

INITIAL STATEMENT OF REASONS
CHAPTER 13. EMS SYSTEM REGULATIONS

Section 1797.107 of the Health and Safety Code (HSC) requires the Emergency Medical Services Authority (or, “the Authority”), upon approval of the Commission on Emergency Services (or, “the Commission”), to adopt, amend or repeal regulations to carry out the provisions of Division 2.5 of the HSC for the development and maintenance of an emergency medical services (EMS) system in California.

HSC 1797.102 requires the Authority, utilizing regional and local information, to assess each local EMS area or service area of the state to determine whether there is a need for additional EMS, coordination of EMS, and the effectiveness of EMS.

HSC 1797.103 requires the Authority to develop planning and implementation guidelines for EMS systems which address the following eight components:

- (a) Manpower and training,
- (b) Communications,
- (c) Transportation,
- (d) Assessment of hospitals and critical care centers,
- (e) System organization and management,
- (f) Data collection and evaluation,
- (g) Public information and education
- (h) Disaster

HSC 1797.105 requires the Authority to receive plans for the implementation of EMS and trauma care systems from local EMS agencies (LEMAs). Where applicable, it also requires the Authority to receive plans for specialty care programs and systems such as EMS for Children Program [100450.216(b) and 100450.217(a), Title 22, California Code of Regulation (CCR)], STEMI Critical Care System [100270.121(b), Title 22, CCR], and Stroke Critical Care System [100270.220(b), Title 22, CCR]. It also requires the Authority, upon receipt of a local EMS plan, to evaluate and determine if the plan effectively meets the needs of the persons served and is consistent with applicable Authority guidelines and/or regulations. If the Authority determines that the plan meets the criteria, the plan is approved and can be implemented. A LEMA may appeal a disapproved or revoked plan to the Commission [HSC 1797.105(c)].

HSC 1797.200 authorizes a county to develop an EMS program, and counties that do so are required to designate a LEMA for the purposes of local EMS administration. A LEMA agency shall be a county health department, an agency established and operated by the county, an entity with which the county contracts for the purposes of local EMS administration, or a joint powers agency created for the administration of EMS by agreement between cities and counties pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

HSC 1797.201 requires counties, upon request from a city or fire district that contracted for or provided, as of June 1, 1980, prehospital emergency medical services, to enter into a written agreement with the city or fire district regarding the provisions of EMS for that city or fire district, and until such time as an agreement is reached, the city or fire district may continue to administer prehospital EMS at not less than the existing level.

HSC 1797.224 authorizes LEMSAs to create exclusive operating areas in the development of an EMS plan if a competitive process is utilized; no competitive process is required if the LEMSA develops or implements a local plan that continues the use of existing providers operating within a local EMS area in the manner and scope in which the services have been provided without interruption since January 1, 1981.

EMSA is proposing to adopt standards, policies, and procedures for the planning and implementation of EMS systems in Title 22, Division 9, Chapter 13 of the CCR. This proposed regulatory action will provide standardization of EMS statewide and ensure the Authority has the information necessary to assess each EMS system to determine whether there is a need for additional EMS, the coordination of EMS, and the effectiveness of EMS in order to protect public health and safety.

PROBLEM STATEMENT

In 1985, the Authority developed, and the Commission approved, EMS System Standards and Guidelines to provide guidance to LEMSAs in the planning, organization, management, and evaluation of local EMS systems, and to provide an evaluation and education mechanism for the Authority, elected officials, and interested parties. These standards and guidelines were revised over the ensuing years with input from EMS stakeholders and received approval from the Commission, but were never formally adopted as regulations. In 2012, the Authority formed a committee and invited affected stakeholder organizations to appoint a member to begin the process of updating the standards and drafting proposed regulations. The work of the committee was suspended in 2015 when a lawsuit was filed by one of the organizational members, the California Fire Chiefs Association, Inc. On December 26, 2016, the Authority's Motion to Dismiss the lawsuit was granted.

On February 4, 2019, three petitions were filed with the Office of Administrative Law asking for a determination as to whether the Authority's following three documents amounted to underground regulations: (1) EMSA Guideline #141, "Competitive Process for Creating Exclusive Operating Areas [approved by the Commission]; (2) Draft EMS Guideline #141-B, "Review Criteria and Policy for Transportation and Exclusive Operating Components of the EMS Plan" [never finalized or utilized]; and (3) EMSA Discussion Paper 310-01, "EMS System Coordination and HS 1797.201 in 2010. In response, the Authority certified, pursuant to Title 1, Chapter, 2, Section 280 of the CCR, that it would not use or enforce the documents. The Authority subsequently began the process of promulgating regulations to cover the guidelines authorized and required in accordance with HSC 1797.103.

In addition, a number of lawsuits over the years have resulted from the lack of specificity in statute concerning EMS issues, most specifically involving HSC 1797.201 and 1797.224. Those lawsuits have resulted in decisions that have only partially clarified the lack of specificity and clarity in the statutes. Legislation has also been attempted over the years to clarify HSC 1797.201 and 1797.224 but the bills failed to pass.

The EMS Act lacks clarity regarding what constitutes a “reduction in the level of service” for emergency ground ambulance transportation or what constitutes a change in “manner and scope” of existing providers. This lack of clarification was highlighted in the court case *County of Butte v California Emergency Medical Services Authority* 187 Cal.App.4th 1175 (2010), where the court stated at 1202 that “...the Authority’s interpretation of the “manner and scope” language of HSC 1797.224 is a generally applicable policy subject to the rulemaking procedures of the APA. Because the Authority did not comply with those procedures, this interpretative regulation is void and not entitled to deference (See *Tidewater*, supra, 14 Cal.4th at p. 577; *Capen*, supra, 155 Cal.App.4th at p.389.) If the Authority wishes to validate this interpretation for future cases, it may do so by ensuring compliance with the APA. (See *Armistead v. State Personnel Board* (1978) 22 Cal. 3d 198, 201.)”

PURPOSE

The purpose of this regulatory action is to protect the health and safety of the public by defining the standards, policies, and procedures for all local EMS systems, ensuring that the sick and injured being treated in the prehospital setting will have access to a coordinated, complete and effective EMS system anywhere in California.

In addition, the proposed regulations will clarify and make specific the criteria for determining whether a city or fire district that has contracted for or provided prehospital EMS as of June 1, 1980, has consistently provided that service since June 1, 1980 without any reduction in the level of service since that time. The proposed regulations will also make specific the criteria for determining when an exclusive operating area may be created without a competitive process and will also make specific the process to be used when awarding an exclusive operating area by way of a competitive process.

