

**COUNTY SERVICE AREA #7  
CONSIDERATION OF STRUCTURE FOR DELIVERY OF  
EMERGENCY MEDICAL SERVICES**

**BOARD OF SUPERVISORS FINDINGS  
EXCLUSIVE OPERATING AREA**

On July 19, 2011 the Board of Supervisors reviewed the current structure of the provision of emergency medical services in County Service Area (“CSA”) #7. On August 16, 2011, the Board of Supervisors completed its evaluation and took action to create an exclusive operating area in CSA #7 and grandfather the County as the exclusive provider for all emergency ambulance services, and non-emergency and interfacility ambulance transport services that both originate in and terminate in, CSA #7, pursuant to California Health and Safety Code section 1797.224, and directed staff to return with findings for the Board to consider and adopt. In accordance with that Board of Supervisors action, and based upon the information presented, information, agreements, letters, and other documents on file with the Health Services Department, County EMS Agency, and the Clerk of the Board, the Board of Supervisors finds that:

(1) Since prior to January 1, 1981, and continuing without interruption through the present, the County of El Dorado (“County”) has operated emergency ambulance transport services and certain non-emergency interfacility transport services continuously under a Public Utility Model in County Services Area #7.

(2) Since prior to January 1, 1981, and continuing without interruption through the present, County has maintained full control over all the required elements of the provision of emergency medical services under a Public Utility Model, inclusive of administration, finance, and billing of emergency medical services, separate and apart from County’s role as the Emergency Medical Services Agency. At all times County has provided funding, set transport fees, provided billing and collection services and billed under the County’s own Medicare and Medi-Cal number in accordance with this Public Utility Model. County either itself employed ambulance staff, owned ambulances, provided dispatch, and purchased rolling stock or contractually arranged for the items through direct contract between the County and fire districts, or the joint powers authority created by the fire districts.

(3) On September 1, 1996, the fire districts formed a more comprehensive joint powers authority named the El Dorado County Regional Prehospital Emergency Service Operations Authority (“Fire Districts JPA”). The fire districts were authorized to form a joint powers authority pursuant to Government Code section 6500 et seq, and to continue to engage in contracts that they had previously engaged in before forming the Fire Districts JPA.

(4) The formation of the Fire Districts JPA by the individual fire districts did not alter or change the manner or scope of County's provision of emergency medical services through the Public Utility Model. The County maintained full control over the administration, finance, and billing of emergency medical services, separate and apart from County's role as the Emergency Medical Services Agency, and continued to provide funding, set transport fees, provide billing and collection services and billed under the County's own Medicare and Medi-Cal number, while contracting directly with the Fire Districts JPA for certain transport and dispatch items/services. The fire districts continued to provide the same items/services through the JPA that they had previously provided under direct contract to the County prior to the centralized contract through the Fire Districts JPA.

(5) The County's provision of emergency ambulance transport services has been de facto exclusive since prior to January 1, 1981 even though the County, up until this time, had not created or designated CSA #7 as an exclusive operating area. Since January 1, 1981 to present, the County's EMS Agency has not received a substantially complete application from, and has not granted a permit or contract to, a qualified ambulance transport service provider demonstrating an intent and ability to provide safe, competent and quality service within the confines of local, State and federal rules, regulations and procedures for emergency ambulance transport service.

(6) The County's provision of non-emergency and interfacility ambulance transport services, both originating in and terminating in, the County has been de facto exclusive since prior to January 1, 1981 even though the County, up until this time, had not created or designated CSA #7 as an exclusive operating area. The County's Ordinance, Ordinance Code Section 8.74, entitled *County Emergency Medical Service and Medical Transportation*, requires an ambulance transport service provider to apply for a contract or permit, whichever is required, in order to provide service within the County. Since January 1, 1981 to present, the County's EMS Agency has not received a substantially complete application from, and has not granted a permit or contract to, a qualified ambulance transport service provider demonstrating an intent and ability to provide safe, competent and quality service within the confines of local, State and federal rules, regulations and procedures for non-emergency and interfacility ambulance transport services originating within and terminating in the County.

(7) There are insufficient facts in the record to conclude that non-emergency interfacility ambulance transports that originate within the County CSA #7 area and terminate outside the County have been provided exclusively by the County since January 1, 1981 and therefore those services will remain subject to competition, and subject to a permit process. Both non-emergency interfacility ambulance transports transiting the County (beginning and ending outside the County), and originating in other counties and terminating within the County, are excluded by law and the County's ordinance from consideration of exclusivity.

(8) In 1999, the County's Board of Supervisors determined (i) that there were no other providers, other than the County, that were eligible to assert "grandfather" status

pursuant to Health and Safety Code section 1797.224, (ii) that no fire district or city within El Dorado County CSA #7 was eligible to assert provider status pursuant to Health and Safety Code section 1797.201, and (iii) that the County could be “grandfathered” as the exclusive provider for CSA #7 for emergency ambulance transport services pursuant to Health and Safety Code section 1797.224. There are no new facts or evidence that would alter these conclusions or support their reconsideration.

(9) Since January 1, 1981, and continuing without interruption through the present, there has been no change in the manner or scope in which the County, under the Public Utility Model, has been providing emergency ambulance transport services within CSA#7.

(10) Since January 1, 1981, and continuing without interruption through the present, there has been no change in the manner or scope in which the County, under the Public Utility Model, has been providing non-emergency and interfacility ambulance transport services that both originate in and terminate in the County within CSA #7.

(11) CSA #7 has, by Board of Supervisors action, been appropriately created as an exclusive operating area pursuant to California Health and Safety Code section 1797.224.

(12) No competitive process is required to select a provider under California Health and Safety Code section 1797.224 if the County’s EMS Plan continues the use of an existing provider in the same manner and scope in which services have been provided without interruption since January 1, 1981.

(13) Therefore, County, having been providing emergency ambulance transport services and non-emergency and interfacility ambulance transport services both originating in and terminating within the County, under a Public Utility Model continuously and without interruption since January 1, 1981, is eligible to be, and is hereby and will continue to be, the exclusive ambulance transport provider for said services within CSA #7.

(14) For interfacility ambulance transports originating in the County and terminating outside the County, CSA #7 will remain nonexclusive, subject to competition and County permit processes.