

COUNTY OF ORANGE **HEALTH CARE AGENCY**

HEALTH DISASTER MANAGEMENT EMERGENCY MEDICAL SERVICES

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Date:

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February 6, 2014

To:

EMS Distribution

From:

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Subject:

Area Authority for Emergency Ambulance Transportation

For the past few months, Orange County Emergency Medical Services (OCEMS) has been clarifying our current system operations with the State Emergency Medical Services Authority (EMSA) specific to exclusive operating areas for emergency ambulance transportation. Discussion points included the historical development of the Orange County EMS system, the relationship between the Orange County Board of Supervisors, OCEMS, and the Orange County Fire Authority; implications of the appellate court ruling County of Butte v. California Emergency Medical Services Authority (2010) 187 Cal. App. 4th 1175; and the EMS Plan.

In sum, EMSA has determined that OCEMS may not delegate its statutory authority to conduct competitive processes for emergency ambulance services to another agency and maintain state action immunity from federal antitrust claims.

That said, there are multiple items that require immediate and sustained action, including EMS Plan modifications and subsequent operational adjustments. OCEMS will also need to begin its solicitation for transport services and transport system reconfiguration. Most importantly, it is the goal of OCEMS to maintain current contractual compliance to emergency medical system standards within each area and implement immediate procedures to ensure continued exclusivity protections.

The necessary changes to the Orange County EMS Plan have been made and submitted to EMSA for review and include a competitive process for determining exclusivity within all areas of the county. For all areas, one of three methods may be used to attain an OCEMS recommendation to the EMSA of exclusivity for emergency ambulance transport state sanctioned antitrust protection:

- OCEMS Administered Area: Exclusivity attained via OCEMS competitive process.
- Area Administered by City: Exclusivity attained via OCEMS-approved competitive process.
- Area Administered by City: Exclusivity attained via uninterrupted existing provider since 1981.

An earlier announcement was issued advising that OCEMS (a division of the Orange County Health Care Agency) will release solicitations for Emergency Ambulance Transportation services through the OC Procurement website: http://olb.ocgov.com/bids/.

In the next few weeks, OCEMS will be meeting with various EMS committees and system participants to present and discuss the EMS Plan. These meetings will be opportunities for stakeholders to ask questions and provide feedback about the EMS Plan and future system development. In the meantime, OCEMS will be working closely with EMSA to complete the plan and develop an RFP for transportation services in the OCEMS administered area. OCEMS appreciates stakeholders' patience as it focuses its efforts in completing these tasks and looks forward to its meetings in the near future with stakeholders to discuss improvements in the EMS system.