

LOS ANGELES COUNTY
ECONOMY AND EFFICIENCY COMMISSION

ROOM 163, HALL OF ADMINISTRATION / 500 WEST TEMPLE / LOS ANGELES, CALIFORNIA 90012 / 974-1491

December 7, 1977

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Honorable Board of Supervisors
Los Angeles County
383, Hall of Administration
Los Angeles, Calif. 90012

Gentlemen:

SUBJECT: ARBITRATION AND APPEALS FUNCTION OF THE
PARAMEDIC COMMISSION

The Board of Supervisors has received a letter from the Paramedic Commission, dated November 16, 1977, describing an apparent difference of opinion between the Commission and the Department of Health Services as to the authority of the Commission's decisions. The letter concludes with the request that the Board "reaffirm the arbitration and appeals function of the Paramedic Commission and further issue a supplementary Board Order making such arbitration and appeal functions binding on all parties; except in those specific areas set forth in the Wedworth-Townsend Act where the County Health Officer has exclusive statutory authority."

You have set December 13 as the date for a hearing on this matter. Because our commission conducted the study which resulted in the establishment of the Paramedic Commission and because we feel that an urgent need continues to exist for an impartial arbitration commission, we are submitting our comments and recommendation to you on this issue.

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Authority and Function of the Commission

If the Commission is to operate effectively to settle disputes between the Department of Health Services and other agencies, public and private, over the provision of paramedic services, then it seems obvious that its decisions must carry an appropriate degree of authority as delegated to it by the Board of Supervisors. The utility of the Commission would be severely damaged if the parties involved do not understand that the Commission is acting for the Board of Supervisors and consequently conclude that they are free to follow its decisions or not as they see fit. If this happens, the capability of the Commission to resolve disputes equitably and responsibly will be effectively destroyed.

The letter of the Paramedic Commission contains as attachments two letters from the Southeast/Foothill Fire Chiefs' Association and the South Bay Fire Chiefs' Association opposing criteria proposed by the Department of Health Services to qualify agencies as providers of paramedic services. As the ordinance establishing the Paramedic Commission states, it is the express purpose of the Commission to "arbitrate differences in the field of paramedic services and training between the Department of Health Services and other sectors of the community" Thus, in accordance with the intent of the ordinance, if the fire chiefs and the department cannot resolve their differences, their recourse is to take the case to the Paramedic Commission.

If the Commission has no authority to settle such disputes, then the Board of Supervisors will be required to resolve them. In that case, the Commission of highly qualified professionals in the new and technical specialty of

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emergency medicine will be by-passed, and the Board of Supervisors will be required to make medical, procedural, and technological decisions with a potential impact on the survival of emergency patients. Moreover, by the time these disputes have reached the Board level they are likely to have escalated in intensity and devisiveness, thus increasing the likelihood of court appeals or State intervention.

For these reasons, we agree with and support the Commission's request that the Board delegate appropriate authority to it to carry out its prescribed function. Specifically, we believe that it should be authorized to act on behalf of the Board and that its decisions in so acting should be honored by the parties involved.

Limitation on Commission Authority

On the other hand, we do not believe that the Commission's decisions should be considered "final and binding," if by this expression it is meant that the parties involved have no right of appeal. Such an interpretation would be neither legal nor appropriate. The Board of Supervisors is the sovereign body and decisions by the Commission must remain appealable to it. If one of the parties does not agree with the Commission's decision and feels strongly that the Commission has erred, it should have the right to appeal the decision to the Board of Supervisors.

In our view, if the Commission operates as intended, few appeals will be made. The Commission is structured to insure impartiality, and its members are selected on the basis of their expertise in the paramedic area. Since its

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conclusions will reflect substantial experience, recent research, and professional knowledge, they ordinarily should be acceptable to all parties.

Recommendation:

We recommend that the Board of Supervisors request the County Counsel to review the ordinance creating the Paramedic Commission and make such changes as are necessary to clarify the delegation by the Board to the Commission to act with appropriate authority as an arbitration board, its decisions subject to appeal to the Board of Supervisors.

Sincerely,

WARREN H. SCHMIDT
Chairperson

WHS:ml