BENEFIT

These regulations will provide clarity and specificity in the implementation of the EMS system standards and guidelines required in HSC, Division 2.5, 1797.103. The regulations will assist local governments in the implementation and maintenance of their EMS systems by providing clear and enforceable standards. The regulations will also provide the necessary resources for EMSA to effectively evaluate the local EMS systems in California in order to carry out its responsibilities for oversight of the EMS System to ensure protection of the public health and safety (HSC 1797.103).

These regulations will also assist in eliminating the current lack of specificity in HSC Division 2.5, 1797.201 and 1797.224 and the current lack of regulations to implement

and clarify HSC, Title 22 Division 2.5, 1797.103 pertaining to EMS system planning and implementation.

PURPOSE AND NECESSITY OF ADDITIONS

Section 100450 Definitions.

SPECIFIC PURPOSE

The specific purpose of this section is to provide definitions for various terms and acronyms used throughout this chapter.

NECESSITY

This is necessary as it provides concise meaning to various terms and acronyms to avoid confusion and misunderstandings.

Section 100450(a)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the acronym of “ALS” stands for Advanced Life Support as it is defined in section 1797.52 of the Health and Safety Code.

NECESSITY

This definition is necessary for use in these regulations because the specific procedures, medications, and services allowed for use by advanced life support personnel can vary among the 33 LEMSAs, since the medical director of a LEMSA able to specify which procedures, medications, and services within a paramedic scope of practice will be allowed for use in their jurisdiction (Title 22, Division 9, Chapter 4, Section 100146 of the CCR).

Section 100450(b)

SPECIFIC PURPOSE

The specific purpose of this section is to define what constitutes an ALS assessment.

NECESSITY

This definition is necessary to clarify that an ALS assessment can vary among the 33 LEMSAs because the specific procedures, medications, and services allowed for use by advanced life support personnel may be different among the 33 LEMSAs since the medical director of a LEMSA is able to specify which procedures, medications, and services within a paramedic scope of practice (Title 22, Division 9, Chapter 4, Section 100146 of the CCR) will be allowed for use in their jurisdiction.

Section 100450(c)

SPECIFIC PURPOSE

The specific purpose of this section is to define what is an air ambulance provider and an air rescue service provider.

NECESSITY

This definition is necessary to ensure that, for the purposes of these regulations, only those air ambulance providers and air rescue service providers, as defined in Title 22, Division 9, Chapter 8 of the CCR, are the providers pertinent to these regulations.

Section 100450(d)

SPECIFIC PURPOSE

The specific purpose of this section is to define what is an ambulance used for ground transportation in the prehospital EMS setting versus air ambulances and rescue aircraft, and to specify the requirement that the required two ambulance crew members be certified in basic life support at a minimum.

NECESSITY

This definition is necessary to distinguish between ground vehicles used for prehospital EMS response and transport, and other non-ambulance medical transportation services such as litter vans (gurney cars) and wheelchair vans that are used for transporting patients but not used for prehospital EMS purposes.

Section 100450(e)

SPECIFIC PURPOSE

The specific purpose of this section is to define what constitutes a provider of ground ambulance services for prehospital EMS.

NECESSITY

This definition is necessary to ensure that the services provided by an ambulance provider are performed in accordance with state law (Title 22, Division 2.5 of the HSC; and Title 13, Division 2, Article 1, Section 1100.2 of the Motor Vehicle Code), regulatory requirements, the respective county ordinance, and the LEMSA policies, procedures, and protocols which can vary among the 33 LEMSAs.

Section 100450(f)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the acronym of “BLS” stands for Basic Life Support as it is defined in section 1797.60 of the Health and Safety Code.

NECESSITY

This definition is necessary for use in these regulations to ensure consistency, since there is a different definition of BLS in Title 22, Division 9, Chapter 8 of the CCR.

Section 100450(g)

SPECIFIC PURPOSE

The specific purpose of this section is to define what constitutes a boundary change for an EMS area or subarea.

NECESSITY

This definition is necessary for use by a LEMSA in determining the scope of a provider's operation when the LEMSA chooses to create an exclusive operating area in the development of the LEMSA's EMS plan. This definition is also necessary to assist the Authority in evaluating for approval a LEMSA's EMS Plan that includes an exclusive operating area.

Section 100450(h)

SPECIFIC PURPOSE

The specific purpose of this section is to define the type of process that must be used by the LEMSA when selecting a provider or providers of services in the creation of an exclusive operating area and to clarify that the process selected by the LEMSA must be pre-approved by EMSA.

NECESSITY

This definition is necessary to alert LEMSAs and the providers interested in applying for the opportunity to provide services in an exclusive operating area that while each LEMSA may have their own method for selecting providers, the process must be approved by the Authority to ensure a fair and consistent process.

Section 100450(i)

SPECIFIC PURPOSE

The specific purpose of this section is to define critical care transport and to distinguish it from other ambulance services and interfacility transfers.

NECESSITY

This definition is necessary for the Authority to be able to assess the types of services that are included in a LEMSA's EMS Plan so that the Authority can carry out its statutory authority of evaluating an EMS service area to ensure the protection of the public health and safety.

Section 100450(j)

SPECIFIC PURPOSE

The specific purpose of this section is to define what a critical care transport program is and to specify that the LEMSA is responsible for establishing the criteria to be met for a provider to be designated as a CCT Program.

NECESSITY

This definition is necessary to clarify that each LEMSA must establish the criteria for a CCT Program, as each LEMSA determines the levels of medical care within their jurisdiction and is responsible for providing medical control and assuring medical accountability throughout the planning, implementation, and evaluation of their EMS system.

Section 100450(k)**SPECIFIC PURPOSE**

The specific purpose of this section is to define electronic health record and provide the various acronyms or terms which might be used yet have the same meaning.

NECESSITY

This addition is necessary to comply with the passage of AB 1129 (Burke, Chapter 337, Statutes of 2015), which requires emergency medical care providers to collect and submit data to the local EMS agencies via an electronic health record (EHR) system. Defining EHR system ensures that the term used in the regulations will be clear to readers, particularly to the persons affected by these regulations.

Section 100450(l)**SPECIFIC PURPOSE**

The specific purpose of this section is to define what are emergency ambulance services for the purposes of this chapter and to specify that such services may be restricted by a LEMSA in an EMS area or subarea.

