

**Contra Costa County Fire Department's Ambulance Ordinance Revision Public Comment and EMS Agency Response - First Round**

Ordinance Code	CCCFPD Comment	EMS Agency Response
48-2.004	All ambulances, public and Private? Is this ordinance intended to apply to Fire Based Ambulances?	Yes. The revised ambulance ordinance applies to public and private as does the current ordinance that was enacted in the 1982. However, there are many exemptions incorporated into the new ordinance for public safety agencies (e.g., (Certificate of operation, Emergency Response Vehicles, etc.)
48-2.008	What areas of existing law are insufficient to regulate prehospital personnel? Why is this ordinance required for additional regulation of fire and ambulance personnel already subject to existing contracts?	Contracts are for service deliverables. Local Ordinance codifies process for permitting, certificates of operation, ERA Exclusivity, etc., that are aligned with statute and regulation. The ambulance ordinance is applicable to the local EMS system and is consistent with the State's legislative intent to provide for local medical and administrative control over EMS systems.
48-2.008	Fire Based providers should be exempt from ordinance. Fire is covered by other regulatory schemes.	Fire provides EMS, EMS is only regulated by EMS. The regulatory schemes that cover fire-based agencies do not govern the delivery of EMS or prehospital personnel.
48-2.012	Why would a City such as Richmond adopt this ordinance voluntarily adding additional layers of regulations to its fire/EMS staff and vehicles? This ordinance should be previewed to the County Fire Chiefs Association for input.	The County fire chiefs will have an opportunity to provide comment on the revised ambulance ordinance. However, the City of Richmond currently has an existing City ordinance regulating ambulances that is more restrictive in some areas than

		the County proposed revised ordinance.
48-2.012(a)	Potential conflicts with SB438	The EMS Agency is not aware of any conflicts, actual or potential, with SB 438. To the extent that a local ordinance conflicts with state law, state law is generally controlling. The EMS Agency encourages the District to provide specific examples of actual or potential conflicts between the proposed revised ambulance ordinance and SB438.
48-2.012(e)	This needs better definition. Occasionally patients who don't require C-Spine are transported from a scene to an ambulance using a Fire based boat, ATV, pick up truck, etc. Is the intent to regulate all of these types of vehicles? Exempting Fire (publicly owned) vehicles would solve this issue	This section has been revised to clarify that it is applicable to vehicles that are consistently operated for the purpose of patient transport.
48-2.012(g)	Government Agency? Again, confirm if this ordinance is intended to regulate government operations?	Exempt for Fire agencies who don't competitively bid for EOAs (48-6.002)
48-2.012(p)	Need better definition of ERV; is intent to regulate fire vehicles of all types?	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48-2.012(r)	Has there been such designation by BOS?	The language in the proposed revised ambulance ordinance is included in the current Ambulance Ordinance.
48-2.012(v)	Is this defined anywhere else? MCI plan? Does two (2) meet this definition of multiple?	The proposed revised ambulanced ordinance references county MCI Plan. See 48-20.022. Please reference the MCI plan for definitions.
48-2.012(w)	Is this intended to say "physician and surgeon" or should it read "or"?	The requirement for a physician and surgeon was created and defined by state law. All physicians are surgeons, and all surgeons are physicians. Please

		see Health and Safety Code reference in same section.
48-2.012(x)	These requests are not always health officer driven.	Mutual aid requests are not always health officer driven. Please see "Mutual Aid" in Section 48-2.008.
48-4.004(b)(2)	Again, is the intent to apply to fire or government owned vehicles?	Yes. The intent is to apply to fire and government owned vehicles. The definition of ERV has been revised to exempt fire or government owned vehicles.
48-4.004(b)(2)	Definition required as to scope.	The comment is unclear as to what is being suggested or requested. Please review the edited version of the revised ambulance ordinance and provide a more detailed comment.
48-6.002(a)	This ties the hands of the BOS and future BOS. Suggest leaving these decisions to the BOS at the time of RFP.	The language in the proposed revised ambulance ordinance is included in the current Ambulance Ordinance. The intent of this section is to support anti-trust immunity that protects the county in competitively bid ambulance contracts. (This is not a change).
48-6.002(b)(4)	Similar comment to above, shouldn't these decision be subject to the desire of the board at time of RFP?	See response to comment for Section 48-6.002(a)
48-8.06	As written, it appears every fire vehicle in our fleet would be subject to this permitting process.	Reviewed and edited.
48-8.012	This section seems to be duplicative of an RFP / contractual agreement that is already existing. Appears to be a new layer (burden) on a provider already serving in the County.	The EMS Agency's ambulance application process already exists in the current ordinance. An application for a Certificate of Operation is separate from any contractual agreement. For example, current ambulance contract with AMR requires AMR to obtain an ambulance permit (Certificate of Operation) notwithstanding its emergency ambulance contract.

