

**EMERGENCY MEDICAL SERVICES AUTHORITY**

10901 GOLD CENTER DRIVE, SUITE 400  
RANCHO CORDOVA, CA 95670  
(916) 322-4336 FAX (916) 324-2875



October 28, 2015

James Clark, EMS Administrator  
Merced County Emergency Medical Services Agency  
260 E. 15th Street  
Merced, CA 95341

Dear Mr. Clark:

This letter is in response to your 2014 Merced County EMS Plan submission to the EMS Authority.

**I. Introduction and Summary:**

The EMS Authority has concluded its review of Merced County's 2014 EMS Plan and is approving the plan as submitted.

**II. History and Background:**

The EMS Authority is responsible for the review of EMS Plans and for making a determination on the approval or disapproval of the plan, based on compliance with statute and the standards and guidelines established by the EMS Authority consistent with H&S Code § 1797.105(b).

The California Health and Safety (H&S) Code § 1797.254 states:

*"Local EMS agencies shall **annually** (emphasis added) submit an emergency medical services plan for the EMS area to the authority, according to EMS Systems, Standards, and Guidelines established by the authority".*

Historically, we have received EMS Plan documentation from Merced County for the following years: 1993-1995, 1999, 2001-2004, 2006-2007, 2009, 2010, 2012 and, most current, its 2014 plan submission. Merced County received its last Five-Year Plan approval in 2001 for its 1999 plan submission, and its last annual Plan Update approval in 2013 for its 2012 plan submission.

### **III. Analysis of EMS System Components:**

Following are comments related to Merced County's 2014 EMS Plan. Areas that indicate the plan submitted is concordant and consistent with applicable guidelines or regulations and H&S Code § 1797.254 and the EMS system components identified in H&S § 1797.103 are indicated below:

A.                  System Organization and Management

1. Systems Assessment Forms

- Standard 1.10 (Special Populations)
  - Minimum Standard/Recommended Guidelines do not appear met. Assessment does not address 'identification of population groups served by the EMS system which require specialized service.' In next submission please provide update on progress of long range plan to meet this standard and reflect status accurately on both standard and Table 1.

B.                  Staffing/Training

1. Systems Assessment Forms

- Standard 2.10 (Advanced Life Support)
  - Recommended Guidelines do not appear met. In next submission please provide update on progress of long range plan to meet this standard and reflect status accurately on both standard and Table 1.

C.                  Communications

D.            Response/Transportation

1. System Assessment Forms

- Standard 4.05 (Response Time Standards)  
Standard 4.13 (Intercounty Response)
  - Recommended Guidelines not met. In next submission please provide update on progress of long range plan to meet this standard and reflect status accurately on both standard and Table 1.

2. Ambulance Zone Forms

- Please see the attachment on the EMS Authority's determination of the exclusivity of Merced County's ambulance zones.

3. Exclusive Air Ambulance Zone

- In April of 2015, the United States Department of Transportation (DOT) released 'Guidelines for the Use and Availability of Helicopter Emergency Medical Transport (HEMS).' This document describes *"the regulatory and oversight framework for helicopter air ambulance operations that state emergency medical services (EMS) system planners should consider in developing regulations to help ensure patients receive appropriate medical attention and care."* Citing multiple sources, including the U.S. Constitution, the Airline Deregulation Act (ADA) of 1978 and various court rulings, the DOT states, in part, that *"a state may not impose economic regulations on air ambulance operators – specifically regulations related to an operator's prices, routes, or services – because these types of regulations are also preempted by federal law."*

Based on the positions outlined in this document, EMSA is unable to continue supporting the creation or existence of Exclusive Operating Areas (EOA's) for air ambulance service providers in the State of California. As a result, upon expiration in April of 2016, EMSA will no longer recognize Merced County EMS Agency's current EOA for air ambulance service providers.

- E.            Facilities/Critical Care
- F.            Data Collection/System Evaluation
- G.            Public Information and Education
- H.            Disaster Medical Response

1. Systems Assessment Forms

- Standard 8.08 (Inventory of Resources)
  - Recommended Guidelines not met. In next submission please provide update on progress of long range plan to meet this standard and reflect status accurately on both standard and Table 1.
- Standard 8.10 (Mutual Aid Agreements)
  - Minimum Standards does not appear met. Assessment does not indicate existence of medical mutual aid agreements at the local level. In next submission please provide update on progress of long range plan to meet this standard and reflect status accurately on both standard and Table 1.

**IV. Conclusion:**

Based on the information identified, Merced County may implement areas of the 2014 EMS Plan that have been approved. Pursuant to H&S Code § 1797.105(b):


*“After the applicable guidelines or regulations are established by the Authority, a local EMS agency may implement a local plan...unless the Authority determines that the plan does not effectively meet the needs of the persons served and is not consistent with the coordinating activities in the geographical area served, or that the plan is not concordant and consistent with applicable guidelines or regulations, or both the guidelines and regulations established by the Authority.”*

**V. Next Steps:**

Merced County's annual EMS Plan Update will be due no later than October 28, 2016.

If you have any questions regarding the plan review please contact Jeff Schultz, EMS Plans Coordinator, at (916) 431-3688.

Sincerely,

A handwritten signature in black ink that reads "Daniel R. Amley for". The signature is written in a cursive style.

Howard Backer, MD, MPH, FACEP  
Director

Attachment



# **Merced County EMS Agency**



## **5-Year EMS Plan & FY13/14 Annual Update**

James Clark, EMS Administrator  
Merced County EMS Agency  
260 E. 15th Street  
Merced, CA 95341  
(209) 381-1250  
[jclark@co.merced.ca.us](mailto:jclark@co.merced.ca.us)

# FY13/14 Merced County EMS Plan

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