NECESSITY

This definition is necessary to distinguish emergency ambulance services from critical care transports and interfacility transfers.

Section 100450(m)**SPECIFIC PURPOSE**

The specific purpose of this section is to define what constitutes an Emergency Medical Care Committee, and how it is established.

NECESSITY

This definition is necessary to inform LEMSAs and EMS system participants that there is a venue for stakeholder input on the LEMSA's EMS system.

Section 100450(n)**SPECIFIC PURPOSE**

The specific purpose of this section is to state that the acronym “EMS” stands for Emergency Medical Services as it is defined in section 1797.72 of the Health and Safety Code.

NECESSITY

This definition is necessary to ensure consistency throughout this regulatory chapter.

Section 100450(o)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the term “EMS area” stands for Emergency Medical Service Area as it is defined in section 1797,74 of the Health and Safety Code.

NECESSITY

This definition is necessary to ensure consistency throughout this regulatory chapter.

Section 100450(p)

SPECIFIC PURPOSE

The specific purpose of this definition is to clarify what constitutes an EMS aircraft.

NECESSITY

This definition is necessary to provide consistency with the definition of EMS Aircraft in Title 22, Division 9, Chapter 8, Sections 100279 and 100281, of the CCR.

Section 100450(q)

SPECIFIC PURPOSE

The specific purpose of this section is to restate the regulatory definition of EMS for Children Program (100450.202).

NECESSITY

This section is necessary to ensure consistency with existing regulations, and to define the meaning of an EMS for Children Program.

Section 100450(r)

SPECIFIC PURPOSE

The specific purpose of this definition is to specify what an EMS Plan is and what components must be covered in the plan according to statute.

NECESSITY

This definition is necessary to provide consistency with the definition of an EMS plan in statute (HSC 1797.76).

Section 100450(s)

SPECIFIC PURPOSE

The specific purpose of this section is to define what constitutes an EMS subarea.

NECESSITY

This section is necessary to provide consistency with statute that allows an EMS agency to create an exclusive operating area in an EMS area or subarea in their EMS Plan (HSC 1797.85 and 1797.224).

Section 100450(t)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the term “EMS System” stands for Emergency Medical Services System as it is defined in section 1797.78 of the Health and Safety Code.

NECESSITY

This section is necessary to provide consistency with the definition of Emergency Medical Services System as contained in statute.

Section 100450(u)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the term acronym “EOA” stands for Exclusive Operating Area as it is defined in section 1797.85 of the Health and Safety Code.

NECESSITY

This section is necessary to provide consistency with the definition of Exclusive Operating Area as contained in statute.

Section 100450(v)

SPECIFIC PURPOSE

The specific purpose of this section is to define interfacility transfer and distinguish it from ambulance services and critical care transports.

NECESSITY

This definition is necessary for the Authority to be able to assess the types of services that are included in a LEMSA’s EMS Plan so that the Authority can carry out its statutory authority of evaluating an EMS service area to ensure the protection of the public health and safety.

Section 100450(w)

SPECIFIC PURPOSE

The specific purpose of this section is to define the level of service provided by an EMS provider.

NECESSITY

This section is necessary to identify the level of service provided by EMS providers in order for the authority to carry out its statutory authority in assessing EMS systems and in verifying whether there has been a change in the level of service provided by a city or fire district that contracted for or provided prehospital EMS as of June 1, 1980.

Section 100450(x)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the acronym “LALS” stands for Limited Advanced Life Support as it is defined in section 1797.92 of the Health and Safety Code.

NECESSITY

This definition is necessary to ensure consistency throughout this regulatory chapter.

Section 100450(y)

SPECIFIC PURPOSE

The specific purpose of this section is to state that the acronym “LEMSA” stands for Local EMS Agency as it is defined in section 1797.94 of the Health and Safety Code.

NECESSITY

This definition is necessary to ensure consistency throughout this regulatory chapter.

Section 100450(z)

SPECIFIC PURPOSE

The specific purpose of this section is to provide a definition for the term “manner and scope” as referenced in HSC 1797.224.

NECESSITY

This definition is necessary to provide a clear and consistent meaning to the term “manner and scope” to avoid confusion based on different interpretations that have been used by different entities throughout the years and are still used today.

Section 100450(aa)

SPECIFIC PURPOSE

The specific purpose of this section is to define non-exclusive operating area in order to assist LEMSAs in implementation of HSC 1797.224 through this chapter of regulations.

NECESSITY

This section is necessary because statute does not define what is a non-exclusive operating area and clarity of this term is needed for application of the provisions of this chapter by LEMSA in the development of their EMS plans.

Section 100450(bb)**SPECIFIC PURPOSE**

The specific purpose of this section is to define what periodic interval means when conducting a competitive process for creating an exclusive operating area.

NECESSITY

This section is necessary to implement HSC 17907.224 by providing a definition of periodic interval and directing LEMSAs to the provisions in the regulations for determining a periodic interval when conducting a competitive process for an EOA.

Section 100450(cc)**SPECIFIC PURPOSE**

The specific purpose of this section is to define what quality improvement means and that the acronym "QI" has the same meaning.

NECESSITY

This section is necessary to ensure consistency with the use and many of this term and acronym.

Section 100450(dd)**SPECIFIC PURPOSE**

The specific purpose of this section is to provide a definition for the scope of operations as referenced in HSC 1797.224.

NECESSITY

This section is necessary to implement HSC 1797.224 by providing clarity as to what scope of operations means when determining whether an existing provider has operated continuously without interruption within a local EMS area since January 1, 1981.

Section 100450(ee)**SPECIFIC PURPOSE**

The specific purpose of this section is to provide a definition of special services, which refers to the level of emergency medical care or transport provided by the personnel approved by the LEMSA to operate in their EMS system at the basic life support, limited advanced life support, advanced life support, or critical care transport levels.

NECESSITY

This section is necessary to implement HSC 1797.103(a) and (c) and for the Authority to have sufficient information to carry out its mandate in HSC 1797.102 to assess each EMS area or the EMS system's service area for the purpose of determining the need for additional EMS, coordination of EMS, and the effectiveness of EMS services.

Section 100450(ff)**SPECIFIC PURPOSE**

The specific purpose of this section is to restate the regulatory (100270.119, Title 22, CCR) definition of STEMI Critical Care System.

NECESSITY

This section is necessary to ensure consistency with the definition of STEMI Critical Care System in existing regulations.