48-8.012(1)	Applicability for government operations?	Fire agencies who do not competitively bid for EOAs are exempt from this section. See 48-6.002.
48-8.012(15)	Appears to be a new requirement not found in RFP or contract. NFPA 1917 is a guideline, not law. There would be additional costs (est. \$4,000 per unit) to bring fleets into full compliance with NFPA 1917. Even fire apparatus has exceptions to full NFPA compliance.	This has been a requirement and practice in Contra Costa County since 2018 with full transparency to all transport agencies who need an ambulance permit to operate.
48-8.12(20)	For government providers, is this not satisfied by the already existing audits conducted according to existing law?	Fire agencies who do not competitively bid for EOAs are exempt from this section. See 48-6.002.
48-8.12(20)	This is vague and open to interpretation.	The proposed revised ambulance ordinance language is much more specific than existing ordinance language. Please submit specific suggestions for edits or ask specific questions if necessary. This section is intended to guarantee operational sustainability for transport agencies to ensure they are a reliable part of the EMS system.
48-8.012(23)	How does LEMSA establish maximum? Sole discretion? Board approval?	Industry standard and market rates.
48-8.12(24)	Applicability to government operation?	Fire agencies who do not competitively bid for EOAs are exempt from this section. See 48-6.002.
48-8.014(i)	Need clarification as to scope and intention	This section pertains to an ambulance inspection when an ambulance provider applies for a Certificate of Operation. Chapter 48-8 is titled "Certificates of Operation and Permits."
48-8.20(a)	Appears to be another layer of regulation, if an ambulance contract is for 5 years, the certificate of operations has to be renewed mid-contract twice?	Current permits are good for 3 years, certificates of operation will be good for 2 years. Ambulance contracts are a separate process and may vary between EOA or ambulance provider.

48-8.026(a)(2)	Are public agencies subject to this fee?	Fire agencies who do not competitively bid for EOAs are exempt from this section. See 48-6.002.
48-8.034	Are public agencies subject to this fee and inspection? Is it reasonable the LEMSA is going to inspect every ambulance annually?	Fire agencies who do not competitively bid for EOAs are exempt from this section. See 48-6.002. See Section 48-2.012(g), ("Ambulance Service Provider").
48-8.036	If a public agency is subject to this fee, it is difficult to get a check from the Auditor Controller in less than 45 days. The prepayment seems unreasonable for public providers.	Fire agencies who do not competitively bid for EOAs are exempt from this section. See 48-6.002.
48-8.040	Permit officer is an individual. Should read "County" or "LEMSA"	The permit officer is an individual. This language is consistent with administrative processes for review, approval and denial of county issued permits (Certificates of Operation).
48-8.044	Understand intent, however, corporate changes in ownership, sales, transfers, etc. happen frequently, suggest allowing period of time to avoid service interruptions.	The intent of this section is to require new or change of ownership to meet the same requirements as an existing holder of a permit (Certificate of Operation). A new owner would need to proactively obtain a certificate of operation prior to investing in an ambulance company. This would prevent a new owner from taking over an ambulance company only to learn that they do not quality or are prohibited from possession a Certificate of Operation.
48-10.002(3)	Appears to be a change from existing conditions. Current units are marked "paramedic".  This change, if implemented will drive costs.  Need confirmation this is only intended for ambulances and NOT ERV.	The section applies to ambulances as defined by Section 48-2.012(e). The EMS Agency has reviewed and revised section. Please note that the CCCFPD contract

