Health Services
LOS ANGELES COUNTY

June 16, 2009

Los Angeles County
Board of Supervisors

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Interim Director

Robert G. Splawn, M.D.
Interim Chief Medical Officer

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To improve health through leadership, service and education.

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

APPROVAL OF STANDARD AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS
(ALL DISTRICTS)
(3 VOTES)

SUBJECT

Request approval to enter into a Standard Agreement with the State of California Office of Administrative Hearings (OAH) to provide services necessary to conduct hearings.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and instruct the Interim Director of Health Services, (Interim Director) or his designee, to sign a Standard Agreement with the State Office of Administrative Hearings (OAH), for the State to provide services necessary to conduct hearings, effective upon Board approval and continuing in effect until terminated by either party.

2. Delegate authority to the Interim Director, or his designee, to sign any future amendments to the Standard Agreement with the OAH, which increases the required payment for any increase in the published service rate, upon review and approval by the Chief Executive Office and County Counsel and notification to your Board.

PURPOSE/JUSTIFICATION OF THE RECOMMENDED ACTIONS

Approval of the first recommendation will allow the Interim Director to sign the OAH's Standard Agreement (Exhibit I), which will enable the County of Los Angeles through the Department of Health Services' (DHS) Emergency Medical Services (EMS) Agency, to promptly conduct hearings related to disciplinary action(s) initiated by the EMS

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Agency Medical Director involving denial, suspension, revocation of certificates or licenses, or the placement on probation of Emergency Medical Technicians (EMTs), in accordance with State law and the California Code of Regulations.

Under the authority granted by Title 22, California Code of Regulations, Section 100079, the EMS Agency is responsible for certifying EMT competency by verifying that an applicant for certification has met pre-established standards approved by the State EMS Authority. The EMS Agency is also responsible for disciplinary actions against EMTs based on reported complaints by either their employer or a member of the public. Chapter 274 of the statutes of 2008 (Chapter 274), also referred to as Assembly Bill 2917, which became effective January 1, 2009, requires that all hearings appealing from certification actions taken by the EMS Agency's Medical Director be heard before an Administrative Law Judge, assigned by the OAH.

Approval of the second recommendation will delegate authority to the Interim Director to sign any future amendments to the Standard Agreement, which allow for payment for any increase in the published service rates (Exhibit II), subject to review and approval by the Chief Executive Office and County Counsel and notification to your Board.

Implementation of Strategic Plan Goals

The recommended actions support Goal 4, Health and Mental Health, and Goal 5, Public Safety of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

California Government Code Section 11370.4 requires that the total costs of the services provided by the OAH be determined and collected from contracting public agencies by the State Department of General Services.

DHS is projecting a total of eight hearings per year at an estimated cost of $48,000. Funding is included in Health Services Administration's Fiscal Year (FY) 2009-10 Proposed Budget and will be requested in future fiscal years.

Beginning in FY 2010-11, as stated in Chapter 274, the EMS Agency will receive some reimbursement for these costs. However, at this time, there are no estimates of the amount of funding that may be allocated to the EMS Agency. Once estimates are determined, appropriation and revenue will be included in the Department's budget for FY 2010-11 and future FYs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Health and Safety Code Section 1798.200(6)(c) authorizes the local EMS Agency's Medical Director, upon a determination of disciplinary cause and in accordance with regulations for disciplinary processes, to deny, suspend, revoke a certificate or license, or place an EMT on probation, when there is evidence of a threat to the public health and safety.

Effective January 1, 2009, Chapter 274 requires DHS to conduct hearings appealing from certification actions taken by the EMS Agency's Medical Director before an Administrative Law Judge on the staff of the OAH. This Bill also stipulates that monies deposited in the EMT Certification Fund in the State Treasury shall be made available, upon appropriation, to the local EMS Agency for among other programs, the administrative law judge reimbursement program. This program is solely for the purpose of making reimbursements to local emergency medical service agencies for actual administrative law judge costs involving EMT disciplinary action appeals. Any funding received would be used to mitigate the cost of compliance with this new State mandate.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended Standard Agreement will enable the County of Los Angeles to conduct timely and impartial hearings involving EMTs.

Respectfully submitted,

John F. Schunhoff, Ph.D.
Interim Director

JFS:rg

Attachment

c: Chief Executive Officer
Acting County Counsel
Executive Officer, Board of Supervisors

EXHIBIT I

AGREEMENT

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 LOS ANGELES COUNTY EMERGENCY MEDICAL SERVICES AGENCY, hereinafter called AGENCY.

WITNESSETH:

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

WHEREAS, STATE has the authority to contract with AGENCY 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 AGENCY, STATE will furnish the services of Administrative Law Judges to AGENCY 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, AGENCY 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, AGENCY 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.

LOS ANGELES COUNTY EMERGENCY MEDICAL SERVICES AGENCY

_____
Title

OFFICE OF ADMINISTRATIVE HEARINGS

_____
NOAH VALADEZ, Chief of Administration

Administrative Hearings (TT CODE 5110, 5120, 5130)

The Office of Administrative Hearings (OAH) provides quasi-judicial and other dispute resolution services for state and local agencies, special districts, and other government entities. OAH provides the judicial process that decides appeals by individuals and businesses when a state agency withholds or terminates entitlement to a professional license pursuant to the Administrative Procedures Act (APA). Proceedings not covered under the APA are also heard. In addition, OAH provides mediation and/or arbitration services to parties who have a dispute that is the subject of an adjudicative proceeding. OAH provides court reporter services via contract, and those costs are passed on to the agency requesting the hearing.

For additional information, contact the Office of Administrative Hearings at (916) 263-0550.

Administrative Law Judge - General Jurisdiction - Special Education	**2008-2009:** $187.00 per hour	**Proposed 2009-10:** Pending
Staff Counsel	**2008-2009:** $144.00 per hour	**Proposed 2009-10:** Pending
Hearing Reporter	**2008-2009:** Contract Rate	**Proposed 2009-10:** Pending
Transcript Rate	**2008-2009:** Contract Rate	**Proposed 2008-10:** Pending
Filing Fee - General Jurisdiction - Special Education	**2008-2009:** $66.00 per case	**Proposed 2008-10:** Pending
Keyhea Filing Fee	**2008-2009:** $133.00 per case	**Proposed 2008-10** Pending
Electronic Recording Fees - Special Education	**2008-2009:** $30.00 per day or partial day	**Proposed 2009-10** Pending