



Napa County

Board Agenda Letter

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Board of Supervisors

Agenda Date: 12/6/2022

File ID #: 22-2171

TO: Board of Supervisors
FROM: Jennifer Yasumoto, Director Health and Human Services Agency
REPORT BY: Summer Isham, Contracts Supervisor
SUBJECT: Adoption of a Resolution in regard to Assembly Bill 389

RECOMMENDATION

Director of Health and Human Services Agency (HHSA) requests adoption of a Resolution establishing a written policy pursuant to Assembly Bill 389.

EXECUTIVE SUMMARY

Assembly Bill 389 (AB 389), requires the Board of Supervisors to adopt, by ordinance or resolution, a written policy setting forth issues to be considered for inclusion in the county contract for emergency ambulance services prior to entering into or renewing emergency ambulance agreements on or after January 1, 2022.

This proposed resolution will adopt the written policy required by AB 389. The County's current contract for emergency ambulance services was awarded on September 14, 2021, and therefore not subject to AB 389. A written policy must be adopted before entering into a new contract, or renewing the current contract, which is scheduled to expire on December 31, 2026.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Mandatory
Consequences if not approved:	Napa County will be prohibited from renewing its current agreement or entering into new agreements for emergency ambulance services.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulation 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Health and Safety Code Section 1797.200 grants authority to counties to develop emergency medical services (EMS) programs. Section 1797.224 authorizes the designation of “Exclusive Operating Areas” (EOAs). Within an EOA, ambulance service provision can be restricted to one or more providers of emergency ambulance services and advanced life support (ALS) services.

Napa County has had an existing agreement with American Medical Response-West (AMR) for exclusive ambulance services (Napa County Agreement No. 220120B) since September 14, 2021. AMR commenced services under this agreement on December 31, 2021 and its first term expires in 2026. There is a provision in the agreement to extend the services for up to five additional years, commencing on December 31, 2026 and expiring on December 30, 2031.

In late 2021, the California Legislature passed AB 389 which was codified as Health and Safety Code Sections 1797.230 and 1797.231, effective January 1, 2022. The new law requires that, “[o]n and after January 1, 2022, a county shall not enter into or renew a contract for emergency ambulance services unless the county board of supervisors has adopted, by ordinance or resolution, a written policy setting forth issues to be considered for inclusion in the county contract for emergency ambulance services, which may include, but are not limited to, all of the following: 1) Employment retention requirements for the employees of the incumbent ambulance service. 2) Demonstrated experience serving similar populations and geographic areas. 3) Diversity and equity efforts addressing the unique needs of vulnerable and underserved populations of the service area. 4) Financial requirements, including requiring a private ambulance service provider to show proof of insurance and bonding. 5) A description of the ambulance service provider’s public information and education activities and community involvement.”

AB 389 also requires that future ambulance contracts provide for the payment of comparable wages and benefits to all ambulance service employees that are generally consistent with those provided to ambulance service employees in the same geographic region and that they demonstrate that staffing levels for ambulance service employees will be comparable to the staffing levels under the County's previous contract. In addition to minimum statutory requirements, this resolution establishes safeguards to ensure adequate sustainability of operations and system oversight. These safeguards include: 1) Cost recovery mechanism for reasonable costs associated with planning, implementing, and evaluating an ambulance provider within the emergency medical services system. 2) Emergency takeover/replacement provisions in the event of a major breach in the agreement. 3) Disaster response and preparedness, requiring the development of an internal disaster response plan. 4) Requirements for ongoing workforce development, including but not limited to clinical education, patient safety, provider safety, documentation standards, and treating special populations.