



Legislation Text

File #: 18-1559, **Version:** 1

Health and Human Services Agency recommending the Board:

- 1) Approve and authorize the Chair to sign Agreement for Services 3395 with State of California, Department of General Services/Office of Administrative Hearings to conduct Emergency Medical Technician disciplinary hearings upon request, in the amount of \$55,000, for the term of 5 years from January 6, 2019 through December 31, 2023; and
- 2) Make findings in accordance with County Ordinance 3.13.030 that it is more economical and feasible to contract with State of California, Department of General Services/Office of Administrative Hearings for these specialized services available only through the State, in accordance with Government Code Section 27727; and
- 3) Authorize the Purchasing Agent, or their designee, to execute further documents relating to Agreement for Services 3395, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

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

DISCUSSION / 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 Emergency Medical Technician (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.

California 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 that any county or other local public entity may 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.

County of El Dorado has contracted with Office of Administrative Hearings since 2010.

ALTERNATIVES:

Should the Board decline to approve this recommendation the EMS Agency would be out of compliance with State EMS Authority guidelines and regulations regarding EMS Agency disciplinary process appeal hearings. No other alternatives exist.

PRIOR BOARD ACTION:

- 1) 07/20/2010, 10-0736, HSD 7-20-10 Agreement with California Office of Administrative Hearings
- 2) 12/10/2013, 13-1467, HHSA Agreement with California Office of Administrative Hearings

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel, Risk Management, and Human Resources.

CAO RECOMMENDATION:

It is recommended that the Board approve this item.

FINANCIAL IMPACT:

This Agreement is funded through the General Fund with cost reimbursement received by the EMS Agency Administrative Law Judge Reimbursement Program. HHSA's EMS Agency submits an invoice for reimbursement of Administrative Law Judge costs at the end of each fiscal year. To date, all expenses have been reimbursed through the program. Sufficient General Fund appropriations have been budgeted for FY 2018-19, and will be included in future budgets for the term of the Agreement. The Administrative Law Judge fee has increased from \$260 per hour in fiscal year (FY) 2017-18 to \$280 per hour in FY 2018-19. The Staff Counsel fee has increased from \$247 per hour in FY 2017-18 to \$266 per hour in FY 2018-19. New rates are published for each fiscal year.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain signature of Chair on two (2) original Agreements for Services 3395.
- 2) Clerk of the Board to return one (1) fully executed Agreement to the HHSA Contracts Unit at 3057 Briw Road.

STRATEGIC PLAN COMPONENT:

N/A

CONTACT

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