



## Legislation Text

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**File #:** 23-1960, **Version:** 2

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Chief Administrative Office, Emergency Medical Services and Emergency Preparedness and Response Division, recommending the Board:

- 1) Make findings in accordance with County Ordinance 3.13.030 that the contract is necessary to ensure independent and unbiased findings and it is appropriate to contract with the State of California, Department of General Services/Office of Administrative Hearings for Emergency Medical Technician disciplinary hearings available only through the State, in accordance with Government Code Section 27727;
- 2) Approve and authorize the Chair to sign Agreement 8117 with the State of California, Department of General Services/Office of Administrative Hearings, to conduct Emergency Medical Technician disciplinary hearings upon request, in the amount of \$48,000, for the term of five years; and
- 3) Authorize the Purchasing Agent to execute any necessary amendments relating to Agreement 8117, excluding term extensions and increases to compensation, 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.

The proposed Agreement 8117 will allow for the State of California, Department of General Services/Office of Administrative Hearings, to continue conducting Emergency Medical Technician disciplinary hearings upon request, in the amount of \$48,000, for the term of five years.

### **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**

18-1559 - On December 4, 2018, the Board approved and authorized the Chair to sign Agreement 3395 with State of California.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

The agreement has been reviewed and approved by County Counsel and Risk Management.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

This Agreement is funded through the General Fund with cost reimbursement received by the EMS Agency Administrative Law Judge Reimbursement Program. The EMS Agency submits an invoice for reimbursement of Administrative Law Judge costs at the end of each fiscal year. Sufficient General Fund appropriations have been budgeted for Fiscal Year (FY) 2023-24 and will be included in future budgets for the term of the Agreement. The Administrative Law Judge fee has increased from \$355 per hour in FY 2022-23 to \$373 per hour in FY 2023-24. New rates are published for each fiscal year.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk of the Board to obtain signature of Chair on one (1) original Agreement 8117 and forward to CAO Fiscal, attention Kelley Lawrie.

### **STRATEGIC PLAN COMPONENT**

Good Governance.

### **CONTACT**

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