



# County of Fresno

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## Legislation Text

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**File #:** 18-0586, **Version:** 1

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**DATE:** July 10, 2018

**TO:** Board of Supervisors

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

**SUBJECT:** Retroactive Agreement for Paramedic Ambulance Services with the City of Sanger

### RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute a retroactive Agreement with the City of Sanger, for paramedic ambulance services, effective July 1, 2018 through June 30, 2019 (\$33,750) .**

Approval of the recommended action will continue paramedic ambulance services in the Fresno County Ambulance Zone I, Sanger Response Area, which encompasses the City of Sanger and the surrounding area. The recommended agreement satisfies the requirement of Title 22 of the California Code of Regulations (Title 22) that the County to have a written agreement with paramedic provider agencies. The services will be funded with Health Realignment, with no Net County Cost.

### ALTERNATIVE ACTION(S):

There are no viable alternative actions. Should your Board not approve the recommended agreement, the existing agreement would expire and the County would be in violation of State regulations until an agreement for paramedic ambulance services is established.

### RETROACTIVE AGREEMENT:

The agreement is retroactive to July 1, 2018, due to extended negotiations and delays related to the City of Sanger's approval process.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The maximum amount of the agreement is \$33,750. The agreement will be fully offset with Health Realignment funds. Sufficient appropriations will be included in the Department of Public Health Org 5620 FY 2018-19 Recommended Budget.

### DISCUSSION:

Since 1978, the County has provided reimbursement to rural ambulance service providers in Fresno County. Reimbursement consists of monthly payments to each agency for estimated dry runs, medically indigent services, and uncollectible charges, which are based upon documentation from ambulance providers for prior years. The proposed agreement will continue this reimbursement process.

California Emergency Medical Services Authority regulations require the Department to review contracts with

Emergency Medical Services (EMS) providers every two years, except when an exclusive operating area has been designated. Approval of the recommended agreement will provide continued paramedic ambulance service in Fresno County Ambulance Zone I, Sanger Response Area. The City of Sanger is the only provider of paramedic ambulance services in the area on a non-exclusive basis; therefore, does not restrict the County from contracting with other providers for the same or similar services. The proposed agreement continues the existing response and performance requirements.

In 2017, the City of Sanger responded to 3,734 requests for service and performed 2,631 transports.

With your Board's approval, the County will continue the contract with the City of Sanger for paramedic ambulance services in Fresno County Ambulance Zone I, Sanger Response Area. The recommended agreement contains a mutual indemnification clause. In addition, either of the parties can terminate contract without cause upon 90-day written notice, and parties can terminate for cause with a 10-day advance notice with an opportunity to cure. In the event of an act of god, act of public enemy, or other extraordinary cause not reasonably within the control of either party, the proposed agreement has a force majeure clause that excuses the parties' performance under the contract. The agreement satisfies the requirement of Title 22 for a written agreement with local paramedic provider agencies. The agreement term deviates from the County standard agreement term of a three-year base contract with two optional one-year extensions due to a request from the City of Sanger.

County Risk Management has recommended that the City of Sanger obtain molestation and abuse insurance coverage. The City lacks this specific policy, but has committed to investigating the feasibility and benefit of obtaining it for the next agreement. The Department of Public Health agrees with the City's assessment.

Section 11 of the agreement contains the insurance coverage and language currently approved for use in the County's model contract. Risk Management has recently proposed that the insurance coverage and language in the County's model contract be revised. County Counsel and Risk Management are currently reviewing those proposed changes, but it is anticipated that the language will not be finalized for another couple of months. The Department of Public Health has a need to move forward with this contract now, and cannot wait an additional month or two for the model contract language to be approved. Additionally, the Department believes the insurance coverage required in Section 12 of the agreement adequately protects the interests of the County in this contract and County Counsel approves the agreement as to legal form.

REFERENCE MATERIAL:

BAI #53, July 11, 2017 - Agt. No. 17-393

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with City of Sanger

CAO ANALYST:

Sonia M. De La Rosa