



# County of El Dorado

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

## Legislation Text

File #: 10-0736, Version: 1

Health Services Department recommending the Board authorize the Chair to sign Agreement 368-162-P-E2010 with the State of California Office of Administrative Hearings to conduct hearings on behalf of the County Emergency Medical Services Agency related to Emergency Medical Technician licensing, certification and disciplinary actions.

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

BUDGET SUMMARY:		
Total Estimated Cost		\$10,000
Funding		
Budgeted	\$10,000	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$10,000	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: The estimated amount of this Agreement will be included in the fiscal year (FY) 2010-11 Health Services Department Addenda budget; it is anticipated that there will be no change to Net County Cost due to the reimbursement process from the State. The State withholds a portion of each certification / recertification fee paid by Emergency Medical Technicians (EMT) in a fund to pay for the cost of Administrative Hearings. The County pays the Office of Administrative Hearings and then submits invoices to the State EMS Authority for reimbursement from the fund. State EMS Authority will reimburse County for costs subject to Administrative Hearings Fund balance.

Background: California Assembly Bill 2917 (Torrico, Chapter 274, Statutes of 2008) adds Health & Safety Code § 1797.118, which required the State Emergency Medical Services Authority (Authority) to include criminal background checks through the Department of Justice and the Federal Bureau of Investigation during EMT certification/recertification. This requirement was addressed by the Health Services Department and approved by the Board on April 6, 2010 via board item 10-0027.

A second component of AB 2917 resulted in the EMSA modifying the EMT Disciplinary Regulations to replace the Investigative Review Panel with the Administrative Procedures Act for due process in the event an EMT challenges disciplinary action imposed by the State or local EMS Director.

California Health & Safety Code Section 1798.200 provides that the State Emergency Medical Services (EMS) Authority Director and/or the local EMS Agency Medical Director working with the

Authority may deny, revoke, suspend, or place on probation an EMT's license. In the event the accusation cannot be resolved and the case does not settle, then the respondent may file a notice of defense and the case is brought before an administrative hearing pursuant to the Administrative Procedure Act (Government Code Sections 11500 et seq.).

This Agreement between the County of El Dorado and the State of California Office of Administrative Hearings specifies that the County may request the services of the Administrative Law Judges on a fee-for-service basis using the then current rates set forth in the Department of General Services Price Book. The process of requesting hearings through the Office of Administrative Hearings is new beginning with this Agreement, therefore the Department has no financial history from which to estimate the usage. Since this is the first year that these services have been included in the EMS Agency budget, the amount budgeted is the Department's best estimate of expenses that may be incurred during FY 10-11.

Term and Termination: This Agreement commences effective upon signature by both parties and continues in full force and effect until terminated by either party through sixty (60) days written notice.

Reason for Recommendation: Approval of this Agreement will ensure EMS Agency compliance with State EMS Authority guidelines, and regulations regarding EMS Agency Disciplinary Process hearings.

Action to be taken following Board approval:

1. Chair to sign three (3) Agreements 368-162-P-E2010.
2. Board Clerk's Office to return three (3) signed Agreements 368-162-P-E2010 along with two (2) certified copies of the Board minutes approving said Agreement.
3. Department to mail signed Agreements and minutes to the State Office of Administrative hearings.
4. Upon receipt of signed and dated Agreement from the State, Department to return one (1) fully executed Agreement to the Board Clerk's Office.

Contact: Kathy Lang

Concurrences: County Counsel & Risk Management