		requires the words "Paramedic Unit" on each ambulance.
48-10.002(b)	Again, concern about intent. Fire Engines and other fire vehicles say "paramedic" is intent to permit these vehicles?	Reviewed and edited.
48-10.004	Concern about scope. As written, a radio would be required to be installed in a fire ATV .	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48-10.004(b)	Same note as above, need to clarify scope.	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48-10.004(c)	Concern about scope and intent. Not all fire vehicles have GPS. As written, this would drive significant costs to fire.	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48-10.006	Do annuals occur now? This seems burdensome and unreasonable for all parties for an annual. Is this intended as a tool to increase LEMSA revenue? Are publicly owned vehicles subject to this?	Yes. The language states "are <b>subject</b> to an annual inspection." The EMS Agency conducts annual inspections as well as inspections during ambulance permit renewals. This section is not intended to increase LEMSA revenue but it will be creating a means of cost recovery. Yes. Publicly owned ambulances are subject to ambulance inspections and this requirement already exists in every contract for service.
48-10.006(a)(4)	Unaware of any CHP inspections for fire vehicles that are in this ERV category. Appears to be an unachievable requirement as written.	Government vehicles are exempt from CHP inspections. Please refer to the California Code of Regulations.
48-10.010(a)	This require better definition of vehicle. Notice should be required, business hours is reasonable. After hours, subsequent to a	This requirement only applies to ambulances and ERVs. Please note that no notice inspections are a requirement

	vehicle accident might be reasonable. Suggest business hours for routine.	for all 9-1-1 transport providers' and is a part of all existing contracts.
48-10.014(a)(1)	Need better definition of vehicle and ERV. While fire vehicles meet DOT and VC requirements, CHP does not regulate routinely, only subsequent to an incident such as a vehicle accident.	The definition of ERV has been revised.
48-12.012	Is this needed? Isn't this covered in existing law? What is in addition to existing law?	This applies to all EMT and Paramedic personnel who operate in Contra Costa County, including those who are not employed by a provider who falls under regulatory authority, e.g., medical standby companies who are not currently regulated in Contra Costa County.
48-12.004(4)	Does this apply to Fire? MOFD or SRM?	Yes. Transporting fire agencies (and non-transporting fire agencies) have been sending their academies to the County's required EMS orientation for several years.
48-12.006	Is this duplicative to existing RFP or contract language?  As written, the LEMSA is now regulating fire district staff driving fire vehicles that fall in the ERV category.	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48-12.008(b)	As written, fire ERV drivers, must wear a LEMSA approved patch. This is unreasonable and a change to existing conditions.	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48-14	Concerned about entire section. What are the impacts to existing comm centers? Is this new?	Please review EMS Policy, current provider contracts, and the current ordinance. The EMS Agency has determined that there would be no impacts to existing communication centers or conflict with SB 438.

48-14.006	Is this not already covered by RFP and contract? What is new and what is intent?	This applies to all dispatch centers emergency and non emergency. There is no impact to existing 9-1-1 comm centers.
48-14.008(a)	What is this system?	The EMS Agency utilizes ReddiNet. This system is subject to change, although a change is not anticipated.
48-14.010(b)	"start a direct run" this language appears twice, what is the significance?	The quoted language appears once in this section (48-14.010(b)). This language is consistent with the existing ambulance ordinance and requires an ambulance to immediately respond directly to the call for service.
48-14.010(b)	Confirm this is the SO who does some coordination?	No. Not if "SO" refers to Sheriff's Office. This section refers to communication centers that dispatch emergency ambulances.
48-16.204	What is needed in local ordinance compared to existing regulatory scheme?	To the extent the EMS Agency understands the question, the EMS Agency responds as follows: This section supports permit investigations related to this ordinance. There is nothing in statute or regulation that applies to local regulation of ambulances or permit processes (e.g., vehicle permitting, special event permitting, certificate of operation, etc.).
48-16.204	Will you accept written statements from the public? Patients?	No. This section provides for a determination of fact without additional evidence when the statement is provided by a county officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting within the course and scope of their official duties or employment.
48-16.402(a)	Appears to allow unrestricted access to fire district personnel records	See 48-2.012(g) ("Ambulance Service Provider") definition



48-16.802(b)	any section within the same ordinance? Or is this intended to read section? Different violations are all within the same ordinance. Clarify intent	This language is consistent with existing county ordinance and the Government Code regarding fines.
48-16.806(b)(4)	The LEMSA Director has an inherent conflict as the director supervises all the LEMSA staff.	The EMS Agency has determined that there is no conflict. This section is consistent with other county ordinances and state laws that provide appeal process for fines or enforcement decisions of subordinates ( <i>e.g.</i> , animal control officer's decision to impound an animal is appealed to Chief of Animal Control; parking citation issued by parking enforcement officer subject to review by police chief or designee).
48-16.808(a)	Public agencies?	This section applies to "owners." Please see definitions.
48-16.810	If applicability to public provides, it is almost impossible to get a check from the auditor controller in 30 days.	The EMS Agency notes the comment.
48-16.1002	Is the existing LEMSA fee schedule available?	Yes. The existing LEMSA fee schedule is available in the EMS policies and is posted publicly online.
48-16.1004	The LEMSA director has inherent conflicts. This decision at a minimum should be Health Officer or Director.	The EMS Agency has determined that no conflict exists. The EMS Agency welcomes additional comment and illustrations of inherent conflicts.
48-16.1006	or Administrative Law Judge or Hearing Officer.	The EMS Agency has retained the option of referring an appeal to hearing officer and added the option to refer an appeal to an ALJ. The existing ordinance authorizes the Permit Officer to appoint any person as a Hearing Officer.
48-18.004	Some private high school and college football games or graduations could exceed this threshold.	The EMS Agency appreciated the comment and suggestion. This section is under review.

48-18.004	Concord Pavilion is owned by City (Government). Events operated by government. Just need to be sure this scenarios is covered.	This section is under review. The EMS Agency intends to cover all events, including those hosted at a public owned venue.
48-18.006	Does a public agency need a permit to provide event standby medical? This is a change to existing conditions.	No. See Section 48-18.022.
48-18.010	This puts LEMSA in position of directly permitting special events. In addition to Fire permit, Police Permit, City Permit, and others, now the LEMSA will be requiring permits.	The EMS Agency determined this comment does not require a response.
48-18.010(c)(8)	This is operational in nature. Needs to have involvement of the Fire AHJ and the ambulance provider.	This section only applies to providers that do not have valid certificate of operation.
48-18.012	Is a fire agency (public) subject to this fee?	No. A fire agency is not subject to this fee. See Section 48.18.022.
48-18.022	Is this applicable to the non-transport side of Fire providers? i.e. Fire standby at an event. Is LEMSA notification//approval still required?	This section was revised to exclude government agencies from the requirement to obtain a special event services permit.
48-20.024	Need clarification on fire vehicle ERV definition. On occasion, at the request of the Sheriff/coroner, fire could transport a cadaver from a remote, offroad or marine setting. As written, with ERV definition, fire could be in violation of this section.	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.
48.2.012(e)	We do not see where the definition in the ordinance applies only to privately owned vehicles or exempts public agency ambulances and/or other EMS vehicles.	Exempt for Fire agencies who don't competitively bid for EOAs See 48-6.002.
48-8.012	Several new additions to the application. Some of which we already provide per our contract language. Pertinent changes not necessarily covered in the contract include: ☐ "A description of the management and supervisory structure of the applicant's business, demonstrating that the applicant has sufficient experienced personnel to provide for the	The revisions to the ambulance ordinance apply to all providers seeking a certificate of operation, <i>i.e.</i> , non-emergency providers. A 911 provider would have a more sophisticated posting plan that would be readily available to submit at any time.

	oversight and supervision of staff and operations.” <input checked="" type="checkbox"/> “An ambulance posting plan that describes the location from which ambulances will be dispatched to provide services offered in Contra Costa County and specifies the hours of operation for each post or location.” Posting plans are dynamic and not appropriate to submit as static per the language.	
48-8.014	Why change from 3 years to 2?	The change is to provide more consistent, timely and reliable oversight and quality assurance to ambulance operators in Contra Costa County.
48-6.016	Although not listed in the Cross Reference Chart provided by the LEMSA, it appears there is added language to the ordinance about a per ambulance inspection fee for new ambulances.	Section 48-6.016 does not exist. The EMS Agency believes this comment may be intended to refer to section 48-8.026. To the extent that this comment refers to section 48-8.026, the EMS Agency did include this section in its revision chart.
48-8.034	Although not listed in the Cross Reference Chart provided by the LEMSA, it appears there is added language to the ordinance about an annual per ambulance inspection fee for existing ambulances.	See the revision chart, Section 48-8.034 (the top of page 6)
48-10.010	Section (a) appears to be new to the ordinance; however, the LEMSA has been performing spot inspections for some time now.	The current ordinance and all provider contracts allow for no notice inspections of any ambulance. This new section allows for any passing ‘intermittent’ inspections to serve as waivers for the annual inspection.
48-18	It appears that we may need to apply for a special events permit for every special event in the county.	This section is not applicable to an agency who possesses a valid certificate of Operation (see Section 48-18.022).
48-20.024	There has been occasion for ambulance personnel to transport cadavers. Usually centers on an order from law enforcement to do so, or some other exogenous circumstances in which leaving the cadaver at the scene is inhumane.	The definition of an ERV has been updated. An ERV is defined to include only privately owned vehicles.

48-6.002	<p>d) A fire protection district in the county that is not required to competitively bid for a 9-1-1 EMS and ambulance service contract in an exclusive operating area is not required to obtain a certificate of operation but must otherwise comply with this ordinance. (Ords. 2020- _ § 2, 83-28 § 1.)</p> <p>Please provide where this ordinance differs from the present Contract, RFP and Title 22.</p>	<p>In short, any current contract, statutory, Title 22 requirements that are being met satisfy deliverables in this ordinance, I.e., if you're compliant with law and contract, you're compliant with this ordinance.</p> <p>Please remember that this ordinance applies to all providers in the county, including those that aren't currently regulated (where statute and regs don't apply).</p>
48-12	<p>All EMT and paramedic personnel working in Contra Costa County shall provide patient care in accordance with the medical care policies, procedures and treatment guidelines promulgated by the LEMSA and its medical director. (Ords. 2020- _ §2, 83- 28 § 1.)</p> <p>Already covered by this – seems redundant.</p>	<p>The EMS Agency was unable to locate where this was already covered thus rendering it redundant. The EMS Agency invites additional comments with specific references to redundant provisions.</p>
48-12.008	<p>We have uniform standards and no public agency displays a LEMSA-approved county patch</p>	<p>This section has been revised to exempt public agencies from the LEMSA approved patch requirement.</p>
48-4.004	<p>The LEMSA is authorized to promulgate rules, regulations, policies, procedures, training requirements, medical equipment provisions and treatment guidelines as reasonably necessary to effectuate the purpose of this ordinance and to ensure the protection of the public health, safety and welfare.</p> <p>This is vague.</p>	<p>The EMS Agency was unable to determine what was vague about this section. The EMS Agency welcomes further comment that explains what part needs to be more specific (or less vague).</p>
48-18.010	<p>Who is responsible for enforcing and the manner the LEMSA will use to enforce this. The CCCFPD and Alliance do not support any regulations, paperwork etc. that require it to report to the LEMSA its stand-by operations. The CCCEMSA needs to develop a path for it to track private events if that is their desire.</p>	<p>The ambulance ordinance is enforceable in the same manner as all other county ordinances. Peace officers and LEMSA personnel are authorized to enforce this ordinance.</p>
	<p>The existing ordinance states "limited oversight of private EMS." Special event medical services staffing or special events. We feel this ordinance should also be limited in scope, and include language stating such, that public agencies are</p>	<p>Thanks for the comments – looking forward to further comments after first round of edits. Please see response below:</p>

	<p>exempt or the ordinance does not apply to public agencies. Our understanding in conversation is the ordinance is designed to cure issues with “unregulated private providers” and not public providers that are heavily regulated through statute, contracts, and existing policies. We recommend additional time and input from the public EMS providers as some of the contents of this ordinance appear to impact even non-transport agencies. Is there a deadline for getting this ordinance completed?</p> <p>With regards to the authority for LEMSA to create policies for communications, vehicle requirements, data reports, technology, and other EMS related operations: CCCFPD and Alliance have this already in contract. That is where our requirements should reside.</p> <p>We presume the fees are designed to cover staff time and costs. Being very familiar with cost justifications for fee schedules it would be appropriate to identify the nexus between the costs and the proposed fees.</p> <p>Cost recovery for EMT investigations – what is the costing and methodology used?</p> <p>Cities – we are already have business licenses to operate in cities that require it. If there is the possibility of removing the multiple business licenses and having a centralized permit, that could be a benefit to ambulance providers.</p>	<p>Contract requirements will always capture ordinance deliverables so that there are never competing regulatory standards, I.e., if you’re compliant with your contract you will be compliant with the ordinance. The ordinance exists in this respect so that base standards of care are established in perpetuity when conversely, contracts are finite.</p>
--	--	---