



Legislation Text

File #: 2019-1545, **Version:** 1

To: Board of Supervisors of Sonoma County
Department or Agency Name(s): Department of Health Services
Staff Name and Phone Number: Barbie Robinson, 565-7876
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

10:00 A.M. - Emergency and Pre-Hospital Medical Services System Ordinance

Recommended Action:

Adopt a resolution introducing, reading the title of, and waiving further reading of a proposed ordinance amending Chapter 28 of the Sonoma County Code to align with current statewide emergency medical services system laws and regulations and to address local emergency medical services system characteristics.

Executive Summary:

Chapter 28 of the Sonoma County Code, Emergency and Pre-Hospital Medical Services System, provides for the public health, safety, and welfare in the use of ambulance and other pre-hospital emergency care resources by providing for the establishment of effective standards for the operation, equipment, and personnel of ground and air ambulance services. Chapter 28 language, which has not been updated since 1999, must be revised to align with current statewide emergency medical services system laws and regulations and to address local emergency medical services system characteristics. The proposed ordinance was developed by Coastal Valleys Emergency Medical Services Agency staff, within the Department of Health Services, in collaboration with a representative group of emergency medical services system partners including public and private ambulance service providers, the Sonoma County Fire Chief's Association, and health system stakeholders. It is anticipated that the Board will consider adoption of the ordinance as early as November 12, 2019.

Discussion:

A defined set of authorities exists to support the delivery of pre-hospital care within the State of California. Statewide emergency medical services (EMS) governance was established in the early 1980's to facilitate a system of coordinated readiness and response at the local, regional, and statewide-level. While the California Emergency Medical Services Authority addresses the provision of EMS at the state level through statutes and regulations, the system has a strong local component and much of the direct system administration, coordination, and medical control is provided by the Local EMS Agency.

California Health and Safety Code, Division 2.5, the EMS Act, establishes the California EMS Authority as the statewide regulator and the agency that promulgates regulations as described in the statute. Health and Safety Code, Division 2.5, Section 1797.200, authorizes each county to designate a Local EMS Agency for the administration of emergency medical services. Chapter 28 of the Sonoma County Code designates the Department of Health Services as the Local EMS Agency for Sonoma County.

Health and Safety Code, Division 2.5, Section 1797.204 requires the Local EMS Agency to plan, implement, and evaluate an EMS system consisting of an organized pattern of readiness and pre-hospital care services based on public and private agreements and operational procedures. In planning, implementing, and evaluating the local EMS system, the Local EMS Agency must fulfil the specific requirements of Health and Safety Code, Division 2.5 and California Code of Regulations, Title 22, Division 9.

To enable and support the Local EMS Agency's ability to plan, implement, and evaluate their local EMS system, counties pass EMS ordinances describing their Local EMS Agency's authority. The Local EMS Agency's provide structure and guidance to EMS system providers via detailed EMS system plans, policies, and procedures. The Medical Director of each Local EMS Agency, who provides medical direction and oversight, has a critical role in the development of these documents, which change over time to embrace system and medical care advances. The local EMS system documents establish and enforce pre-hospital care standards for the EMS system providers, including ambulance and EMS dispatch services, performance evaluations, and continuous quality improvements. The EMS system plan must be updated annually and shared with and approved by the California EMS Authority.

Chapter 28 of the Sonoma County Code, providing for the regulation of the local emergency and pre-hospital medical services system, was originally added to Sonoma County Code in 1980, and was most recently updated in 1999. To align with the current statewide emergency medical services system laws and regulations, and to address local emergency medical services system characteristics, revisions to Chapter 28 language are necessary. The proposed revisions will bring Sonoma County up to date with many changes that have occurred within the statewide emergency medical services system since Chapter 28 was last revised. The proposed update also addresses issues important to local EMS system stakeholders. The proposed ordinance was developed by Coastal Valleys Emergency Medical Services Agency (Coastal Valleys EMS) staff, within the Department of Health Services, in collaboration with a representative group of emergency medical services system partners including public and private ambulance service providers, the Sonoma County Fire Chief's Association, and health system stakeholders.

