Recommendation to Establish CSA #7 as an Exclusive Operating Area, "Grandfather" the County as Provider, Exclude Certain Services from the EOA and Establish Regulation of Excluded Services

August 16, 2011

11.0924.A.1

Background

- On July 19, 2011 the Board of Supervisors directed your staff and consultant to return today with an action item to create an Exclusive Operating Area (EOA) for CSA #7 and to include recommendations concerning which ambulance service components should be included in the EOA

Analysis

- Staff, County Counsel and Consultant concur that the County has a strong case to establish an EOA through "Grandfathering" the County as the Exclusive Ambulance Provider for those services that have been rendered, *de facto* exclusively since January 1981

- Authority: H&S Code Section 1797.224

Analysis

- Current Ordinance excludes:
  - Ambulance Calls Transiting County (Beginning and ending outside County)
  - Ambulance Call Originating in Other Counties and Terminating within County
  - Ambulance Calls Originating in County and Terminating Outside of County
- First two are required exclusions; inclusion of 3rd in EOA may damage "Grandfather" claim

11.0924.A.4

Analysis

- Contacted Gold Country
  - Concerned about cost, choice and availability
  - Periodic transports to out-of-County destinations
  - Other concerns related to first response
- Contacted Marshall
  - Concerned about cost, choice and availability
  - Frequent transports to out-of-County destinations
  - Particular concern for hospital responsible costs

Gold Country

- County Does Not Bill Gold Country
  - ($0 since 2006)
- Patients and Insurance Billed:
  - Medicare (Paid at MC Rates)
  - MediCal (Paid at MCal Rates)
  - Private Pay (Most are bad debt)
- Dealing with 1st Response Issue Separately
  - Not related to EOA issue

Marshall

- Analyzed Transports Provided by County for One Year (7/1/09-6/30/10):
  - 1,102 Total Transports
  - 47 Hospital Responsible (At least 30 to Out of County)
  - 4.26% of Transports were Hospital Responsible
  - Total Cost in FY 2009-10 = $64,901

  Does not include costs for transports to out-of-County location by other providers

Analysis

- Exclusion of Transports to Out-of-County Destinations:
  - Preserves EOA Status (Manner & Scope)
  - Meets Gold Country Concern
  - Meets Marshall Concern
  - County would still compete for these calls

Regulatory Gap

- EMS Act requires County regulation and oversight of all EMS services originating in the County

- Previous exclusion of transports to out-of-County destinations creates a problem

- Unknown providers providing service in County without oversight or responsibility

- Without oversight County does not know if these providers are licensed, insured or reputable

Permit Process

- Recommend a simple Permit Process to address:
  - Clinical Standards
  - Insurance
  - Communications Capabilities
  - Destination Protocols
  - Recordkeeping
  - Incident Reporting
  - Performance
- Process would be similar to current Wheelchair permit
- ALS will require an ALS Agreement

11.0924.A.10

Permit Process

- Permits will be available to any California Ambulance Transport Service that submits a qualified application and remains qualified

- Timeline for initial implementation to follow in Ordinance (4-6 months phase-in)

- Detailed requirements and fees to follow in Ordinance

11.0924.A.11

Recommendations

- Designate CSA #7 as an Exclusive Operating Area for ambulance services

- Grandfather the County as the exclusive provider of ground ambulance services including:

  - All emergency (911) calls
  - Non-emergency and interfacilty calls that begin and end within the County

Recommended Direction

- Create a permitting process to regulate and provide oversight of ambulances that provide service originating in the County and terminating elsewhere

- Update the EMS Plan to reflect the EOA and other changes

- Update the current Ambulance Ordinance

- Amend the Contract with the El Dorado County Emergency Services Authority (JPA)

- Return to the Board with the Amended EMS Plan, Amended Ambulance Ordinance, and the Amended JPA contract for Board Approval