

**I. AUTHORITY:**

Health and Safety Code (HS) 1797.204. "The local EMS Agency shall plan, implement, and evaluate an emergency medical services system, in accordance with the provisions of this part, consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures."

Title 22 (T-22) Section 100161. "In administering advanced life support or limited advanced life support, a local EMS Agency (LEMSA) may designate or contract with hospitals within its area of jurisdiction to be base hospitals."

T-22, Section 100245. "Receiving Hospital" means a licensed general acute care hospital with a special permit for basic or comprehensive emergency service, which has not been designated as a trauma center, according this Chapter, but which has been formally assigned a role in the trauma care system by the LEMSA.

HS 1797.173. "The authority shall assure that all training programs for EMT-I, EMT-II, and EMT-P are located in an approved licensed hospital or an educational institution operated with written agreements with an acute care hospital, including a public safety agency that has been approved by the local emergency medical services agency to provide training."

II. APPLICATION:

This policy describes the approval/designation status determination and the appeals/hearing processes for the approval/designation of a paramedic receiving center, base hospital, specialty care center, training program, or service provider agency, henceforth referred to as Program.

III. DEFINITIONS:

"Base Hospital" means a hospital designated by OCEMS as responsible for directing the advanced life support personnel and prehospital care system in an assigned geographic area of the County.

"OCEMS " means the Orange County Emergency Medical Services having primary responsibility for administration of emergency medical services in the County and designated by the Orange County Board of Supervisors.

"Base Hospital (BH)/Facility Application" means a proposal submitted by the facility/BH administrator to the OCEMS in response to an OCEMS Request for Proposal for specified services.

"Facility" means an acute care hospital licensed under the State Law with a permit for basic or comprehensive emergency service designated by the OCEMS as a paramedic receiving center/specialty care center to perform specified emergency medical service system functions.

" Medical Director" means the Orange County Board of Supervisors appointed medical director responsible for the medical control and direction of the OCEMS System.

"Neurosurgical Center" means a hospital which has been designated as part of the trauma care system by the OCEMS to perform specified neurosurgical care system functions.

Italicized Text Identifies quotations from an Authority Outside the OCEMS.

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Bruhman

Dalene Jovette

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"Paramedic Receiving Center Hospital" means a hospital which has been designated by the OCEMS to perform specified emergency medical services system functions and to receive paramedic transported patients.

"Service Provider Agency" means an OCEMS approved agency that provides specified prehospital ALS services.

"Survey" means an OCEMS survey of a facility's application and/or services to assess the extent of a hospital's compliance with applicable OCEMS policies and procedures.

"Trauma Center" means a hospital which has been designated by the OCEMS as part of the trauma care system to perform specified trauma care functions.

IV. **GENERAL:**

A. **Notice**

Any notice required by these designation procedures to be given to a **Program** shall be addressed to the **Program** at its post office address as shown in the OCEMS records and shall be sent to the **Program** by U.S. certified mail, return receipt requested, with postage prepaid. Any notice required to be given to OCEMS by a **Program** shall be sent by the **Program** in the same manner and shall be addressed to OCEMS 405 w. Fifth Street, Suite 301-A, Santa Ana, CA 92701.

B. **Application for Resurvey**

A **Program** that resigns, that has its approval/designation denied, or is approved/designated with conditions may apply for resurvey. The resurvey may be granted but will not be conducted until after six (6) months following the OCEMS notification to the **Program** of the approval/designation or after six (6) months following the **Program**'s notification of resignation to the OCEMS.

C. **Status of Program Pending the Approval/Designation or Appeal**

1. A decision to approve/designate a **Program** shall become effective as of the first day after the **Program** survey or resurvey report is final.
2. A decision to approve/designate a **Program** with a condition(s) shall become effective as of the first day after completion of the **Program** survey report.
3. A decision to approve/designate a **Program** with condition(s) after resurvey shall become effective:
 - a. At the end of twenty (20) working days after the **Program** receives the written notice of the Medical Director's decision if the Agency has not received the **Program**'s written request for a hearing, or
 - b. As of the date when the decision is made by the Medical Director after the appeal process is complete.
4. A decision to deny approval/designation to a **Program** after survey shall become effective as of the date when the decision is made by the Medical Director.

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5. A decision to deny approval/designation to a **Program** after resurvey shall become effective:
- a. At the end of twenty (20) working days after the **Program** receives the written notice of the Medical Director's decision if the OCEMS has not received the **Program's** written request for a hearing, or
 - b. As of the date when the decision is made by the Medical Director after the appeal process is complete.

V. CONFIDENTIALITY:

Except as required by law, all findings obtained by the OCEMS in the approval/designation survey process are treated as confidential matters between the OCEMS and the surveyed **Program**.

Except as required by law, the OCEMS shall not release any information obtained through the survey process that identifies a particular **Program** without the written authorization of the **Program's** administrator.

Evidence Code 1157.7 may apply to the approval/designation and appeals process.

This restriction does not prevent the OCEMS Agency from publishing aggregate statistical data obtained from approval/designation surveys, non specific to a **Program** and/or patient.

VI. PROCEDURE:

After a survey has been conducted, the survey team report, survey documents, and other relevant material or information shall be evaluated and acted on as described in this OCEMS Policy and Procedure.

