



Board Agenda Item 48

DATE: August 9, 2016

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Agreement with the California Department of General Services / Department / Office of Administrative Hearings

RECOMMENDED ACTION:

Approve and authorize the Chairman to execute an Agreement with the California Department of General Services / Office of Administrative Hearings for Emergency Medical Technician disciplinary action appeals, effective upon the date of approval and execution by all parties, for a term of five years (\$48,000).

The proposed Agreement with the California Department of General Services / Office of Administrative Hearings (OAH) will provide an Administrative Law Judge (ALJ) to the Department of Public Health to conduct hearings pursuant to California Government Code, section 27727 and Title 22, of the California Code of Regulations. The hearings are conducted to adjudicate Emergency Medical Technician (EMT) disciplinary action appeals and are funded with fees paid to the State Certification Fund by EMTs, with no Net County Cost.

ALTERNATIVE ACTION(S):

There is no viable alternative action available. In order to abide by State Emergency Medical Services (EMS) regulations, the County is required to sign this recommended standard State Agreement to provide ALJs to conduct administrative hearings to adjudicate EMT disciplinary action appeals.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Given the minimal number of appeals in the past, the Department does not anticipate expenses in excess of \$9,600 annually; \$48,000 for the continuous term of five years. The full cost of the ALJ (\$215 per hour) and Administrative Law Hearing (\$100 filing fee per case) is reimbursed by the State through fees paid to the State by EMTs at the time of initial certification and recertification. The rates are set forth in the State Department of General Services Price Book. Once a hearing is complete, the County may submit all invoices and costs to the State EMS Authority for full reimbursement of hearing costs. Sufficient appropriations and estimated revenues are included in the Department Org 5620 FY 2016-17 Adopted Budget, and will be included in subsequent budget year requests for the term of the recommended Agreement. Actual costs will be determined by the number of hearings conducted.

DISCUSSION:

On July 1, 2010, the State implemented regulations that require the use of an Administrative Law Judge in an EMT disciplinary action appeal process implemented by the Department EMS Division, pursuant to California Government Code, section 27727 and Title 22, of the California Code of Regulations.

The Department anticipates minimal need for Administrative Law Hearings, in the previous ten years; there have only been two instances where an appeal had been requested by an EMT after disciplinary action had been imposed.

The recommended Agreement includes standard State language which deviates from County contract language in that it requires a continuous term of five years effective upon execution and approval by all parties. The recommended Agreement does not contain standard County insurance language. Additionally, the recommended Agreement stipulates that the County must resolve disputes with OAH by filing a notice with the agency whereupon the Director of the OAH will meet with the County and render the final decision on any dispute. The County cedes the right to resolve such matters in a court of law. In order to abide by State EMS regulations, the County is required to sign this standard State Agreement. The proposed Agreement may be terminated by either party after thirty days written notice.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CA Dept. of General Services / Office of Administrative Hearings

CAO ANALYST:

Sonia De La Rosa