Section 100450(gg)**SPECIFIC PURPOSE**

The specific purpose of this section is to restate the regulatory (100270.213, Title 22, CCR) definition of Stroke Critical Care System.

NECESSITY

This section is necessary to ensure consistency with the definition and meaning of Stroke Critical System in existing regulations.

Section 100450(hh)**SPECIFIC PURPOSE**

The specific purpose of this section is to state that the terms "Trauma System" and "Inclusive Trauma System" stand for "Trauma Care System as it is defined in section 1798.160(c) of the Health and Safety Code.

NECESSITY

This definition is necessary to ensure consistency throughout this regulatory chapter.

Section 100450(ii)**SPECIFIC PURPOSE**

The specific purpose of this section is to provide a definition for type of exclusivity, which means the type of emergency medical services that may be restricted in the creation of an exclusive operating area.

NECESSITY

This section is necessary to implement HSC 1797.224 by providing clarity as to what types of emergency medical services may be restricted in the creation of an exclusive operating area.

Section 100450.40. Application of Chapter

SPECIFIC PURPOSE

The specific purpose of this section is to implement and make specific HSC Sections 1797.102, 1797.103, 1797.105, 1797.114, 1797.257, 1797.250, 1797.254, and 1797.258.

NECESSITY

This section is necessary to assist LEMSAs in the development of their EMS plans by consolidating the statutory requirements for EMS plans and plan submissions, and providing the information necessary for the Authority to carry out its mandate in HSC 1797.102 by specifying the following:

- Subsection (a) is necessary to establish the time frame for the period covered by the EMS plan, the time frame for submission of the annual EMS plan, and the provisions that the plan be submitted in a format specified by the Authority.
- Subsection (b) is necessary to ensure that the plan adheres to statute (Division 2.5 of the HSC) and regulations (Title 22, Division 9 of the CCR).
- Subsection (c) is necessary to ensure that the LEMSA administrator attests that the plan is compliant with statute and regulations.
- Subsection (d) is necessary to ensure the Authority is able to review records and documents from a LEMSA or EMS providers used in the development of the EMS plan or inspect any aspect of the local EMS system in order determine compliance with statute.
- Subsection (e) is necessary to ensure the EMS plan addresses the 8 components specified in HSC 1797.103.
- Subsection (f) is necessary to allow LEMSAs to revise an EMS plan by an amendment after the plan has been approved by EMSA.
- Subsection (g) is necessary to specify the process for noncompliance with EMS plan submission requirements.
- Subsection (h) is necessary to require LEMSAs to report within the EMS plan on the status and implementation of the Maddy EMS Fund, when applicable, and the form to be used reporting (Form 4).

Section 100450.48. EMS Plan Submission Format

SPECIFIC PUPOSE

The specific purpose of this section is to implement HSC 1797.103 by specifying the format, forms, and tables to be used by the LEMSA when submitting their EMS Plan to the Authority for review, and the information that is to be included in the submission.

NECESSITY

This section is necessary to specify the information required in the EMS plan so that the Authority can assess the EMS System as mandated in HSC 1797.102. Subsection (a) is necessary to ensure that the plan includes:

- An attestation to compliance with HSC Division 2.5 and CCR Division 9
- Narrative summary describing the existing EMS System
- Summary of key accomplishments and changes from the prior year EMS plan
- Description of the current LEMSA organization, including an organizational chart and budget for the fiscal year of the plan
- Summary (by use of Form 1) of each standard as described in the EMS planning and implementation guidelines, and the status of compliance or noncompliance with each standard submitted on Form 1
- EMS system assessment narrative (using Form 4) for any standard not met at the time of the EMS plan submission and the current status, coordination with other EMS agencies, needs, and objectives for meeting the unmet standard(s)
- Annexes for Transportation and Quality Improvement
- Annexes for Trauma, STEMI, Stroke, and EMS for Children plans as applicable
- Data tables that identify system information for system organization and management (Table 1), manpower and training (Table 2), communications (Table 3), response and transportation (Table 4), hospitals and critical care centers (Table 5), public information and education (Table 6), and disaster medical response (Table 7).

Section 100450.50. EMS Planning and Implementation Guidelines

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC Sections 1797.102, 1797.103, and 1797.105.

NECESSITY

Subsection (a) is necessary to require the use of the EMS planning and implementation guidelines in the development of a LEMSA's EMS plan, ensure that the plan describes the local EMS System in sufficient detail for Authority to conduct a review of the plan contents, and require inclusion in the plan of additional activities and requirements other than those specified in this chapter.

Subsection (b) is necessary to ensure incorporation of the minimum standards and guidelines as part of the local EMS system plan, and to require the development and maintenance of policies, procedures, and protocols to operate an effective EMS system.

Section 100450.51. System Organization and Management

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(e).

NECESSITY

This section is necessary to provide guidance to a LEMSA on the issues to be addressed in the system organization and management component of the EMS planning and implementation, and to ensure sufficient information for the Authority to carry out its mandate in HSC 1797.102 to assess the system organization and management component of an EMS system.

Subsection (a) is necessary to ensure there is a formal organizational structure that includes reporting relationships, LEMSA staff, and a governing structure.

Subsection (b) is necessary to ensure the development and reporting of an annual budget for EMS administration within a LEMSA's jurisdiction.

Subsections (c) and (d) are necessary to document LEMSA compliance with HSC 1797.202.

Subsection (e) is necessary to ensure the LEMSA has the technical and clinical assistance needed for their particular EMS System.

Subsection (f) is necessary to ensure that affected stakeholders have the ability to provide input on plans, policies, and procedures developed in their respective EMS system.

Subsections (g) and (h) are necessary to ensure LEMSAs have written policies, procedures and protocols for the planning, implementation, and evaluation of their EMS system, that specific topics as listed are covered by those documents and that those documents are updated as necessary for transparency and to assist the Authority in assessing their system.

Section 100450.52. Staffing and Training

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(a).

NECESSITY

This section is necessary to provide guidance to a LEMSA on the issues to be addressed in the Manpower and Training component of the EMS planning and implementation guidelines, ensure consistency with existing regulations in CCR Division 9 pursuant to EMS personnel, and ensure sufficient information for the Authority to carry out its mandate in HSC 1797.102(a) to assess the manpower and training component of an EMS system.

Subsection (a) is necessary to ensure that an applicant for Emergency Medical Technician (EMT) or advanced EMT certification in one LEMSA jurisdiction is not eligible for certification due to a denial or disciplinary action taken by a different LEMSA.

