

June 10, 2008

Daniel R. Smiley  
Chief Deputy Director  
Emergency Medical Services Authority  
1930 9<sup>th</sup> Street  
Sacramento, CA 95811-7043

Re: 30-Day Review of Ambulance EOA Review Criteria and Zone Listing

Dear Dan:

Thank you for the opportunity to comment on these two documents. We understand that you are extending the time line for comments to 60 days. Initially we note that, for San Mateo County, the zone listing looks accurate. We further note that Chuck Baucom provided detailed comments in the body of the draft document and that we concur with his comments.

We would like to add that while the EMS Authority (EMSA) has previously published "Guidelines for Creating Exclusive Emergency Medical Services Operating Service Areas" the draft document "Review Criteria and Policy for Transportation and Exclusive Operating Area components of an EMS Plan" is far more detailed. Even though this document is only a "guideline", and thus non-binding, we anticipate that it will be used in legal challenges brought by unsuccessful proposers.

While we appreciate that EMSA attempts to provide historical information regarding the case law and legislation in the "Introduction" this does not belong in the document. Legislation and case law are available through other means and it sends a mixed message to include them in "guidelines".

We further note that EMSA guidelines should be broad and generic. Guidelines are not regulations. They are to give guidance to LEMSAs on principles of a competitive process, not provide specific details or requirements. For instance, it is helpful for the guidelines to state that the RFP process should be fair, unbiased and ensure that all qualified proposers have an equal opportunity to be successful in the process. However, setting forth a specific list of what must be included in the proposal is not helpful, and in fact, removes the LEMSA 's discretion as to how to best select the provider for its EOA.

In 1976, San Mateo County was the first in California to establish an EOA and conducted an ambulance RFP long before H&S Code 1797.204 was enacted. Since that date, San Mateo County has successfully conducted numerous

Request for Proposal (RFP) processes that have each resulted in the selection of the best service provider for our EOA. We believe that our actual experience in conducting these competitive processes have given us an opportunity to have an insight in these processes. Before taking the current document further, we respectfully request that EMSA work with an advisory committee that includes EMSA's legal counsel as well as some LEMSA legal counsels.

Thank you for the opportunity to comment on the documents. We hope that you will convene a working group that includes LEMSA administrators and legal counsels to assist you in revising this document.

Sincerely,

Barbara Pletz, EMS Administrator

Cc: Charlene Silva  
Greg Gilbert, MD