

This proposed certificate applies countywide.

FISCAL IMPACT/FUNDING SOURCE

There will be minimal fiscal impact to the County. The ambulances approved by this resolution will result in approximately $3,000 in additional revenue annually.

TRACK RECORD/MONITOR

The applicant currently holds a COPCN to provide intra-County air ambulance transport service. There is no enforcement history. The Consumer Services Department (CSD) is responsible for regulating for-hire transportation in Miami-Dade to include ambulance services.

BACKGROUND

MCH has submitted an application to obtain a COPCN to provide ground ambulance service. Chapter 4 of the Code provides that it shall be unlawful for any person, firm, corporation, or other business or governmental entity to provide or advertise that it provides ambulance service anywhere upon the streets of Miami-Dade County or in the air space above Miami-Dade County, without first obtaining a COPCN. Providers are also required to obtain a license from the State of Florida's Department of Health, Bureau of Emergency Medical Services; however, as a condition for obtaining the state license, a COPCN must first be obtained from the County.

The Code provides that the Board may consider and act upon private applications for COPCN's where the Board by a two-thirds vote of the entire membership finds that the public convenience and necessity require the issuance of additional certificates. In addition, the Code provides that in reaching its determination, the Board shall consider the application, the County Manager's recommendation, and the following criteria:

- Financial ability, including adequate liquid assets to sustain a new operation during an 18 month start-up period;
- Adequacy of the management plan;
- Any recommendations from municipalities;
- The benefits that will accrue to the public interest;

- The community's need for the proposed service, including a response time analysis of existing private providers for the previous three years as compared to benchmark response times stated in each provider's most recent application and the quality of existing services as determined by the results of the comprehensive market survey conducted during the year preceding the term for certificate renewal and acceptance of new applications.

MCH, a nationwide leader in pediatric healthcare, is renowned for excellence in all aspects of pediatric medical care from birth to adolescence offering more than 40 pediatric specialties and subspecialties. MCH boasts advanced capabilities in pediatric and neonatal intensive care, and expertise in non-invasive and invasive cardiology, cardiovascular surgery, extracorporeal life support and trauma surgery.

For several years, MCH has been providing medical transport service through its LifeFlight program. Its medical team is comprised of Registered Nurses and/or Emergency Medical Technicians who have received extensive training in order to care for the critically ill neonate and pediatric population while in transport. The critical care transport team is fully trained in neonatal and pediatric transports and can perform advanced procedures during transport. Air ambulance service is provided under the authority of a COPCN issued by the Board in 2001, while ground ambulance service is provided through a contractual agreement with American Medical Response (AMR), a licensed ground ambulance service provider.

MCH owns the ambulance operated under the AMR's certificate and provides the specialized medical team. However, because the hospital lacks its own COPCN for ground ambulance service, it has been unable to secure a Medicaid provider number from the Centers for Medicare and Medicaid Services. This has prevented MCH from securing reimbursement for ground transport service. MCH estimates that from 2005 to September 2008 it forfeited $242,250 in Medicaid reimbursement from 1,275 Medicaid transports performed. In addition, payout to private ambulance companies was over $890,000 in cost during this time period.

The applicant appears to have the necessary financial strength to sustain its operations. In accordance with the Code, staff will monitor quarterly and annual fiscal and other statistical data on an ongoing basis. Once approved by the Board, MCH will be required to operate a minimum of five active units available to meet the demand for services. The management plan submitted by the applicant details the business functions that will be conducted and managed, including employee/crew training, a mechanism to handle complaints, accidents, maintenance, communications and dispatch, maintenance of business records and a quality assurance program. The proposed service standards meet all requirements of the Code and adequately meet transportation and comfort needs. The benchmark response times provided by the applicant are within the parameters of being reasonably responsive to the expectations of customers and are in line with the other providers' self-imposed schedule of benchmark response times.

The results of the last Triennial Private Ambulance Service Market Survey conducted in 2007 showed that a high quality of ambulance service was being provided throughout the County and that there was no need for significant expansion of providers. However, the survey's participants were not specifically queried about the quality of ambulance service for neonatal and pediatric patients.

A notice of the application filing was transmitted to all County municipalities and certificate holders. No objections or comments were registered. The public benefit is the availability to the community of a highly specialized, equipped and staffed ambulance service operating in compliance with Federal, State and County regulations. CSD received 18 letters from major hospitals and health institutions in Miami-Dade supporting MCH's application and praising its LifeFlight ambulance transport program.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 5, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(Q)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(Q)
5-5-09

RESOLUTION NO. _____

RESOLUTION APPROVING AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO VARIETY CHILDREN'S HOSPITAL D/B/A MIAMI CHILDREN'S HOSPITAL TO PROVIDE GROUND AMBULANCE SERVICE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, in accordance with Chapter 4, Article I of the Code, approves a Certificate of Public Convenience and Necessity to Variety Children's Hospital d/b/a Miami Children's Hospital to provide ground ambulance service in Miami-Dade County.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez