



Central California Emergency Medical Services Agency

A Division of Fresno County
Department of Community Health

July 18, 2008

Steven Tharratt, M.D., Director
California EMS Authority
1930 9th Street
Sacramento, CA 95814

Dear Dr. Tharratt:

**RE: Pre-public Comments on Draft 2nd Edition of EMSA #141
and Draft California Emergency Ambulance Zones**

I appreciate the opportunity to make comments and suggestions on the draft of EMSA #141. I have read, with great interest, the comments of several of my EMS counterparts from all over the State and agree wholeheartedly with their concerns, comments and suggestions.

Without duplicating the many comments already made by other EMS administrators, I have to share with you my tremendous concern regarding many of the changes that EMSA has suggested in this guidance document. I feel very strongly that EMSA is significantly overstepping its authority in many areas where State law clearly gives the authority to local EMS agencies and counties. I am further concerned that the changes EMSA is suggesting in its draft will somehow create more issues than it is trying to solve with this draft document.

As stated by one of my counterparts, it certainly seems that the underlying theme throughout this draft document is to undo the intent of the legislature and create a statewide system under EMSA's control. It is very clear in the law that the counties have the sole authority to create, plan, and implement local EMS systems, and there is no provision in State law that creates one statewide system with central authority. I cannot help but feel that the draft guidance document is an attempt by EMSA to commandeer counties' legislative-given authority. While this may not be the intention of EMSA, the changes in the draft document seem to argue otherwise. Many of my concerns are very similar and almost identical to the comments from other counties. Frankly, my concerns are geared more

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towards the fact that the guidance document is taking away local control and creating a larger bureaucratic process rather than providing guidance for local EMS agencies to perform their responsibilities.

I strongly recommend that the EMS Authority consider the comments from the local EMS Agencies. There are too many comments being made that identify areas where EMSA has no authority. This, in and of itself, could cause legal implications in the future. In addition, it may weaken the positions of existing EMS systems throughout the State due to the battle of authority between EMSA and local EMS agencies. With the challenges that EMS systems face, it is important the EMSA and local EMS agencies continue to be strong partners.

I appreciate the opportunity to comment on this very important document.

Sincerely,



Daniel J. Lynch
Director

DJL:rb

Comments on Proposed Changes to EMSA Guideline 141;
 REVIEW CRITERIA AND POLICY FOR TRANSPORTATION AND
 EXCLUSIVE OPERATING AREA COMPONENTS OF THE EMS PLAN
 45-day Public Comment Period
 December 7, 2009 – February 25, 2010

| SECTION # Line # PAGE # | AGENCY | COMMENT | EMSA RESPONSE |
|---|----------------------------------|--|---------------|
| Page 4 – Line 25 | Central California EMS Agency | Remove the word “Economic” from this line and throughout the document. It adds confusion and it does not need to be used. The word economic has the perception of a financial reference which may or may not be a factor. Distribution is based on volume or demand. | |
| Page 5 – Line 33 | Central California EMS Agency | Change the word “shall” to “should”. Since this document is a guideline, it carries no authority like a regulation or statute. Also, since the 10-year timeframe is not in regulation or in statute, it seems that the EMS Authority would not be able to enforce the 10-year limit. It should be re-worded as a recommendation. | |
| Page 5 – Type of Exclusivity (Line 36) and Level of Exclusivity (Line 8) | Central California EMS Agency | Can we combine these two definitions? They are close enough to be confusing throughout the document. | |
| Page 19 – Line 6 and Line 7 | Central California EMS Agency | Change this sentence to read “if the local EMS agency decides to award EOAs through a <u>competitive process, a formal process shall be developed.</u> ” | |
| Page 24 - Lines 16 through 25 | Central California EMS Agency | It is clear that the EMS Authority wants to limit competitive contract periods to no more than 10 years; however, these are guidelines and not regulation or statute. This section is very absolute on the 10-year period and it needs to be toned down to a strong recommendation. | |