

AMBULANCE DISTRICT ORDINANCE # 14-01
PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON NEW AMBULANCE SERVICES

AN ORDINANCE OF THE JOHNSON COUNTY AMBULANCE DISTRICT OF MISSOURI TO HOLD PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON NEW AMBULANCE SERVICES, VEHICLES, SALES, AND BASES TO ENSURE THE PUBLIC HEALTH AND WELFARE OF THE RESIDENTS OF THE DISTRICT.

WHEREAS, the District is a validly created political subdivision pursuant to RSMo § 190.010;

WHEREAS, RSMO § 190.060.1(7) provides the District with the Power “to adopt such reasonable regulations and Ordinances as may be necessary to render the highest quality of emergency medical care”;

WHEREAS, RSMO § 190.060.1(3) gives the District the authority to act as both an ambulance service provider and the governing body of ambulance service providers within its territory;

WHEREAS, RSMO § 190.060.3 provides that a regulatory ordinance of the District adopted pursuant to any provision of RSMO § 190.060 may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any regulatory ordinance;

WHEREAS, RSMO § 190.105.5 provides that the Comprehensive Emergency Medical Systems Act (“ACT”) does not preclude the District from enacting Ordinances not in conflict with the Act;

WHEREAS, RSMO § 190.109.3 requires the ambulance district to conduct a public hearing regarding the ambulance service applicant’s letter of endorsement and, in appropriate circumstances, adopt a resolution approving the endorsement;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY AMBULANCE DISTRICT OF MISSOURI, AS FOLLOWS:

Section I. Definitions:

- A. Ambulance Service: any person or entity that provides emergency or non-emergency medical transportation and services pursuant to Chapter 190, RSMo and the rules promulgated by the Missouri Department of Health pursuant to Chapter 190, RSMo;
- B. Board: the Board of Directors of the Johnson County Ambulance District.
- C. County: Johnson County, Missouri, the county in which the District is empowered to operate;
- D. District: Johnson County Ambulance District, political subdivision ; the service area in which the District is empowered to operate;
- E. Full Hearing: whenever the Board determines that the filing of a form and other minor supplemental information as the Board may require is not sufficient to make a determination on issues of public convenience and necessity, the hearing held by the Board to gather evidence by means of the procedures described in this Ordinance shall be known as a full hearing.
- F. Primary Service Area: the service area where the service has historically run its emergency calls and reasonably would run these calls in the future shall be known as the primary service area. Each licensed ambulance service shall be required to indicate on each ambulance vehicle license application, by means of both a map and a description of the service area, what it believes to be the primary service area.

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G. Simplified Hearing: whenever the Board determines that the filing of a form or Other supplemental documentation will be sufficient to make a final act or determination on issues of public convenience and necessity, the filing of this form as the Board may prescribe and other documentation as the Board may require shall constitute and be known as a simplified hearing.

Section II. Primary Service Area

The Board shall have the authority to determine an ambulance service's primary service area by making an administrative decision, by examining preexisting rights or by conducting a public convenience and necessity hearing.

Section III. Changes in Operations

The Board shall have the authority to conduct public convenience and necessity hearings upon significant changes in operations or market conditions or to alleviate conflict between ambulance services and not just upon original licensure of proposed ambulance services.

Section IV. Hearing Process

The Board shall have the authority to choose whether it wants to employ the simplified hearing process or the full hearing process for the following:

1. establishment of a new ambulance service, public or private;
2. establishment of a new ambulance base;
3. sale or purchase of an ambulance service whether a sole proprietorship, partnership, or over thirty percent corporate stock;
4. change in the primary service areas; or
5. change in operations of the ambulance service.

If after a preliminary investigation of any of the five types of changes in the ambulance service market (new service, new base, sale or purchase of a service, change in the primary service area, or change in operations of the ambulance service) the Board finds the change to be significant enough to potentially adversely affect existing ambulance service(s), the Board shall employ the full hearing procedures. Any ambulance service proposing changes shall file with the Board a completed form as prescribed by the Board.

Section V. Full Hearing Procedures

- A. Hearings conducted under this Ordinance shall be quasi-legislative and fact-finding in nature as opposed to quasi-judicial. Consequently, any lack of formality during these proceedings in taking testimony before the Board in no way shall invalidate any order, decision, or ruling made as a result of the public convenience and necessity hearing.
- B. The Board shall not be bound by the technical rules of evidence in the conduct of public convenience and necessity hearings.
- C. The Board shall send a notice of the hearing to all ambulance services directly adjacent to the proposed ambulance service. The specific procedures for the public convenience and necessity hearing shall be stated in this notice of hearing.
- D. At the informal quasi-legislative hearing, the Board shall be in a position to ask questions and may ask for the assistance of legal counsel who also may ask direct questions to the parties or their witnesses.

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- E. Before the Board may schedule a full hearing as provided for by Section V of this Ordinance, the applicant shall file a prescribed form with the Board to inform the Board and other affected entities of the issues and criteria that may be relevant to the full hearing.
- F. The Board shall issue a written decision of its findings within forty-five (45) days of holding the full hearing unless extensions are granted to the parties for the submission of documents.

Section VI. Criteria for New or Expanded Service

The Board shall consider the following criteria as they relate to the licensed provider and the applicant before making a decision on present and proposed ambulance services at a full hearing. The applicant shall bear the burden of proof with regard to the following criteria and shall prevail on all of the criteria to the level of clear and convincing evidence in order to be granted a new license or an expanded license:

- A. Response Times: that the existing ambulance service(s) provide inadequate response times and the proposed ambulance service will improve response times;
- B. Quality of Patient Care and Level of Service Provided: that the proposed ambulance service will not cause a material, adverse impact upon existing services or the community served in such a way as to result in a diminution in quality or level of exiting services;
- C. Data from the Current Level of Ambulance Runs: that the projected number of runs made by the proposed service are consistent with projections made by the District;
- D. Financial Impacts on Community Served: that the proposed ambulance service will not increase costs to the residents of the community without an improvement in the quality or level of service provided;
- E. Public Support: that the people residing in the proposed ambulance service area support the proposed ambulance service;
- F. Local Government Support: that the local governments in the proposed ambulance service area support the proposed ambulance service;
- G. Overlapping Service Areas: that the proposed ambulance service area does not overlap with present ambulance service(s) or the present ambulance service(s) support the proposed ambulance service; and
- H. Other Factors to be Considered: that the proposed ambulance service demonstrates knowledge of and experience in the operation of an ambulance service including, but not limited to, financing, management, equipment, and the staffing of an ambulance service.

Section VII. Effective Date

This Ordinance replaces and supersedes Ordinance #1 adopted December 18, 2002.

This Ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Directors.

Section VIII. Severability Clause:

If any portion of this Ordinance shall be deemed invalid by a court of law with competent jurisdiction, the remaining portions of this Ordinance not so declared as invalid shall remain in full force and effect.

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AMBULANCE DISTRICT ORDINANCE # 14-01 PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON NEW AMBULANCE SERVICES ADOPTED ON THIS 17th DAY OF APRIL IN THE YEAR OF 2014.

/s/ Ray Patrick
Signature of Board President

Ray Patrick
Printed Name of Board President

ATTEST:

/s/ Mary Kidd
Signature of Board Secretary

Mary Kidd
Printed Name of Board Secretary