



San Joaquin County Emergency Medical Services Agency



<http://www.sjgov.org/ems>

Mailing Address
PO Box 220
French Camp, CA 95231

Health Care Services Complex
Benton Hall
500 W. Hospital Rd.
French Camp, CA 95231

Phone Number
(209) 468-6818

Memorandum

TO: EMS Stakeholders

FROM: Dan Burch, EMS Administrator

DATE: March 13, 2020

SUBJ: Proposed Adoption of EMS Policy No. 4010, Public Safety Agency Request for ALS Authorization; and Exhibit A: ALS Program Plan Forms; and Exhibit B: Advanced Life Support Authorization Agreement Standard Terms and Conditions

In 1980, the Legislature enacted the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, commonly known as the EMS Act. The EMS Act, among its many provisions, sought to achieve a statewide system for EMS, promote the development of ALS programs, and ensure medical control of the EMS system. To achieve these purposes the EMS Act created a two-tiered system of governance divided between the State and Counties through the creation of the EMS Authority and local EMS agencies.

Local EMS agencies, pursuant to Health and Safety Code, Section 1797.206, are “responsible for implementation of advanced life support systems and limited advanced life support systems.” The provision of ALS services is restricted to authorized organizations and personnel in order to achieve EMS system integration and ensure medical control of the EMS system. To achieve this, the EMS Act, among other provisions, specifies in Health and Safety Code, Section 1797.178, that “no person or organization shall provide advanced life support or limited advanced life support unless that person or organization is an authorized part of the emergency medical services system of the local EMS agency.”

San Joaquin County, along with a majority of California counties, created an ALS system using the delivery of ALS services by emergency ambulance service provider(s) through exclusive operating area agreements. SJCEMSA has determined this system design as the most appropriate and efficient manner for delivering ALS services, and for fulfilling the County’s obligations and exercising SJCEMSA’s authority, for the administration and medical control of emergency medical services as contained in Welfare & Institutions Code 17000, Health & Safety Code Section 1797 et seq., and California Code of Regulations, Title 22, Division 9. Nevertheless, SJCEMSA has augmented the system with public safety non-transport ALS programs based on a demonstration of the need and the ability of the public safety agency to integrate into the EMS system.

On October 1, 2019, the Governor signed into law Senate Bill No. 438 ("SB 438"), which amends Government Code section 53110, adds Section 53100.5 to the Government Code and Sections 1797.223 and 1798.8 to the Health and Safety Code, and impacts the regulatory authority of local EMS agencies over 911 call processing, emergency medical dispatch (EMD) services, and ALS services.

Newly enacted Health and Safety Code, Section 1797.223(d) requires the local EMS agency to: "review and approve or deny a public safety agency's plan to implement an EMD or advanced life support program within 90 days of submission of the plan." Additionally, Section 1797.223(d) specifies that a public safety agency may appeal a local EMS agency's action if "the public safety agency's application for an EMD or advanced life support program is not timely approved or is denied." The statute requires appeals be conducted in accordance with the "administrative adjudication proceedings set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code."

Based on the enactment of SB 438, an increased interest among public safety agencies to provide ALS services, and a desire by communities to expand ALS availability, SJCEMSA is proposing to adopt EMS Policy No. 4010, Public Safety Agency Request for ALS Authorization. This represents a significant pivot by SJCEMSA in its approach to authorizing public safety non-transport ALS programs. This policy creates a pathway for all public safety agencies to apply and have their ALS program authorized by SJCEMSA.

SJCEMSA shall use the process outlined in this policy to evaluate whether a public safety agency's application for ALS authorization achieves the criteria outlined in policy. This includes a commitment by the public safety agency's governing body attesting to the public safety agency's commitment to comply with all applicable laws, regulations, and SJCEMSA policies and procedures; and accepting the ALS authorization agreement including standard terms and conditions.

A key component of this new approach is the adoption of standardized terms and conditions for all authorization agreements addressing essential requirements. This approach eliminates the need for contract negotiations, applies equally to all public safety agencies, ensures transparency, and is substantively similar to the use of standard terms in conditions in the solicitation of emergency ambulance services.

Several cities, fire districts, and other EMS stakeholders have expressed a desire for greater input into the policies developed by SJCEMSA. In order to accommodate this desire SJCEMSA is scheduling a series of public meetings to occur during the 45 day public comment period to obtain stakeholder input, clarify language and intent, and provide answers to questions as appropriate.

At this time, the following meetings are scheduled:

- A. Friday, March 27, 2020, 10AM located at SJCEMSA Classroom, 500 West Hospital Road, French Camp CA.
- B. Friday, April 10, 2020, 9AM before the EMS Liaison Committee, located at the San Joaquin County Agricultural Center, 2101 E Earhart Ave #100, Stockton, CA.

These meetings are subject to change especially considering the current response activities and conditions related to the COVID-19 pandemic in the State of California.

Copies of the draft policies and comment forms are available on the SJCEMSA website: <https://www.sjgov.org/ems/>. Comment forms must be submitted to Marissa Matta at mamatta@sjgov.org. 45 day public comment period ends April 27, 2020.