



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
www.edcgov.us/bos/

## Legislation Text

File #: 13-1467, Version: 1

Health and Human Services Agency recommending the Board consider the following:

- 1) Authorize the Chair to sign Agreement for Services 127-S1411 with the State of California, Department of General Services/Office of Administrative Hearings, for the provision of conducting "as requested" Emergency Medical Technician disciplinary hearings for a term of five years, effective upon final signature and for a maximum contractual obligation of \$48,000 for the term of the Agreement;
- 2) Authorize the Chair to sign a letter terminating existing Agreement 368-162-P-E2010 in the amount of \$10,000 with the State of California for Emergency Medical Technician disciplinary hearings and which is being replaced by Agreement for Services 127-S1411 for like services; and
- 3) Authorize the Purchasing Agent to execute further documents relating to Agreement for Services 127-S1411, including amendments thereto, contingent upon approval by County Counsel and Risk Management, which do not affect the term or maximum compensation.

**FUNDING:** General Fund with reimbursement through State Emergency Medical Services Authority.

Budget Summary	
Total Estimated Cost (5 years) .....	\$48,000
Budgeted (FY 2013-14).....	\$9,600
Estimated (FY 2014-15).....	\$9,600
Estimated (FY 2016-17).....	\$9,600
Estimated (FY 2017-18).....	\$9,600
Estimated (FY 2018-19).....	\$9,600
Total Funding Available.....	\$48,000
Change to Net County Cost.....	\$0

### Fiscal Impact/Change to Net County Cost

There is no Net County Cost associated with this Agreement, as there is a mechanism through the State for reimbursement which is detailed in the "background" section of this Item. Funds for anticipated annual expenditures are included in the County Budget Request for Fiscal Year (FY) 2013-14 and will be included in future County Budget Requests.

### Background

California Assembly Bill 2917 (Torrico, Chapter 274, Statutes of 2008) added requirements on State Emergency Medical Services Authority ("EMSA") including a modification in the EMT disciplinary regulations to replace the Investigative Review Panel with Government Code Section 11500 et seq. (aka "Administrative Procedures Act") for due process in the event an EMT challenges disciplinary action imposed by the State or local EMS Director.

CA Health and Safety Code Section 1798.200 provides that the EMSA Director and/or the local EMS Agency Medical Director, working with the EMSA, may conduct investigations as necessary and take disciplinary action against an EMT-I or EMT-II. In the event the accusation cannot be resolved, the EMT may file a notice of defense and the case is brought before an administrative hearing ("disciplinary action appeal").

Government Code Section 27727 allows any county or other local public entity to contract with the Office of Administrative Hearings for an administrative law judge ("ALJ") or hearing officer to conduct administrative hearings on a fee-for-service basis. The costs of services include filing fees, ALJ hourly rates, any reasonable costs related to any requested accommodations, court reporters, or translator/interpreter fees as required.

The mechanism that allows for and provides direction to the County to recoup the cost of EMT disciplinary process appeal hearings is detailed in California Code of Regulations, Title 22, Chapter 6, Section 100217, "Reimbursement for Administrative Law Judge Costs." Reimbursements for eligible costs are made from the Emergency Medical Technician Certification Fund.

Agreement for Services 368-162-P-E2010 with the State of California, Department of General Services/Office of Administrative Hearing for the provision of conducting "as requested" Emergency Medical Technician disciplinary hearing was approved and executed by the Board on July 10, 2010, in the amount of \$10,000 for a term that began on August 4, 2010 and with no end term (File Number 10-0736, Agenda Number 8).

### **Reason for Recommendation**

Approval of this Agreement 127-S1411 will ensure continued EMS Agency compliance with State EMS Authority guidelines and regulations regarding EMS Agency disciplinary process appeal hearings.

Termination of 368-162-P-E2010 is necessary due to the implementation of Agreement 127-S1411, which provides updated and comparable services.

### **Action(s) to be taken following Board approval**

1. Chair to sign two (2) original Agreement 127-S1411;
2. Chair to sign two (2) letters terminating Agreement 368-162-P-E2010;
3. Board Clerk to return both signed Agreements and one signed termination letter to HHSA, Contracts Unit, at 3057 Briw Road, Suite A;
4. HHSA to submit signed Agreements to the California State Office of Administrative Hearings for final signature and submit the termination letter to same; and
5. HHSA to return one (1) fully executed original Agreement to the Board Clerk's Office upon receipt of same from the State.

### **Contact**

Don Ashton, M.P.A., Interim Director

### **Concurrences**

County Counsel, Human Resources, and Risk Management