

**INITIAL STATEMENT OF REASONS
CHAPTER 13 EMS SYSTEMS REGULATIONS
APPEAL PROCEEDINGS TO THE COMMISSION**

Hearing Date: April 27, 2015

Subject Matter of Proposed Regulations: Appeal Process for EMS Agencies when EMS Plan is denied.

Section Affected: Add Section 100450.100 to Division 9 of the California Code of Regulations.

PROBLEM STATEMENT

There is currently no appeal process in place for local EMS agencies (LEMSAs) to appeal a determination by the Emergency Medical Services Authority (EMSA) on an EMS plan. Lack of regulations specifying the appeal process has resulted in pending appeals and the denial of due process under state law.

PURPOSE

The purpose of this regulation is to avoid serious harm to the public peace, health, safety, or general welfare by implementing an appeal process for LEMSAs when an EMS plan is disapproved by EMSA. In addition, the implementation of the regulations will provide the LEMSAs with due process under state law.

BENEFITS

The regulations will avoid serious harm to the public peace health, safety, or general welfare and will make specific the regulations at Health and Safety Code (HSC) § 1797.105(c) which permits LEMSAs to appeal a determination by EMSA to disapprove an EMS Plan. This will allow three pending appeals to advance forward and ensure due process to the LEMSAs.

PURPOSE AND NECESSITY OF ADOPTION OF REGULATIONS

Chapter 13. EMS Systems Regulations

Section 100450.100. Appeal Proceedings of the Commission

SPECIFIC PURPOSE

Section 100450.100 is adopted to avoid serious harm to the public peace, health, safety, or general welfare by implementing an appeal process for LEMSAs when an EMS plan is disapproved by EMSA. In addition, the implementation of the regulations will provide the LEMSAs with due process under state law.

NECESSITY

This adoption is necessary to make specific HSC § 1797.105(c) which permits LEMSAs to appeal a determination by EMSA to disapprove an EMS Plan.

ECONOMIC IMPACT ANALYSIS

The proposed regulations are designed to provide local EMS agencies due process to appeal the denial of an EMS Plan, in accordance with Health and Safety Code, Section 1797.105. LEMSAs may appeal the denial of their EMS plan based on a number of factors. Since the pending appeals focus primarily on the Response and Transportation component of the EMS Plan, the economic impact analysis is based on changes to exclusive operating areas.

Creation or Elimination of Jobs within the State of California

The impact to the creation or elimination of jobs within the State of California will be dependent on which way the Commission on EMS rules in an appeal. If the Commission on EMS sustains a denial and allows an area to be non-exclusive, it could cause an elimination of jobs if the current provider is unable to pay employees due to loss of revenue. On the contrary, it could create jobs by allowing more ambulance providers to conduct business in the area and create the need to hire more employees. In the event a denial is overruled, the area will remain the same with no creation or elimination of jobs.

Creation of New or Elimination of Existing Businesses within the State of California

The impact to the creation of new or elimination of existing businesses with the State of California will be dependent on which way the Commission on EMS rules in an appeal. If the Commission on EMS sustains a denial and allows an area to be non-exclusive, it could cause elimination of an ambulance company if the current provider can no longer sustain operating costs due to loss of revenue. On the contrary, it could allow the creation of new ambulance companies who would like to be included in call rotations within an EMS system. In the event a denial is overruled, the area will remain the same with no creation or elimination of existing businesses.

Expansion of Businesses or Elimination of Existing Businesses within the State of California

The impact to the expansion of businesses or elimination of existing businesses with the State of California will be dependent on which way the Commission on EMS rules in an appeal. If the Commission on EMS sustains a denial and allows an area to be non-exclusive, it could cause an elimination of an ambulance company if the current provider can no longer sustain operating cost due to loss of revenue. On the contrary, it could allow current provider companies from other counties to expand into new areas and be included in call rotations within an EMS system. In the event a denial is overruled, the area will remain the same with no expansion or elimination of existing businesses.

FOR FURTHER INFORMATION

Contact Teri Harness, Emergency Medical Services Authority, 10901 Gold Center Drive, Suite 400, Rancho Cordova, California 95670, (916) 431-3708, e-mail teri.harness@emsa.ca.gov.