Subsection (b) is necessary to ensure that the required information for all applicants for EMT or advanced EMT certification or recertification is entered in the state's EMT Registry.

Subsection (c) is necessary to ensure that all disciplinary actions against an EMT or EMT advanced certificate are done in accordance with the provisions for such actions taken specified in Title 22, Division 9, Chapter 6 of the CCR.

Subsection (d) is necessary to implement HSC 1797.211 and to protect the public by ensuring that, through the EMT Central Registry, the Authority and other LEMSAs are notified within three days of a disciplinary action taken against an EMT or advanced EMT certificate. This will protect the public by ensuring that other LEMSAs do not certify an applicant for EMT or advanced EMT that is not eligible.

Subsection (e) is necessary to protect the public by ensuring that all EMT and advanced EMT disciplinary actions taken by a LEMSA are reported to the National Practitioners Data Base so that other state EMS offices throughout the United States and its territories have current and accurate information on disciplinary actions should they receive an application from an individual that has been disciplined in California.

Subsection (f) is necessary to protect the public by requiring a LEMSA to report all EMT and advanced EMT voluntary surrenders of certification to the Authority and other LEMSAs through the EMT Central Registry, so an individual who has surrendered their certificate does not show up as having a valid and current certificate.

Subsection (g) is necessary to protect the public by ensuring that the Authority is notified when a paramedic is accredited and approved to work in a LEMSA jurisdiction. Accreditation documents verify that the paramedic has been oriented to the respective LEMSA's EMS system in which the paramedic is working and received any training required by the LEMSA in any local standard or optional scope of practice (HSC 1797.214; Sections 100142 and 100166, Title 22, CCR).

Subsection (h) is necessary to implement and make specific HSC 1797.56 and 1798.3 and CCR 100146(d).

Subsection (i) is necessary to protect the public health by ensuring that training programs for all levels of EMS personnel offered in the jurisdiction of a LEMSA are compliant, and maintain compliance, with California statute and regulations and that the Authority is notified of any changes to an approved training program.

Subsection (j) is necessary to ensure that LEMSAs have a process for eligible individuals to challenge an approved EMT or AEMT training course as authorized in Sections 100066(b)(8) and 100113(b)(8), Title 22, of the CCR, respectively.

Subsections (k) and (l) are necessary to protect the public by ensuring that LEMSAs have a process for prehospital providers and paramedic providers to identify and report

to a LEMSA any acts or omissions by an EMT, Advanced EMT, or paramedic that could impact the individual's EMS certification or licensure (Sections 100206 and 100208.1(c) and (d), Title 22, CCR.

Subsection (m) is necessary to protect the public by ensuring the LEMSAs have a policy for the LEMSA medical director to temporarily suspend a paramedic license for cause pursuant to CCR 100166(i) and a process for recommending paramedic discipline when the LEMSA medical director has determined that there may be a need for paramedic licensure action.

Subsection (n) is necessary to implement HSC 1797.186 to protect EMS personnel by ensuring LEMSAs have a policy to coordinate with employers of EMS personnel to ensure the employers have a process for EMS personnel to receive prophylactic treatment when exposed to a contagious disease while on the job.

Subsections (p) and (q) are necessary to protect the public by ensuring that LEMSAs establish training standards for EMTs and paramedics to assist in managing complex patients with alcohol or substance abuse issues, mental health or psychiatric conditions, homelessness or frequent users of the EMS system and a process for handling such patients.

Section 100450.53. Communications

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(b) and HSC 1797.220.

NECESSITY

This section is necessary to provide guidance to LEMSAs on the specific information to be addressed in the Communications component of the EMS planning and implementation guidelines, and to ensure sufficient information for the Authority to carry out its mandate in HSC 1797.102 to assess the communications component of an EMS system.

Section 100450.54. Response and Transportation

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(c), 1797.201, 1797.204, 1797.220, 1797.222, and 1797.224.

NECESSITY

This section is necessary to provide guidance to the LEMSAs on the responsibilities for response and transportation within their EMS systems, and to specify the information from these responsibilities that is to be contained in the LEMSA's EMS Plans under the Transportation component of the EMS planning and implementation guidelines. This section is also necessary to ensure sufficient information in the EMS plans for the

Authority to carry out its mandate in HSC 1797.102 to assess the transportation component of an EMS system.

Section 100450.55. Hospitals and Critical Care Areas

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(d) and HSC, Division 2.5, Chapter 6.

NECESSITY

This section is necessary to provide guidance to a LEMSA on the issues to be addressed in the assessment of hospitals and critical care centers component of the EMS planning and implementation guidelines and to ensure sufficient information in the EMS plan for the Authority to carry out its mandate in HSC 1797.102 to assess the hospitals and critical care areas component of an EMS system.

Subsection (a) is necessary to implement HSC Sections 1798.100 and 1798.101.

Subsections (b) through (d) are necessary to implement HSC 1798.166; and Sections 100450.216(b), 100270.121(b), and 10270.220(b) of Title 22 of the CCR.

Section 100450.56. Data Collection, Evaluation and Quality

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(f).

NECESSITY

This section is necessary to provide direction to LEMSAs on data to be collected and managed in their EMS systems that is concordant with state and federal information systems (CEMSIS and NEMESIS), implementation of HSC 1797.225, implementation of HSC 1797.227 and HSC Section 1797.227, and Title 22, Division 9, Chapter 12 of the CCR (Quality Assurance). It is also necessary to establish the data elements to be collected by the LEMSAs and EMS Providers operating within their jurisdiction in order for the Authority to carry out its mandate to assess EMS systems pursuant to HSC 1797.102.

Section 100450.57. Public Information and Education

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(g).

NECESSITY

This section is necessary to protect the public by providing direction to LEMSAs on the information to be addressed in the public information and education component of the EMS planning and implementation guidelines which will assist in reducing injury and

and illness, as well as educating the public on injury prevention and disaster preparedness. The provisions of this section are also necessary to ensure sufficient information in the EMS plan for the Authority to carry out its mandate in HSC 1797.102 to assess the public information and education component of an EMS system.

Section 100450.58. Disaster Medical Response

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(h).

NECESSITY

This section is necessary to provide direction to LEMSAs on the information to be addressed in the disaster response component of the EMS planning and implementation guidelines and to ensure sufficient information in the EMS plan for the Authority to carry out its mandate in HSC 1797.102 to assess the disaster response component of an EMS system.

