



# County of Santa Clara Emergency Medical Services Agency

## Exemption Review Committee Process Guide



## **Exemption Review Committee Process Guide**

The Santa Clara County EMS Agency will follow the exemption review process identified in the Master Agreement.

### **Committee Membership and Meetings**

An appointed committee will meet quarterly to review 9-1-1 EMS events that resulted in late responses by the Exclusive Operating Area (EOA) Contractor and Subcontractors that were not resolved at the preliminary review level. The Contract Administrator has developed the following membership for the Exemption Review Committee:

- An appointed representative of the City Managers Association that holds a subcontract in the EOA (and one back-up from another subcontracted jurisdiction)
- An appointed member of the EMS Committee and/or consumer public
- An appointed representative of Santa Clara County Communications

As these are publicly held meetings, they shall be held in accordance with the Brown Act and follow the most current edition of Roberts Rules of Orders. This includes, but is not limited to, the posting of agendas, minutes, and associated documents. These meetings will have a public comment period at the start of each meeting. However, non-members will not participate in the review unless requested by the Chair of the Exemption Review Committee.

### **Preliminary Review Process**

On a monthly basis, the EOA Contractor and County Communications will conduct a preliminary review. Resolutions made at this level will be reviewed by the EMS Agency's Compliance Coordinator on behalf of the Contract Administrator. Late responses that are not resolved during the preliminary process will be forwarded to the Committee.

### **Exemption Requests Submission Deadlines**

The committee will review exemption requests from the previous quarterly reporting period. Quarterly exemption requests must be submitted to the EMS Agency by no later than sixty (60) days after the end of the quarter. Requests will not be accepted after the deadline. The reporting periods are as follows:

- 1<sup>st</sup> Quarter (January, February & March)
- 2<sup>nd</sup> Quarter (April, May & June)
- 3<sup>rd</sup> Quarter (July, August & September)
- 4<sup>th</sup> Quarter (October, November & December)

### **The Hearing Process**

The EMS Compliance Coordinator will serve as the parliamentarian and will be responsible for the conduct of the meeting. During the committee proceedings, the requesting agency will be allotted two (2) minutes (unless panel requests further time) to present testimony supporting an exemption request. During that time period, the requestor must provide the committee with the nature and justification of the exemption; minutes late; and what remedy they seek (ie: good cause exemption, hard-to-serve response area, minute reductions, etc.).

Upon completion of the testimony, the committee may seek clarification on presented evidence, request additional information and/or documentation (ie: CAD records, GPS records, push-to-talk tapes, maps, etc) supporting the request. Requests that are not accompanied by supporting written documentation will not be granted.

A member of County Communications will be present at the committee meetings to serve as a dispatching technical reference specialist and to be called upon as needed by the committee. This representative also will serve as County Communications' rebuttal witness for cases where an exemption requests has alleged a dispatching error by County Communications and was not resolved in the preliminary review process. This member will not be a member of the committee and will not have any voting rights.

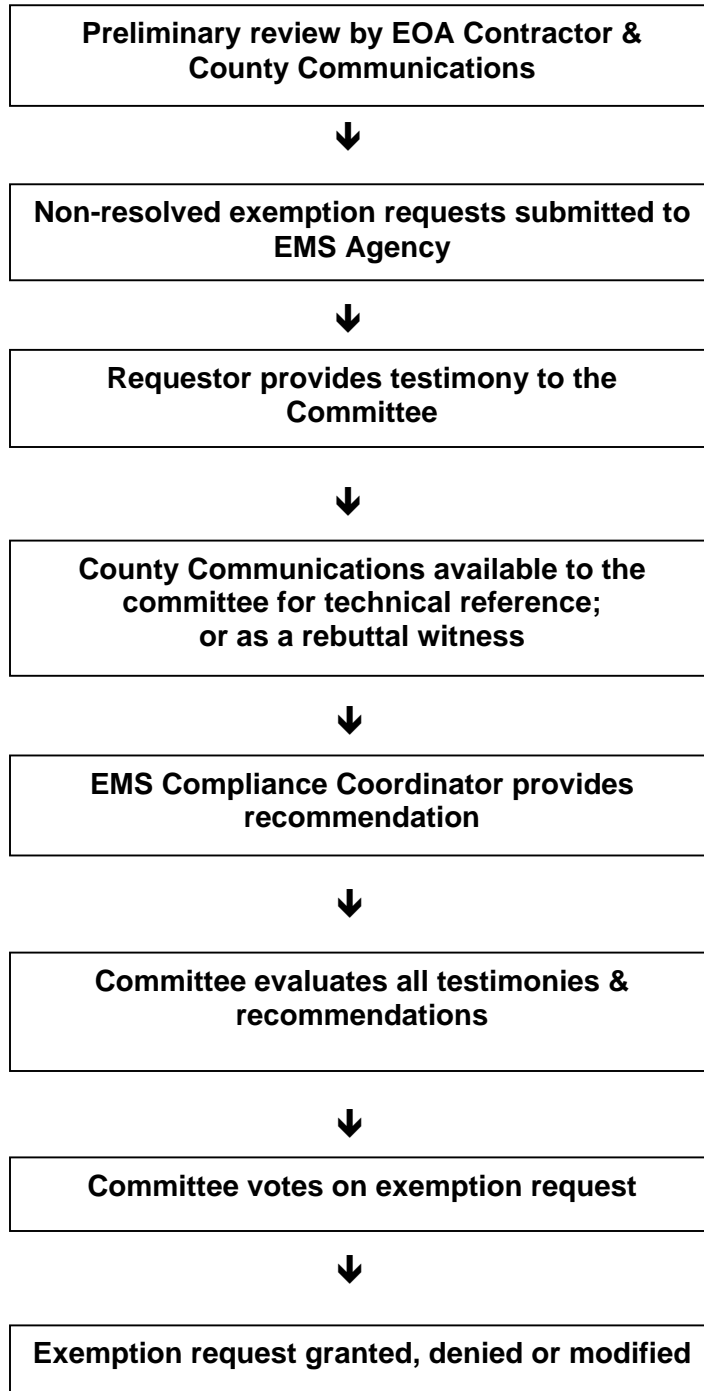
After the provider's testimony, the EMS Agency Compliance Coordinator will provide the committee with a recommendation to either; grant the request, deny the request or modified the request. The Compliance Coordinator will then request the committee to take a vote.

The three-member panel will vote on each exemption request. The panel's final determination will be based on a simple majority vote (ie: 2 to 1). The EMS Agency's Compliance Coordinator will only vote in the event of a tie. Exemptions request will not be carried forward to next review period and all determinations will be final.

### **Dispute Resolution**

Should the contractor or subcontractor dispute the determination made by the committee, the contractor or subcontractor may make a written appeal to the Contract Administrator. The Contract Administrator will forward the appeal to the Executive Director of the Health and Hospital System, whose decision shall be final.

## Exemption Review Process



## **Contractor / Subcontractor Hearing Process**

**Contractor/Subcontractor**  
Provides testimony to the committee



**Contractor/Subcontractor's**  
Testimony must include:

- Nature & justification
- Minute(s) late
- Remedy sought



**Contractor/Subcontractor**  
Must be prepared to provide supporting evidence:

- CAD Records
- GPS Records
- Maps
- Push-to-talk tapes
- Etc.



**Contractor/Subcontractor**  
No supporting documentation  
No exemption granted