

Ambulance Performance Operations Committee



Meeting Minutes

1:30 P.M., April 21, 2022

Health Campus, second Floor, Large Conference Room (RM 214)

2180 Johnson Avenue, San Luis Obispo

Members

- CHAIR: Steve Lieberman, Five Cities Fire Authority, Chief
- VICE-CHAIR: Rachelle Rickard, Atascadero City Manager
- Dr. Penny Borenstein, County Health Officer
- Whitney McDonald, Arroyo Grande City Manager
- Jonathan Stornetta, Paso Robles Fire Chief
- Wade Horton, County Administrative Officer

Guests

See Public Sign In Sheet

- Chris Javine, San Luis Ambulance General Manager
- Justin Kelton, San Luis Ambulance
- Rob Jenkins, CAL Fire
- Kyle Parker, EMS Coordinator
- Rachel Oakley, EMS Coordinator

EMS Agency Staff

- Vince Pierucci, EMS Administrator
- Sara Schwall, EMS Administrative Assistant

	ACTION
CALL TO ORDER	1:30 PM
Introduction	
Announcements None	
Public Comment No public comment	
ACTION ITEMS/DISCUSSION ITEMS	
Approval of Previous Minutes W. Horton clarifies his comments in March 3 rd meeting minutes: W. Horton supports the two year extension of the current SLA agreement with the expectation an ambulance RFP is conducted during the two years.	Motion to approve w/amendment: R. Rickard / Second: W. Horton. Ayes 6; Nays 0
DISCUSSION ITEMS	
Presentation from EMSA staff on Emergency Transport RFP Process (Receive and File)	
<p>V. Pierucci presents on RFP process.</p> <ul style="list-style-type: none"> • EMS Act established a two-tiered regulatory system: the State EMSA and the Local EMSA. Local medical control was established at the cornerstone for local regulations (H&S Code 1797.202 and 1797.220). The LEMSA may create exclusive operating areas (EOA) as a part of LEMSA Plan (H&S Code 1797.224) • H&S Code 1797.224 establishes how a LEMSA creates an EOA. Through Grandfathering, the LEMSA established that the existing provider has been providing service in the same “manner and scope” since Jan. 1, 1981. “Manner and scope” have never been formally defined by the State but left to the LEMSA for interpretation. State regulations under 105 recognize that the LEMSA has the right to determine what changes “manner and scope.” When San Luis Ambulance (SLA) took over the South Zone, there was a change in “manner and scope.” Under Code 1797.224, a competitive process shall be done at “periodic intervals” (standard is about every 10 years). The RFP must be reviewed and approved by EMS Authority. • H&S Code 1797.6 protects counties under the Parker exemption. An RFP would extend antitrust immunity to the local level. • H&S Code 1797.230 establishes 7 requirements when contracting a private ambulance service. These items are required regardless of contract renewal or competitive process. Under the equity requirement, all communities must be served equally. S. Liebermann adds that a patient must be transported regardless of ability to pay. Under item 4 financial requirements, private ambulance services are required to show proof of insurance and bonding. Item 7 states that the county contract will determine staffing levels for a provider. • On a local perspective, a case of an Air Ambulance provider was awarded contract under Grandfathering, however concerns of a market share arose. Under Court ruling, this issue was 	

	ACTION
<p>considered a medical control issue as opposed to a Board control issue. In 2000, a change of ambulance providers in the South Zone, led to an RFP. However, issues of procurements resulted in the Board of Supervisors subsidizing and favoring SLA for award of contract. In 2012, the State denied the EMS plan due to this change in “manner and scope.”</p> <ul style="list-style-type: none"> • Next steps of the process would include a 3-phase approach. A committee should be established to hire a consultant and prepare an RFP with aid of the consultant for unbiased engagement. This committee will also create the RFP to hire the consultant. A second and separate committee will form to review proposals and award contract. This second committee will be limited to 4 members. W. McDonald and J. Stornetta suggest being on the preparation committee. R. Rickard suggests being on proposal review committee. • A timeline of the project predicts 3-5 months in phase 1 working with a consultant. Phase 2 of emergency transport procurement predicts 24-36 months, granted EMSA review is not delayed. Phase 3 implementation of 6 months could also be delayed pending supply chain issues and status of ambulance provider. Ideally, a new contract will begin July 1, 2024. R. Rickard asks what contingency plans are being considering if there are delays. V. Pierucci will consider an extension of current ambulance services if necessary. • There two courses of action moving forward. The first to renegotiate contract with current contractor. This would maintain the status quo; however, the contract is outdated. The second course is to pursue the RFP. This would meet the BOS wishes to eliminate evergreen contracts, meet county purchasing requirements, innovate approaches, and can address South Zone issue. However, this course would put a lot of attention on the EMS system. The recommendation is to pursue the second course of action. <p>Discussion – Consider recommendation from EMSA staff on Emergency Transport RFP process</p> <p>S. Liebermann opens to the public. J. Kelton asks, what is the end goal of the RFP. W. Horton responds that the BOS wants all contracted services to regularly go out for RFP. This will meet purchasing requirements and maintain all regulations. It is nothing at all to do with SLA, but it is our responsibility to ensure services are up to date and funds are managed. C. Javine asks if a hybrid process was considered. For example, could South County be put out to bid or grandfathered? V. Pierucci says that in theory, another ambulance company could win South County. However, a third contractor would potentially be disruptive in the EMS system. C. Javine says that CCHD is a contracted provider with the county and asks if they will be subject to an RFP. V. Pierucci says there has not been discussion for an RFP for CCHD. They do meet requirements for grandfathering and are available to the county for services. S. Liebermann says the CCHD is also a self-taxing service in their community and is not a contracted provider. C. Javine says this county has the luxury of grandfathering companies who have been around for so long. Other counties have seen difficulties with RFPs. They become very political and often result in more cost and less service from the provider. C. Javine says he understands the need for transparency of a contract and feels SLA has been very transparent.</p>	<p>S. Lieberman brings Action Item to move to RFP development. W. Horton motions. R. Rickard 2nds. All in favor. Motion carries.</p>
<p>Next Meeting Recommended by R. Rickard for a hybrid in-person/virtual meeting. Next meeting May, 19th at 1:30 PM.</p>	
<p>Adjournment Meeting adjourned at 2:24 PM</p>	<p>W. McDonald motions to adjourn. P. Borenstein 2nds. S. Lieberman adjourns the meeting.</p>