

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

132



SUBMITTAL DATE:
May 27, 2010

FROM: Community Health Agency, Department of Public Health

SUBJECT: Approval for Riverside County Emergency Medical Services Agency (REMSA) to enter into Standard Agreement with the State Office of Administrative Hearings (OAH) to provide services necessary to conduct hearings, mediation, or other proceedings involving disciplinary actions(s) relative to certificates held by Emergency Medical Technicians (EMTs).

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify the Standard Agreement (Att. 1) with the State Office of Administrative Hearings (OAH) in an estimated amount of \$30,000.
2. Authorize the Director of Public Health, or her designee, to sign the Standard Agreement with the OAH, and
3. Delegate authority to the Director of Public Health, or her designee, to sign any future amendments to the Standard Agreement with the OAH, upon review and approval by County Counsel and notification to the Board.

BACKGROUND: Chapter 6, Division 9, Title 22 of the California Code of Regulations (CCR) set forth the procedures to follow concerning disciplinary actions against EMT-I (EMT) and EMT-II (AEMT) certificate holders. Section 100211 of this chapter designated the use of an Investigative Review Panel (IRP) to hear any appeal of a Medical Director's decision regarding disciplinary action against a certificate holder. (continued)

Susan D. Harrington

Susan Harrington, Director of Public Health

BB:kp

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 30,000	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	10/11

SOURCE OF FUNDS: 100% Annual reimbursement from the State EMS Authority

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

Debra Courmoyer
BY: _____
Debra Courmoyer

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS
DATE: 6/3/10
Departmental Concurrence

Dept's Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
District: All Agenda Number:

3.8

SUBJECT: Approval for Riverside County Emergency Medical Services Agency (REMSA) to enter into Standard Agreement with the State Office of Administrative Hearings (OAH) to provide services necessary to conduct hearings, mediation, or other proceedings involving disciplinary actions(s) relative to certificates held by Emergency Medical Technicians (EMTs).

BACKGROUND: (continued)

As a result of Assembly Bill (AB) 2917 (Torrico, EMT bill), effective July 1, 2010, regulations will require compliance with the Administrative Procedure Act (APA) when the local EMS agency (LEMSA) Medical Director takes disciplinary action against an EMT. The APA requires Administrative Law Hearings when decisions are appealed. AB 2917 further establishes a state pool of funds from which REMSA can be reimbursed on an annual basis. Amount of reimbursement (full or partial) is dependent upon the number of hearings held by all LEMSAs statewide.

FINANCIAL IMPACT: Approval of this item will not increase local county cost and will allow the REMSA to enter into an agreement with the OAH to conduct disciplinary action appeal hearings pursuant to the California Administrative Procedure Act (APA).

Because this is new legislation, it is unclear at this time what this may cost annually, but based upon past disciplinary actions and appeals conducted through REMSA, it is not expected to exceed \$30,000 annually. REMSA has sufficient funds to cover these fees. REMSA will monitor expenditures over the first few months of implementation and return to the Board if needed.

ATTACHMENTS: OAH Standard Agreement

A G R E E M E N T

THIS AGREEMENT, made and entered into on _____, at Sacramento, County of Sacramento, State of California, by and between the State of California, hereinafter called STATE, through its duly appointed Director of the Office of Administrative Hearings, and the COUNTY OF RIVERSIDE, DEPARTMENT OF PUBLIC HEALTH, EMERGENCY MEDICAL SERVICES AGENCY, hereinafter called COUNTY.

WITNESSETH:

WHEREAS, the services of the Office of Administrative Hearings, Department of General Services, may be needed by COUNTY for conducting hearings and issuing proposed decisions; and

WHEREAS, STATE has the authority to contract with COUNTY for the rendering of hearing services pursuant to Government Code Section 27727, and is amenable to the furnishing of such services when required personnel are available by STATE,

NOW THEREFORE, IT IS MUTUALLY AGREED between the parties hereto as follows:

1. Upon request of COUNTY, STATE will furnish the services of Administrative Law Judges to COUNTY for the purpose of conducting hearings under the authority of Government Code Section 27727. The assignment of Administrative Law Judges for hearings will be at the discretion of the Director and/or Presiding Administrative Law Judges, who may elect to hear the matter themselves.

2. In consideration of the performance of such services by STATE, COUNTY agrees to pay to STATE the cost of rendering such services. In the event a calendared case is taken off calendar, or needs to be re-calendared, other than by the Office of Administrative Hearings, and the Office of Administrative Hearings is unable to schedule the Administrative Law Judge for another case, COUNTY agrees to pay STATE for the original hearing time or until the Judge is assigned to another case, whichever occurs first. Every effort will be made to promptly reassign the scheduled administrative law judge in the event a calendared matter is cancelled, taken off calendar, settled, re-calendared or continued. Costs shall be computed in accordance with the rates set forth in the Department of General Services Price Book current with the term of this Agreement. STATE agrees to submit invoices for services which are rendered hereunder.

3. This Agreement commences effective the date of first above written and shall continue in full force and effect until either party shall notify in writing the other party of its determination to terminate the Agreement, which termination shall occur sixty (60) days after the mailing of such notice.

IN WITNESS WHEREOF, this Agreement has been executed by and on behalf of the parties hereto, the day and year first above written.

RIVERSIDE COUNTY EMS AGENCY

Title
OFFICE OF ADMINISTRATIVE HEARINGS

NOAH VALADEZ, Chief of Administration
(OAH 22, REV. 1/05)

FORM APPROVED COUNTY COUNSEL
BY: Neal R. Kipnis DATE: 6/3/10