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EMERGENCY MEDICAL SERVICES DIVISION



EMERGENCY MEDICAL CARE ADVISORY BOARD (EMCAB) BYLAWS

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ARTICLE I. NAME AND AUTHORITY

An advisory board to be known as the "Kern County Emergency Medical Care Advisory Board (hereinafter, EMCAB) hereby is established pursuant to the provisions of section 1797.270 et seq. of the California Health and Safety Code, as successor to the powers, duties, property, and records of committees of similar name existing previously.

ARTICLE II. DUTIES OF THE ADVISORY BOARD

The Emergency Medical Care Advisory Board shall:

1. Perform statutory functions mandated to the emergency medical care committee (Health and Safety Code, Article 3, Section 1797.274 and 1797.276 et seq.);
 - a. At least annually, review the operations of each of the following.
 - i. Ambulance services operated within Kern County.
 - ii. Emergency medical care offered within Kern County, including programs for training large numbers of people in cardiopulmonary resuscitation and life-saving first-aid techniques.
 - iii. First aid practices in the County.
 - b. At least annually, report to the authority, and the local EMS agency its observations and recommendations relative to its review of the ambulance services, emergency medical care, and first aid practices, and programs for training people in cardiopulmonary resuscitation and lifesaving first aid techniques, and public participation in such programs in the County.
2. Review and evaluate County EMS services, facilities, and special problems;
3. Advise the Board of Supervisors and the local EMS Director as to any aspect of local EMS programs;
4. Review and make recommendations concerning the County EMS Plan;
5. Review and approve procedures used to ensure citizen and professional involvement in the planning process;
6. Establish and conduct an appeals process to examine and decide grievances related to both administrative and consumer issues;
7. Hear appeals from organizations and individuals as outlined in applicable policies. EMCAB may adjudicate the appeal in accordance with the process outlined in Article XI. Appeals Process, and render a recommendation to the Division for resolution of the issue.
8. Establish subcommittees as may be needed;
9. Perform as an advisory Board for the administration of EMS Fund; and
10. Perform other duties and services as may be reasonably expected to fall within the purview of the Emergency Medical Care Advisory Board.

ARTICLE III. MEMBERSHIP - TERM OF OFFICE

1. Composition:

EMCAB shall be composed of representatives from the organizations indicated below. The voting membership of EMCAB shall consist of the following:

 - a. One (1) member representing Kern County Police Chief's Association.

- b. One (1) member representing Kern County Fire Chief's Association.
 - c. One (1) member representing Kern County Medical Society.
 - d. One (1) member representing Kern County Hospital Administrators.
 - e. One (1) member representing Kern County Ambulance Association.
 - f. One (1) member representing Kern County Board of Supervisors.
 - g. Medical Director of the Kern County EMS Department.
 - h. Two (2) consumer representatives:
 - i. One representing an Urban community.
 - ii. One representing a Rural community.
 - iii. Urban and Rural Consumer is defined as follows: Urban representative is a person who resides within the Greater-Bakersfield area as defined by the County of Kern and Bakersfield Fire Department's Joint Power Agreement (JPA) geographic area; Rural representative is a person who resides outside that JPA geographic area, but Within Kern County. Representatives of Urban and Rural Consumers primary professional area of employment should not be in the medical area and not have a conflict of interest with other position functions of EMCAB.
 - i. One (1) member representing City Selection Committee.
 - j. One (1) member representing Kern Mayors and City Managers Group.
2. Appointment of Members - Terms:
Members of EMCAB shall be appointed by and serve at the pleasure of the Board of Supervisors. Alternate members may be designated by each organization having representation on EMCAB; however, in order to have voting privileges, an alternate nominated by an organization must be officially appointed as such by the Board of Supervisors after the vacancy in membership is properly noticed per the Maddy Act (Government Code Section 54970 et seq.).
3. Vacancies:
Vacancies in membership shall be properly noticed (Maddy Act) and nominations to fill vacancies shall be submitted by the representative organization to the Board of Supervisors. Consumers wishing to be appointed shall complete an application, which can be found on the Board of Supervisor webpage, or request an application from the Clerk of the Board.
4. Staff Support:
Regular staff support to EMCAB shall be provided through attendance at each meeting of at least one staff member from each of the following:
- a. The EMS Division.
 - b. The Office of County Counsel.
 - c. The County Administrative Office.

Support may be provided by additional staff from these departments or from other County departments as requested by EMCAB from time-to-time.

The EMS Division shall prepare the agenda for the meetings with the advice and consent of the Chairperson and shall distribute the agenda in a timely manner. The EMS Division shall maintain minutes of EMCAB meetings and such other records and files of EMCAB activities as may be required.