A. OCEMS Staff

Within 30 working days of the survey or resurvey the OCEMS program staff shall forward the signed survey team report and survey documents to the Medical Director and shall recommend to the Medical Director that: (a) the **Program** be approved/designated, (b) the **Program** be approved/designated with condition(s), or (c) the **Program** be denied approval/designation.

B. Review by the Medical Director

1. Scope of review

The OCEMS Medical Director shall review the survey team report and survey documents and shall consider the recommendation of the survey team

2. Decision

Within 60 working days of the **Program's** survey or resurvey, the Medical Director shall:

- a. Approve the new applicant **Program** for approval/designation for a specified period of time, not to exceed three (3) years.
- b. Approve with condition(s) the new applicant **Program** for approval/designation for a specified period of time, not to exceed three (3) years.

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- c. Deny approval/designation to the new applicant **Program**.
 - d. Approve the resurveyed **Program** for approval/designation for a specified period of time, not to exceed three (3) years.
 - e. Approve the resurveyed **Program** for approval/designation with condition(s) for a specified period of time, not to exceed three (3) years.
 - f. Deny approval/designation to a resurveyed **Program**.
3. Procedure with respect to approval/designation with condition(s) and determination of corrected deficiencies.

A decision of the Medical Director to approve/designate a **Program** may be made with condition(s). That approval/designation may be withdrawn if the **Program** does not correct or document the correction of specified conditions within the time provided in the decision notice to the **Program**. OCEMS staff shall investigate whether the **Program** has corrected the condition(s) within the time provided in the notice. OCEMS staff shall report their findings to the Medical Director. The Medical Director shall in writing notify the **Program** of his/her decision that it has or has not complied with the approval/designation conditions.

VII. RIGHT TO HEARING:

A **Program** that has been denied approval/designation after resurvey or has been approved for approval/designation with condition after resurvey is entitled to a hearing before an appeals hearing panel constituted pursuant to Policy and Procedure #635.00 if the Medical Director receives the **Program's** written request for the hearing within 20 working days after the **Program** receives the written notice of the Medical Director's decision. A new **Program** denied approval/designation or approved/designated with a condition(s) shall not have a right to a hearing. An appeals hearing panel shall be composed of three impartial individuals who are physicians knowledgeable in the provision of pre-hospital emergency medical care, appointed by the Orange County Board of Supervisors.

VIII. APPEAL AND HEARING PROCESS:

A. Notice of Right to a Hearing

OCEMS staff shall give written notice to the **Program** of its right to a hearing if: 1) approval/designation is denied after resurvey or 2) approval/designation is with condition(s) after resurvey. The **Program's** request for a hearing must be submitted to the Medical Director in writing within five days of receipt of the Medical Director's approval/designation decision.

B. Notice of Time and Place of a Hearing

Any hearing to which a **Program** is entitled shall be held at a location determined by the Medical Director. The hearing, unless postponed, shall be held within 40 days after receipt by OCEMS of the **Program's** written request for a hearing. At least 20 days before a hearing, OCEMS shall send the **Program** written notice of the time and place of the hearing and copies of any supplemental materials or information received that the **Program** does not already have and which may affect any approval/designation decision. The notice of the hearing shall advise the **Program** of the procedure to be followed at the hearing and the identity and professional qualifications of the panel members.

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C. Postponement of a Hearing

The Medical Director may postpone the hearing date and shall give written notice thereof. A **Program's** request for a postponement must be received by the OCEMS in writing no later than 25 days after OCEMS receives a request for a hearing from the **Program**.

D. Testimony and Eligible Evidence

The **Program** may be represented by legal counsel, may make oral and written presentation, and may offer testimony at any hearing before an Appeals Hearing Panel. No presentations or testimony concerning actions taken by the **Program** subsequent to the decision of the Medical Director to deny approval/designation after resurvey or to approve/designate with condition(s) after resurvey shall be considered.

E. Adjournment of a Hearing

After a hearing has commenced, an Appeals Hearing Panel may suspend consideration for the purpose of receiving additional information relating to actions taken by the **Program** prior to the decision of the Medical Director and may adjourn the hearing to another time and/or place.

F. Report of Appeals Hearing Panel

After a hearing has been completed, the Appeals Hearing Panel shall submit a written report to the Medical Director. The report shall include: The panel's findings and any documentation, material, or information considered by the Appeals Hearing Panel.

The report shall include a recommendation either for:

1. Approval/designation for a specified period of time not to exceed three (3) years, or
2. Approval/designation with condition(s) for a specified period of time not to exceed three (3) years, or
3. Denial of approval/designation to the **Program**.

G. Notice of Decision

The Medical Director within 30 days of receipt of the report shall send the **Program** written notice of his/her final decision and a copy of the Appeals Hearing Panel report and recommendation.

The Medical Director may:

- a. Approve/designate the **Program** for a specified period of time not to exceed three (3) years, or
- b. Approve/designate the **Program** with condition(s) for a specified period of time not to exceed three (3) years, or
- c. Deny approval/designation to the **Program**.

The Medical Director need not be bound by any decision of the Appeals Hearing Panel and may, therefore, impose new conditions or deny approval/designation.

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