Section 100450.59. Transportation Plan Annex

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.103(c).

NECESSITY

This section is necessary to specify the format and form to be used by the LEMSA for reporting on the transportation component of the EMS Plan. This section is also necessary to ensure current and sufficient information in the EMS plan for the Authority to carry out its mandate in HSC 1797.102 to assess the transportation component of an EMS system.

Section 100450.60. Authority Review of EMS Plans

SPECIFIC PURPOSE

The specific purpose of this section is to implement the provisions of HSC 1797.102, 1791.104, 1797.105, 1797.114, 1797.257, 1797.258, and 1798.150.

NECESSITY

The necessity of this section is to specify the process for EMSA's review of local EMS plans, including the establishment of time frames for review and response, establishment of provisions for approval and disapproval, and notification of an appeals provision for disapproved plans.

Section 100450.61. Authority Disapproval of EMS Plans

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.105(b).

NECESSITY

This section is necessary to specify the process and timeframes for EMSA's disapproval of an EMS plan, including notification to the LEMSA for the reason(s) for withdrawal, LEMSA's response, submission of a revised EMS plan, and the provision for appeal of the disapproval to the Commission, and, if appealed, LEMSA implementation of their last approved EMS plan until the completion of the appeal process.

Section 100450.62. Revocation of an Approved EMS Plan

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 100450.105(b).

NECESSITY

This section is necessary to establish and outline EMSA's process to suspend or revoke approval of a previously approved EMS plan when there is sufficient information to document that a LEMSA has not implemented their EMS system in accordance with their approved EMS plan, the LEMSA is engaging in practices which constitute a violation of any provision of HSC Division 2.5 or CCR Division 9, or the EMS plan as implemented does not meet the needs of the persons served and is not consistent with coordinating activities in the geographical area served. This section ensures a transparent and fair process that includes time frames and an appeal provision.

Section 100450.70 Appeal Proceedings to the Commission

SPECIFIC PURPOSE

The specific purpose of this section is to renumber and retitle existing regulation, CCR, Title 22, Division 9, Section 100450.100, Appeal Proceedings to the Commission to Section 100450.70 Appeal of EMS Plan Disapproval, Suspension, or Revocation. The only change to this section is to subsection (h). Subsection (h)(1) was added to state that administrative hearing costs shall not include costs associated with Commission meeting proceeds.

NECESSITY

The renumbering and retitling of this section are necessary to ensure that the section specifying the appeal process for disapproved, suspended, or revoked EMS plans is placed appropriately in this chapter to assist LEMSAs in accessing and understanding the process for their rights to appeal. The addition of subsection (h)(1) is necessary to clarify that any costs resulting from appealing directly to the Commission during its meetings shall not constitute administrative hearing costs. The added subsection eliminates varied interpretation(s) of subsection (h).

Section 100450.79. Criteria for Manner and Scope

SPECIFIC PURPOSE

The specific purpose of this section is to specify factors that shall be considered when evaluating changes to manner and scope when a LEMSA is considering creating an exclusive operating area without using a competitive process.

NECESSITY

This section is necessary to implement HSC 1797.224 by providing clarity as to what manner and scope means when determining whether an existing provider has operated continuously without interruption within a local EMS area since January 1, 1981. It specifies the criteria to be used for evaluating changes in manner and scope to include:

- Number of providers serving a geographic area or subarea
- Change in methodology for distribution of emergency responses
- Continuity of service of providers
- Methodology to select providers
- Ownership of providers
- Geographical boundaries over a specified time period

Section 100450.80. Non-Exclusive Operating Area

SPECIFIC PURPOSE

The specific purpose of this section is to specify the provisions for what is to be done with those EMS areas or subareas that are not classified as exclusive operating areas.

NECESSITY

This section is necessary to provide clarity and specificity on EMS areas or subareas that are not classified as EOAs. This section is necessary to clarify what entities may operate EMS in a non-EOA and the reporting requirements for a non-EOA within a LEMSA's jurisdiction.

Section 100450.81. Exclusive Operating Area Created Without a Competitive Process

SPECIFIC PURPOSE

The specific purpose of this section is to implement the provisions of HSC 1797.224.

NECESSITY

This section is necessary to specify the criteria that must be met in order for a LEMSA to create an EOA without a competitive process.

Section 100450.82. Exclusive Operating Areas Created with a Competitive Process

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.224.

NECESSITY

This section is necessary to specify the process and requirements for conducting a competitive process for the purpose of creating an EOA.

Section 100450.83. Periodic Intervals

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.224, which requires a competitive process conducted at periodic intervals for creation of an EOA.

NECESSITY

This section is necessary to define “periodic interval” as it relates to the process for conducting a competitive process for creating an EOA and specifying the time frames that takes into consideration the needs of the LEMSA and the investment of the competitive bidders.

Section 100450.84. EOA Contract Content

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.224.

NECESSITY

This section is necessary to specify the terms and provisions for the contract between the LEMSA and the EMS provider awarded an exclusive operating area, as well as the requirement for submission of the final contract to the Authority for review so that it can carry out its mandate in HSC 1797.102.

Section 100450.90. Cities and Fire Districts Pursuant to Section 1797.201 of the Health and Safety Code

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.201 and 1797.224.

NECESSITY

This section is necessary to identify and protect the cities and fire districts that are compliant with HSC 1797.201, and clarify that such entities must also be compliant with the medical control requirements of their respective LEMSA. It is also necessary to protect the rights of cities and fire districts that are compliant with HSC 1797.201 when they choose to enter into a written agreement with their respective LEMSA.

Section 100450.91. Changes in Organization and Reorganization for a City or Fire District

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.201 and 1797.224.

NECESSITY

This section is necessary to specify the provisions that apply to cities and fire districts, compliant with HSC 1797.201, when changes in organization or reorganization occur to such cities and fire districts. It is also necessary to protect an EMS provider that has been awarded an exclusive operating area from encroachment by a city or fire district which meets the requirements of HSC Section 1797.201 when there are changes to the jurisdictional boundaries of such cities and fire districts. It is also necessary to specify what changes in organization or reorganization would and would not affect the cities' and fire districts' rights pursuant to HSC 1797.201.

Section 100450.95. Notification of Changes

SPECIFIC PURPOSE

The specific purpose of this section is to implement HSC 1797.102 by specifying what changes in an EMS system must be reported to the Authority within thirty days so that it has current, updated information on an EMS system with which to make its assessment of the system.

NECESSITY

This section is necessary to ensure that the Authority has current and accurate information for carrying out its mandate in HSC 1797.102 for assessing each EMS area or the system's service area.

TECHNICAL, THEORETICAL, EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Over the years (1985 to 2015), the Authority relied on input from various stakeholders and interested parties that provided information and subject matter expertise from operational, administrative, and medical perspectives in drafting and updating the EMS system standards and guidelines that were the precursors to these proposed regulations, as noted below.

In 1985, the Authority published "Competitive Process for Creating Exclusive Operating Areas, EMSA, #141," with approval of the Commission, which was subsequently revised in 1997.

In 1993, the Authority developed the "EMS Standards and Guidelines" with input from an Advisory Group that consisted of members appointed by the following organizations: California Conference of Local EMS Health Officers, American College of Surgeons, California State Firemen's Association, Emergency Nurses' Association, California Association of Hospitals and Health Systems, Emergency Medical Services Administrators' Association of California, California Medical Association, California Rescue and Paramedic Association, California Fire Chief's Association of California, Emergency Medical Director's Association of California, California Chapter American College of Emergency Physicians, and California Pediatric Emergency and Critical Care Coalition. In March 1994, the Authority published the "EMS System Guidelines, Part II, Implementation Resource, EMSA #102," and in June 1994, EMSA published, "EMS System Guideline, Part III, EMS System Planning Guidelines."

In 2011, Assemblyman Jose Solorio sponsored AB 210, following the recommendations of an EMS subcommittee, to strengthen EMS system coordination and clarify existing statutes by amending certain sections of HSC Division 2.5. At the request of the EMS stakeholders affected by the bill, it became a two-year bill, AB 1387, which failed enactment.

In 2012, the Authority established an expert writing group to draft “Chapter 13, Emergency Medical Services System Regulations” to be vetted through the Office of Administrative Law’s regulatory process. The expert writing group consisted of members appointed by the following organizations at the invitation of EMSA: Emergency Medical Services Administrators Association of California, Emergency Medical Directors Association of California, California Ambulance Association, California Fire Chiefs Association, California Professional Firefighters, California League of Cities, County Supervisors Association of California, and American Medical Response. The expert writing group made significant progress in drafting the regulations until the group was suspended in 2015 due to litigation filed by the California Fire Chiefs Association disputing the Authority’s right to regulate ambulance transportation by cities and fire districts under HSC 1797.201. On December 26, 2016, the Authority’s Motion to Dismiss the lawsuit was granted.

The Authority is moving forward with regulations to implement, make specific, and clarify provisions of the HSC Division 2.5 pertaining to EMS plans.

The documents relied upon for this action include:

- EMS System Standards and Guidelines, EMSA #101, June 1993
- EMS System Guidelines, Part II, Implementation Resource, March 1994, EMSA #102
- EMS System Guidelines, Part III, EMS System Planning Guidelines, June 1994
- Competitive Process for Creating Exclusive Operating Areas, EMSA #141, Revised 1997, Published July 1985
- **Eel River Disposal and Resource Recovery, Inc., Plaintiff and Appellant, v. County of Humboldt**, A 135744 (2014)
- **County of Butte v California Emergency Services Authority {County Rights; State Rights}**, 187 Cal.App.4th 1175 (2010)
- **Schaefer’s Ambulance Service v County of San Bernardino {Funding}**, 80 Cal.Rptr.2d 385 [Cal.App 4th]
- **Valley Medical Transport, Inc. v Apple Valley Fire Protection District {City Rights}**, 17 Cal.4th 747, 72 Cal.Rptr.2d 647 (1998) [CA Supreme Court]
- **County of San Bernardino v City of San Bernardino {City Rights}**, 15 Cal.4th 909; 64 Cal.Rptr.2d 814 (1997) [CA Supreme Court]
- **City of Petaluma v County of Sonoma {City Rights}**, 15 Cal.Rptr.2d 617; 12 Cal.App4th 1239 (1993) [Cal.App.3d]
- **Mercy-Peninsula Ambulance v County of San Mateo {Anti-Trust}**, 791 Red.Rptr.2d 755 (9th Cir. 1986, [US Ninth Circuit Appeals]
- Minutes for the following quarterly Commission meetings:

1. June 18, 2014
2. September 17, 2014
3. June 17, 2015
4. December 2, 2015
5. March 16, 2016
6. June 15, 2016
7. September 12, 2018

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Creation or Elimination of Jobs within the State of California

The regulations are designed to clarify and make specific the planning and implementation standards and guidelines for emergency medical services systems in the state pursuant to HSC 1797.103; provide timelines and formats for submission of LEMSA's EMS plans; establish the policies and procedures for the approval, disapproval, and revocation of EMS plans; clarify and make specific criteria for determining the compliance of cities and fire districts with HSC 1797.201; specify the competitive process to be used for awarding exclusive operating areas, including contract content; and provide specific and current information for the Authority to carry out its mandate of assessing EMS systems pursuant to HSC 1797.102.

All 33 LEMSAs (single county or multi county regions) have developed an EMS system and plan, implement, and evaluate their EMS systems in accordance with HSC 1797.204. The LEMSAs submit their EMS plans to the Authority for approval. The LEMSAs, upon request, evaluate cities and fire districts for compliance with HSC 1797.201, and create exclusive operating areas pursuant to HSC 1797.224 where applicable.

The procedures and provisions for carrying out the responsibilities noted above have been specified in state guidelines and county policies and procedures adhered to voluntarily over the years. The Authority is now proposing to put these guidelines in regulations to adhere to the Administrative Procedures Act, and to provide statewide consistency, fairness, and increase openness and transparency of local and state government. These regulations continue existing practices and do not create or eliminate jobs within the State of California.

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

The regulations are designed to clarify and make specific the planning and implementation standards and guidelines for emergency medical services systems in the state pursuant to HSC 1797.103; provide timelines and formats for submission of LEMSA's EMS plans; establish the policies and procedures for the approval, disapproval, and revocation of EMS plans; clarify and make specific criteria for determining the compliance of cities and fire districts with HSC 1797.201; specify the competitive process to be used for awarding exclusive operating areas, including

contract content; and provide specific and current information for the Authority to carry out its mandate of assessing EMS systems pursuant to HSC 1797.102.