ARTICLE IV. ADMINISTRATION

The Kern County Emergency Medical Services Division shall provide EMCAB with technical support as needed and will assist EMCAB in maintaining records of meetings, publishing interim reports, and preparation and publishing of the annual report of activities and recommendations as required.

ARTICLE V. OFFICERS AND THEIR DUTIES

1. Officers:

The officers of EMCAB shall be the Chairperson, and Vice- Chairperson.

2. Selection of Officers:

The Chairperson and Vice-Chairperson shall be selected in accordance with the provisions of Article IX.

3. Duties:

The Chairperson shall be the executive officer of EMCAB. The duties shall include presiding at all meetings, appointment of all subcommittees, presenting the report of EMCAB's activities and such other duties would reasonably fall to a Chairperson of a committee. The Vice-Chairperson shall assume all duties of the Chairperson in the event the Chairperson is absent, unable to act, or in the event of a vacancy in that Office.

ARTICLE VI. MEETINGS

1. Regular Meetings:

EMCAB regular meetings will be scheduled at least four times per year, normally on the second Thursday of the month. The day, time and place of all meetings shall be specified by the Chairperson.

2. Special Meetings:

Special meetings may be called by the Chairperson or by a majority of the membership provided written notice of such meetings and their agenda are delivered to the membership and the media at least twenty-four (24) hours prior to the commencement of the meeting. Notice of the meeting must also be posted at least twenty-four (24) hours prior to the meeting. The time and place of all special meetings shall be specified by the Chairperson.

3. Quorum:

The presence of a majority of EMCAB shall constitute a quorum for the transaction of business provided that one of those present is an officer of EMCAB.

4. Rules:

Meetings shall be conducted in accordance with "Robert's Rules of Order" Meetings shall also conform to the requirements of Chapter 9 (commencing with Section 54950, Part 1, Division 2, Title 5, of the California Government Code (Brown Act)).

5. Voting:

Each member present at a meeting shall have one (1) vote. Only officially designated Alternates (appointed by the Board of Supervisors) shall have voting privileges. Neither proxy voting nor cumulative voting shall be permitted.

6. Attendance:

Any member who is absent for three (3) consecutive regular meetings without cause may be recommended for replacement. The Chairperson may recommend to the Board of Supervisors that the member be replaced.

ARTICLE VII. SUBCOMMITTEES

The Chairperson may appoint subcommittees and/or ad hoc committees as needed to assist EMCAB in carrying out its purposes and duties. Individuals appointed to such ad hoc or subcommittees need not be members of EMCAB, but the Chairperson of such subcommittee or ad hoc committee must be a member of EMCAB.

ARTICLE VIII. AGENDA

1. General

- a. The agenda shall be prepared by the EMS Division.
- b. The agenda for each regular meeting shall reflect the order of business and shall include matters that come before EMCAB in the ordinary course of business or which are placed on the agenda by the direction of the Chairperson.
- c. Requests for special appearances before EMCAB or for consideration of matters that would not normally come before EMCAB in the ordinary course of business shall be considered and determined by the Chairperson.
- d. Agenda items may be considered in any order convenient for EMCAB and multiple agenda items may be considered together and as one.

2. Agenda Preparation and Schedule

- a. EMS Division requests for items to be placed on the agenda shall be filed with the Division Director.
- b. EMS Division agenda items requests shall be received by the Division Director no later than the Thursday, seven (7) days before the regularly scheduled meeting, by 5:00 p.m. and shall include all supporting documents and materials.
- c. Public requests for agenda items must be submitted in writing to the Division Director on, or before, 5:00 p.m. the Thursday, fourteen (14) days before the regularly scheduled meeting. Public agenda requests shall be forwarded for consideration by the Chairperson. The Division Director will notify the requestor of the disposition of the requested agenda item seven (7) days before the scheduled meeting.

ARTICLE IX. ELECTION OF OFFICERS

The Chairperson shall be the Board of Supervisor's representative to EMCAB, and the Vice-Chairperson will be elected at a meeting designated by the Chairperson, with notification to all members. Nominations of Vice-Chairperson shall be made by Board Members from the floor. Election of the Vice-Chairperson shall be by a majority vote of members present. The new officers shall assume their duties immediately following the vote.

ARTICLE X. AMENDMENTS TO BYLAWS OR BOARD RESOLUTIONS

These Bylaws may be amended upon a two-thirds (2/3) majority vote of all voting members present at a regular or special meeting, subject to approval of the Kern County Board of Supervisors. Upon a two-thirds (2/3) majority vote of all voting members present at a regular or special meeting, EMCAB may present to the Board of Supervisors recommendations on matters before the Board affecting the Emergency Medical Care Advisory Board or these Bylaws.