The Department of Health Services currently also provides Local EMS Agency oversight under contract for Mendocino County. The shared Local EMS Agency model has been in place between Mendocino and Sonoma counties since 1998. Local EMS Agency functions are provided to both counties by Coastal Valleys EMS staff within the Department of Health Services' Public Health Division. The program utilizes the Coastal Valleys EMS Agency identity to reinforce its shared Local EMS Agency responsibilities for both Mendocino and Sonoma stakeholders and partner agencies. The Department and Coastal Valleys EMS staff are committed to high quality pre-hospital patient care for the people of Sonoma and Mendocino counties that is delivered by highly skilled, appropriately trained and credentialed care providers working within a system that is well coordinated and supports accountability, transparency, and continuous quality improvement. Since its formation, Coastal Valleys EMS has managed to operate under the existing ordinance, primarily through the EMS System Plan and Coastal Valleys EMS policies. The EMS System Plan along with Coastal Valleys EMS policies outline the structure and operations for ambulance transport and pre-hospital care services in Sonoma County.

Although the EMS System plan and policies outline the structure and operations for ambulance transport and pre-hospital care services in Sonoma County, Chapter 28 does not currently address all appropriate Local EMS Agency regulatory actions, including the oversight of Basic Life Support, Advanced Life Support, and Critical Care Transport ground and air services.

Coastal Valleys EMS remains committed to working as both a system regulator and a collaborative partner with public agencies providing EMS care of any type within the local EMS system. Many of the changes in the

proposed ordinance were made based on feedback from jurisdictional partner stakeholder agencies. A clear goal of the stakeholder engagement process was to examine, and wherever possible alleviate, concerns raised by jurisdictional partners related to governance issues.

To bring Sonoma County's code into alignment with changes to the state law and regulation governing EMS in California, and to ensure all had a place in the discussion, the Department worked with a group of public and private agency stakeholders to craft revisions to Chapter 28 language in a series of over 30 meetings from February 2018 through August 2019.

Stakeholders engaged in the workgroup included the Sonoma County Fire Chief's Association and some individual agencies including cities of Santa Rosa and Petaluma, Sonoma Valley Fire Rescue Authority, Bodega Bay Fire Protection District, and others. California Professional Firefighters 1401 and United EMS Workers (AMR Labor) represented some of the system's field responders. Private ambulance service providers including American Medical Response, Falck Northern California, and Bell's Ambulance Services participated in the group in person or on the provided conference line. Hospital systems were also engaged with Kaiser and St. Joseph Health system attending a number of the sessions. The Department provided leadership to EMS Agency staff and supported the process with a Department of Health Services epidemiologist to help the group with data.

Meetings were facilitated by retired Assistant County Administrator, Chris Thomas, who helped the Local EMS Agency and stakeholders generate and work through a list of topic areas including system capacity, medical control, permits and authorizations, data collection and reporting, dispatch of resources, service provider boundaries, relationship of the Sonoma County Exclusive Operating Area to public agencies' jurisdictions, and Local EMS Agency governance. Sonoma County Deputy Counsel, Jeff Berk, took over facilitation duties from January 2018 to the present. Deputy Counsel Berk helped the group and the Department through some of the remaining issues that required legal interpretation of statute and case law, and sought the guidance of the EMS Ad Hoc and Department leadership when policy decisions were required. Retired Rincon Valley Windsor Fire Chief Doug Williams supported the group with his valuable historical perspective and current fire services knowledge.

The Sonoma County Board of Supervisors appointed an EMS Ad Hoc Committee consisting of Supervisors Lynda Hopkins and David Rabbitt to provide direction and guidance to the Department. The Ad Hoc met regularly to provide feedback on key provisions of the ordinance and to receive updates on status of the ordinance development.

The final version of the proposed ordinance represents a collaborative effort that can be supported by the partners who participated in the process. The proposed ordinance improves accountability and service delivery in a number of ways:

- Provides a way to regulate private services currently operating in our County without direct oversight.
- Ensures such services and all other providers of field health care are working within an organized system of care by providing competent, accountable quality medical services to residents of and visitors to Sonoma County.
- Improves transparency for the Local EMS Agency rule-making processes including a third party dispute resolution process. Ensures the EMS system providers are engaged in the process and have a voice if the outcome does not meet their expectations.
- Establishes regular EMS system review including both subjective stakeholder views and objective

measurements to establish the state of the EMS system. EMS System Reviews are mandatory reporting to the Emergency Medical Care Council and the Board of Supervisors. Ensures leadership at all levels are made aware of the way the communities are being served and what issues are facing the EMS system on a regular basis.

- Establishes the jurisdictional authorities of those public agencies providing EMS and the County. Ensures that cities and districts that provide service as well as the county have roles and responsibilities clearly outlined within the multi-jurisdictional EMS system that serves Sonoma County.
- Establishes a pathway for changing EMS provider agency response areas with an appeal process. Ensures a process for addressing requests from current or new providers wishing to establish or change response areas. Ensures each affected city, district, and/or the county has a voice in the process and an opportunity to appeal any contested decision.
- Provides a pathway for public agencies providing ambulance services to declare status as 1797.201 providers and have their boundary recognized by the County on that basis. Section 1797.201 of the California Health and Safety Code establishes rights and obligations for those public entities providing EMS services since 1980. The ordinance authorizes the Local EMS Agency to respect the boundaries of those jurisdictions if another agency attempts to operate ambulance services within their jurisdictional boundaries. Provides an appeal process for any contested decision.
- Supports data collection and use for evidence-based medical practices and medical decision-making. Ensures the collection of response and transport data by all EMS providers within the EMS system. Requires facilities receiving patients from the prehospital environment report on patient outcomes to facilitate quality improvement efforts and guide system planning and design.
- Authorizes the Local EMS Agency to recover costs associated with workload consistent with county fee setting process or via agreements for services and oversight.

This item recommends that the Board adopt a resolution introducing, reading the title of, and waiving further reading of the proposed ordinance amending Chapter 28 to align with current statewide emergency medical services system laws and regulations and to address local emergency medical services system characteristics. The resolution, provided as Attachment 1, serves to formalize introduction of the ordinance. The Board of Supervisors may consider adoption of the ordinance as early as November 12, 2019.

A redline version of the ordinance is provided as Attachment 2. The redline version of the ordinance shows the proposed changes to the existing ordinance, with strikeout text indicating proposed deletions and underlined text indicating proposed additions. A clean copy of the ordinance, provided as Attachment 3, shows the final language of the proposed ordinance. Attachment 4, the pre-adoption ordinance summary, provides a summary of the proposed changes to the ordinance. The pre-adoption ordinance summary will be published in a local newspaper at least five days prior to the Board meeting at which the proposed ordinance will be considered for adoption.

Prior Board Actions:

On June 22, 1999 the Board adopted ordinance number 5173, amending Chapter 28, Section 28-21, of the Sonoma County Code relating to ambulance service franchise agreements.

On December 17, 1991 the Board adopted ordinance number 4476, correcting minor clerical and textual errors, including within Sonoma County Code Section 28-2.

On September 10, 1991 the Board adopted ordinance number 4435, amending Chapter 28 of the Sonoma County Code, Emergency and Pre-Hospital Medical Services System.

On June 4, 1991 the Board adopted ordinance 4386, repealing and reenacting Chapter 28 of the Sonoma County Code, Emergency and Pre-Hospital Medical Services System.

On December 23, 1980 the Board adopted ordinance number 2780, adding Chapter 28 to the Sonoma County Code, Emergency Medical Response Ordinance (EMRO) of Sonoma County, providing for the regulation of emergency medical response.

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY 20-21 Projected	FY 21-22 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures	0	0	0
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	0	0	0

Narrative Explanation of Fiscal Impacts:

There are no direct fiscal impacts associated with this item. The Department will recover costs associated with workload through fees and agreements, both of which are subject to Board oversight.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Resolution, Ordinance (redline), Ordinance (clean); Pre-Adoption Ordinance Summary

Related Items "On File" with the Clerk of the Board:

None