

California Code of Regulations

TITLE 22. SOCIAL SECURITY

DIVISION 9. PRE-HOSPITAL EMERGENCY MEDICAL SERVICES

CHAPTER 13. EMS System Regulations

Adopt Section 100450.100 to read:

§ 100450.100 . Appeal Proceedings to the Commission

(a) Any proceeding by the Commission to hear an appeal of a local emergency medical services agency's (LEMSA) emergency medical services (EMS) plan, pursuant to Health and Safety Code §1797.105, shall be conducted in accordance with the provisions of the Administrative Procedure Act, Government Code Section 11500 et seq, and its associated regulations as contained in Title 1 of the California Code of Regulations.

(b) The Office of Administrative Hearings, using an administrative law judge, shall ~~hold a public hearing and receive evidence according to the Administrative Procedures Act. evaluate all information submitted by the Authority and the local EMS agency.~~

(c) The administrative law judge, in making a proposed decision to the Commission, shall only make a recommendation as described in Section 1797.105(~~de~~) of Division 2.5 of the Health and Safety Code to:

(1) sustain the determination of the authority, or

(2) overrule the determination of the authority and permit local implementation of the plan.

(d) Upon receipt of the Proposed Decision and Order from the Office of Administrative Hearings, the Commission shall calendar a discussion and vote ~~of~~ regarding the proposed decision at the next regularly scheduled Commission meeting.

(e) The Commission shall permit ~~P~~public comment ~~concerning the proposed decision~~ pursuant to the Bagley-Keene Open Meeting act. ~~The Commission shall not accept new evidence at the meeting, but shall rely solely on the evidence of record at the administrative hearing.~~

(f) The Commission's vote on the proposed decision is limited to the following:

(1) adopt the administrative law judge's proposed decision, or

(2) not adopt the administrative law judges proposed decision, or

(3) return the proposed decision to the office of Administrative Hearings for re-hearing. ~~if the proposed decision is inconsistent with this article or statute or regulations.~~

(g) The decision by the Commission shall be by simple majority vote of a quorum of those members present at the meeting where the proposed decision is scheduled as an agenda item.

~~(h) The decision of the Commission is final.~~

~~(ih) Pursuant to California Code of Regulations Title 1, Section 1042, the prevailing party may recover costs. Costs of the administrative hearing shall be borne equally by the parties. Costs shall not include attorney's fees.~~

Authority: Section 1797.107 of the Health and Safety Code

Reference: Sections 1797.105 and 254