



May 6, 2008

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To improve health
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Steven Tharratt, MD
Director
State Emergency Medical Services Authority
1930 9th Street, Suite 100
Sacramento, CA 95814

Dear Dr. Tharratt:

It is our understanding that the State Emergency Medical Services (EMS) Commission has been asked to address the perceived conflict of requiring agreements for the approval and provision of paramedic services and/or enhanced services within an EMS system. Specifically, are such agreements required by the Emergency Medical Services Authority (EMSA) to meet regulatory standards and do these same agreements extinguish the rights of cities pursuant to Health and Safety (H&S) Code 1797.201.

State regulations authorize the local EMS agency medical director to approve standing orders for the administration of paramedic services without voice contact. Accordingly, in 1996, the Los Angeles County (LAC) EMS Agency established the Standing Field Treatment Protocol (SFTP) Program. The SFTP program provides for standing orders for approved paramedic providers to initiate treatment without voice contact to a base hospital. LAC EMS Agency designed the program so that paramedic providers would participate through a five year agreement with the Agency. The Agency worked collaboratively with the paramedic provider agencies and their cities, and included express language, in the agreement, stating: *the agreement is not intended, and does not affect, any grandfathering rights of a 201 City.* All participating cities, including cities who enjoy grandfathering rights to provide prehospital services pursuant to section 1797.201 of the H & S Code (201 Cities), signed the agreement with the EMS Agency. The design of the SFTP program was included in the County's EMS Plan approved by EMSA.¹

During the approximate ten year life of the SFTP program, cities not authorized to provide SFTPs have from time to time elected to participate, by way of signing an agreement with the EMS Agency. In addition, when agreements with existing SFTP providers have expired, the cities have signed renewal agreements to maintain their SFTP-approved status.

In June 2007, many cities refused to sign renewal agreements under the SFTP program. LAC was informed by representatives of the city fire departments that their legal advisors believe that the signing of the SFTP agreements, or signing any agreement with the EMS Agency, would extinguish any grandfathering rights that they enjoy as a 201 City.^{2,3}

¹We also believe that the SFTP agreement with these providers provides some measure of compliance with state regulations requiring paramedic service providers to maintain an agreement, for quality improvement purposes, with the county under Title 22, California Code of Regulations, section 100167.

²Given this interpretation taken by the cities, it is unclear why the signing of the previous agreements by the 201 Cities under the SFTP program has not already extinguished their 201 rights.

³It is also unclear why the existing agreement each 201 City has with the EMS Agency authorizing them to provide ambulance transport would not have also already extinguished their 201 rights.



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It is apparent that there is confusion with the providers as to whether the EMS Agency has the authority to design its EMS system to include contracts with paramedic service providers in order to implement new programs and services, even though the EMS Agency obtained approval of its system design from EMSA under the County's EMS Plan. It is even more confusing as these 201 Cities have previously signed agreements with the EMS Agency under the SFTP program, equipment for 12 lead EKGs and for emergency ambulance transport services.

LAC EMS Agency is aware of the Los Angeles Area Fire Chiefs Association submitting, to the State EMS Commission, a 13 page legal brief stating their interpretation of the statutory and regulatory requirements, and of several court cases that have been decided in the field of EMS. We believe that the confusion that arises boils down to a legal determination of the rights and responsibilities of the various parties.

It is important to resolve these issues in a timely manner, at the appropriate level, in order to continue progression of our EMS System. As such, LAC's legal counsel has proceeded with seeking an Attorney General opinion for legal clarification of these issues and to ensure compliance by LAC with State law and regulation. The EMS Agency looks forward to working with the State EMSA, Commission and the County's provider agencies as resolution to these various issues is sought.

If you have any questions please contact me at (323) 890-7545.

Very truly yours,



Cathy Chidester
Acting Director

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c: Los Angeles County EMS Commission
State EMS Commission
Los Angeles County Department of Health Services Interim Director
Los Angeles County Department of Health Services Interim Chief Medical Officer
EMS Agency Medical Director
Los Angeles County Counsel
Los Angeles Area Fire Chiefs Association