All 33 LEMSAs (single county or multi county regions) have developed an EMS system and plan, implement, and evaluate their EMS systems in accordance with HSC 1797.204. The LEMSAs submit their EMS plans to the Authority for approval. The LEMSAs, upon request, evaluate cities and fire districts for compliance with HSC 1797.201, and create exclusive operating areas pursuant to HSC 1797.224 where applicable.

The procedures and provisions for carrying out the responsibilities noted above have been specified in state guidelines and county policies and procedures adhered to voluntarily over the years. The Authority is now proposing to put these guidelines in regulations to adhere to the Administrative Procedures Act, and to provide statewide consistency, fairness, and increase openness and transparency of local and state government. These regulations continue existing practices and do not create new or eliminate existing businesses within the State of California.

The Expansion of Businesses Currently Doing Business Within the State of California

The regulations are designed to clarify and make specific the planning and implementation standards and guidelines for emergency medical services systems in the state pursuant to HSC 1797.103; provide timelines and formats for submission of LEMSA's EMS plans; establish the policies and procedures for the approval, disapproval, and revocation of EMS plans; clarify and make specific criteria for determining the compliance of cities and fire districts with HSC 1797.201; specify the competitive process to be used for awarding exclusive operating areas, including contract content; and provide specific and current information for the Authority to carry out its mandate of assessing EMS systems pursuant to HSC 1797.102.

All 33 LEMSAs (single county or multi county regions) have developed an EMS system and plan, implement, and evaluate their EMS systems in accordance with HSC 1797.204. The LEMSAs submit their EMS plans to the Authority for approval. The LEMSAs, upon request, evaluate cities and fire districts for compliance with HSC 1797.201, and create exclusive operating areas pursuant to HSC 1797.224 where applicable.

The procedures and provisions for carrying out the responsibilities noted above have been specified in state guidelines and county policies and procedures adhered to voluntarily over the years. The Authority is now proposing to put these guidelines in regulations to adhere to the Administrative Procedures, and to provide statewide consistency, fairness, and increase openness and transparency of local and state government.

Existing LEMSAs will revise their policies and procedures to meet the new requirements for EMS planning and implementation, assess cities and fire districts, and create

exclusive operating areas as specified in these regulations. Therefore, the Authority has determined that LEMSAs currently operating in California will not be expanded.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations will benefit California residents and visitors and workers' safety through increased public safety by consistent statewide EMS system planning, implementation of standards, and the ability for the Authority to assess EMS systems statewide to ensure coordination of EMS and the effectiveness of EMS. The proposed regulations are not anticipated to benefit or negatively impact the state's environment.

Results of the Economic Impact Analysis/Assessment

The Authority concludes that it is: (1) unlikely that the proposal will eliminate any jobs or LEMSAs; (2) unlikely the proposal will create any new jobs initially at the local and state level but may result in new jobs over time at the local and state level as the EMS systems grow and mature; (3) unlikely the proposal will create any new LEMSAs; (4) unlikely the proposal will eliminate any existing LEMSAs; and (5) unlikely the regulations will result in the expansion of LEMSAs currently operating in the state.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

EMSA has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Under HSC 1797.102, 1797.103, 1797.105, 1797.204, and 1797.254, the proposed regulations protect the health and safety of the public by defining the requirements, standards, and procedures for all EMS systems providing prehospital emergency medical care in California.

Counties are not required by law (HSC 1797.200) to develop an EMS system, but if they do, they are required by law, among other things, to do the following:

1. Plan, in accordance with eight specific components (HSC 1797.103), implement, and evaluate their EMS system consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures (HSC 1797.204).
2. May adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency medical personnel, when the patient meets specific criteria for trauma, burn, or pediatric centers adopted by the LEMSA.
3. Annually submit their EMS plan to the Authority in accordance with guidelines established by the Authority (HSC 1797.254) for Authority approval.

4. Upon the request of a city or fire district that contracted for or provided prehospital EMS as of June 1, 1980, enter into an agreement with the city or fire district regarding the provision of prehospital EMS (HSC 1797.201). Until such time as an agreement is reached, allow a city or fire district compliant with HSC 1797.201 to continue prehospital EMS at not less than the existing level.
5. Create, if they desire to do so, one or more exclusive operating areas (EOAs) in the development of a local plan with or without a competitive process and submit for approval to the Authority its competitive process for selecting providers and determining their scope of operations (HSC 1797.224).
6. Annually submit to the Authority a trauma care system plan update which identifies all changes if the LEMSA has implemented a trauma care system (HSC 1797.258). Submit, when applicable, an EMS for Children Program (HSC 1799.205), STEMI Critical Care System, and Stroke Critical Care System components of an EMS plan.
7. Provide medical control and assure medical accountability throughout the planning, implementation and evaluation of their EMS system pursuant to the provisions of HSC 1797.202, 1797.220, and HSC, Division 2.5, Chapter 5.

The regulations being proposed by EMSA implement, clarify, and make specific the rules and provisions for accomplishing the seven elements noted above. Counties have the ability under their own governing rules to assess fees to cover the costs of their EMS system responsibilities. In some cases, regional LEMSAs (region of multiple counties) receive federal grant funding to augment their EMS systems. All counties in California currently have an EMS system and are complying, in varying degrees, with the EMS planning and implementation guidelines established by the Authority pursuant to HSC 1797.103 and approved by the Commission. The regulations being proposed by EMSA are intended to place the substance of these guidelines into regulations in order to provide statewide consistency, provide fairness, protect the public health and safety, increase openness and transparency of local and state government, and achieve compliance with statute and the Administrative Procedure Act.

While there may be some additional costs to some LEMSAs to meet full compliance with the proposed regulation provisions, the proposed EMS System Standards and Guidelines provide the ability for a LEMSA to state in its EMS Plan why a standard has not been met, describe the current status, and specify objective(s) and projected timeframe(s) for meeting the objective(s).

Under HSC 1797.254, EMSA is the agency responsible for receiving LEMSAs EMS plans and assessing each EMS area or the system's service area for the purposes of determining the need for additional EMS, coordination of EMS, and the effectiveness of EMS (HSC 1797.102). EMSA has determined that the proposed regulations are necessary for meeting this mandate.

EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. LEMSAs have been developing and submitting their EMS plans to EMSA in accordance with the EMS standards and guidelines previously established by EMSA and approved by the Commission. LEMSAs will need to only

slightly revise their EMS plans to comply with these proposed regulations. The Authority has determined that these regulations will not cause inconsistency or incompatibility with other existing regulations that concern LEMSA's EMS systems.

FOR FURTHER INFORMATION

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