ARTICLE XI. APPEALS PROCESS

Organizations and individuals may request an appeal hearing from EMCAB on matters under EMCAB jurisdiction. Organizations and individuals may appeal decisions rendered by the EMS Division that are perceived as unjustified, excessive, or partial, as outlined in applicable policies.

1. Procedure for Hearing Appeals:

- a. Appeals to EMCAB may be filed with the application located in Appendix A. The application for appeals form shall be submitted to the EMS Director. The Director shall forward the application to the EMCAB Chairperson along with all papers constituting the record of action upon which the appeal is based. If the appellant does not wish to submit an application for appeal the following information is required to be included with the notice:
 - i. Name of organization or individual, contact person if different from previous, address, phone number, and/or email of contact person
 - ii. Date of decision by EMS Division
 - iii. Description of decision by EMS Division
 - iv. Specific relief sought
 - v. Attachment of pertinent documents, including listing
 - vi. Signed notice of request for appeal.
- b. The application shall include all information requested on the form and any additional information or evidence as may be reasonably required for consideration of the matter.
- c. The completed application for appeal, as outlined above, shall be added to the EMCAB agenda for the next regularly scheduled or specialty meeting.

- d. The EMS Director shall notify all interested parties of the hearing and give notice including the time, date, and place of the meeting to anyone requesting such information.
 - e. The application and all supporting documentation shall be included in the EMCAB agenda packet for distribution to members prior to the scheduled hearing.
 - f. The applicant may appear on his or her own behalf at the hearing or may be represented by legal counsel or an agent.
 - g. Both the applicant and the EMS Division may speak to the appeal and any person whose interests are affected may speak for or against the issue in the order outlined below:
 - i. The EMS Division will be asked to give report of the appeal, events preceding the appeal, presentation of evidence and recommended disposition.
 - ii. The appellant may provide testimony and presentation of evidence to EMCAB.
 - iii. Any member of the public wishing to provide information for or against an appeal may address EMCAB. Public comments will be limited to 5 minutes each.
 - iv. The appellant is given the opportunity for final rebuttal. Final rebuttal shall be limited to five minutes.
 - h. The final decision of EMCAB shall be in the form of a recommendation to the EMS Division for resolution of the appeal. EMCAB may decide to continue the matter if additional information is required for decision.
 - i. A motion for disposition is made, discussion of the motion is held and EMCAB takes action. Such motions shall include the receipt and filing of any documents offered as evidence during the hearing upon recognition by the Chairperson.
- c. The EMCAB members' role is to listen to the testimony and review the evidence presented by the parties in an appeal and to ultimately decide on a recommended outcome of the case.
 - d. Questions by EMCAB members: EMCAB members may ask questions of the parties as the appeal proceedings progress. It is advisable for the Chairperson to control such questioning. The Chairperson may wish to elect a procedure to direct the flow of questioning.
 - e. Raising Issues: The Chairperson, or any EMCAB member, has the ability in the course of a hearing, and to determine the issues which are, or are not, properly before EMCAB in an appeal. Issues which, if decided upon, may have the effect of dismissing an appeal without a hearing upon the substantive issues in an appeal, such as whether a party is a proper party to bring an appeal, whether the timeframes have been met for a proper appeal to exist, or whether the nature of the appeal is improper for other reasons, should be raised at the beginning of an appeal hearing if possible, and a decision should be made on any such issues raised prior to hearing the full appeal.

- f. Recusal: If a conflict of interest is perceived to exist, at the onset of an appeal hearing, should any EMCAB members determine their recusal is warranted due to conflict of interest, then that member should inform the Chairperson and state for the record that they will not be participating in the hearing or deliberations in the appeal. That EMCAB member will refrain from participation in discussions regarding an appeal, deliberations of the appeal, or voting on recommendations of outcomes for appeals. It may be advisable to discuss the issue with legal counsel to assure no components of conflict of interest are present. In the event an EMCAB member recuses him or herself from the proceedings and an alternate for the seat is available and a conflict of interest does not exist with the alternate member, then the alternate member may replace the primary EMCAB member for the appeal hearing process
- g. Records: A complete file on each appeal shall be kept by the EMS Division as part of the records of EMCAB.

Appendix A. Application for Appeal to EMCAB

I (we) of (Name of Facility) (Mailing Address) respectfully request the Emergency Medical Care Advisory Board review the decision made on (DATE) by the Emergency Medical Services Division.

Description of Decision Being Appealed:

Relief Sought:

Attach Pertinent Documents and list below:

Signature of Appellant:

_____ Date: _____
Printed Name: _____

For EMCAB use only:

Appeal No.:

Date Received:

Date of Hearing:

Date of Notification Sent:

Action (Explain Below): _____ Decision _____ Continue _____ Dismissed

Final Disposition Date:

Final Recommendation from EMCAB: