

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

132



FROM: Community Health Agency, Department of Public Health

SUBMITTAL DATE:
May 27, 2010

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 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

Debra Courmoyer

Debra Courmoyer

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Benoit and Ashley
Nays: None
Absent: Tavaglione and Stone
Date: June 15, 2010
xc: CHA-Public Health

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

District: All

Agenda Number:

3.8

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

Dep't Recomm.: ☐ Policy
Per Exec. Ofc.: ☒ Policy

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

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

THIS AGREEMENT, made and entered into on 7/1/10, 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 EMS DIRECTOR

OFFICE OF ADMINISTRATIVE HEARINGS


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

3010 000 - 1 JUN 3:51
FORM APPROVED COUNTY COUNSEL
BY:  NEAL R. KIPNIS
DATE: 6/3/10

JUN 15 2010 3:0

2010-08-102224



OFFICE OF ADMINISTRATIVE HEARINGS

State of California

2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231
General Jurisdiction – (916) 263-0550 phone / (916) 263-0554 fax
Special Education – (916) 263-0880 phone / (916) 263-0890 fax
www.oah.dgs.ca.gov

Department of General Services

August 13, 2009

Karen Petrilla, EMS Specialist
Riverside County EMS Agency
PO Box 7600
Riverside, CA 95213-7600

RE: AGREEMENT – Riverside County EMS Agency

Dear Ms. Petrilla:

Thank you for your interest in retaining the Office of Administrative Hearings to conduct hearings. Please be advised that, if needed, we can also provide settlement conferences, mediations, and other alternative dispute resolution proceedings. Please have the enclosed "Agreement for Hearing Services" signed by the appropriate official and include that individual's title, mailing address, telephone and FAX numbers, and e-mail address. Please also attach a certified copy of the minute order or other authority granted by the District for the official who signs this Agreement. Return the undated, original Agreement (not a copy) to this office where we will add the date and return a fully executed copy to you.

Government Code section 11370.4 requires that all costs of the Office of Administrative Hearings be recovered from the agencies served. The hourly rate for Administrative Law Judge services is currently \$187.00, plus a \$66.00 filing fee per case. We will advise you of any changes. If a hearing is cancelled you must notify our office as quickly as possible. If notice is received in time to reassign the Administrative Law Judge, the reserved time will not be billed. You will otherwise be billed for the scheduled hearing time.

Once this Agreement has been executed, you can contact the nearest of our offices to schedule a hearing, mediation, or other proceeding. Please use the "Request to Set" form on our website at <http://www.oah.dgs.ca.gov>. Agencies typically arrange for a court reporter or tape recording of their hearings. If you need this office to make the arrangements for the court reporter, provide as much notice as possible and make that specific request when you contact the Calendar Clerk to set your hearing.

Regional Offices

Los Angeles
320 West Fourth Street
Suite 630
Los Angeles, CA 90013
(213) 576-7200
Fax (213) 576-7244

Oakland
1515 Clay Street
Suite 206
Oakland, CA 94612
(510) 622-2722
Fax (510) 622-2743

San Diego
1350 Front Street.
Suite 6022
San Diego, CA 92101
(619) 525-4475
Fax (619) 525-4419

Laguna Hills
23046 Avenida De La Carlota
Suite 750
Laguna Hills, CA 92653
(949) 598-5850
Fax (949) 598-5860

Van Nuys
15350 Sherman Way
Suite 300
Van Nuys, CA 91406
(818) 904-2383
Fax (818) 904-2360