

October 3, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF DELEGATION OF DUTIES AND ASSIGNMENT OF RIGHTS OF FOUR
AGREEMENTS WITH MCCORMICK AMBULANCE COMPANY TO WESTMED
AMBULANCE, INC.
(All Districts) (3 Votes)**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Director of Health Services, or his designee, to offer and sign Approval of Delegation of Duties and Assignment of Rights forms, substantially similar to Exhibits I through IV, to assign the rights and delegate the duties of McCormick Ambulance Company (County Contract Nos. 70897, 73601, H-211252, and H-209939) to Westmed Ambulance, Inc., for the provision of 9-1-1 emergency ambulance transportation services, non-emergency ambulance transportation overflow services, and emergency medical technician - paramedic services.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

In approving this action, the Board is authorizing the Director of Health Services (Director), to sign Approval of Delegation of Duties and Assignment of Rights forms for the four referenced agreements from McCormick Ambulance Company (McCormick) to Westmed Ambulance, Inc. (Westmed).

Under the assignment and delegation provisions of the service agreements, the County's prior written consent (i.e., approval by the Board of Supervisors), is required to assign the rights and delegate the duties of the agreements.

FISCAL IMPACT/FINANCING:

There is no additional net County cost associated with the Department's recommended action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

Emergency Ambulance Program

Under a 1986 Court of Appeals ruling, a county is responsible for assuring the provision of 9-1-1 emergency ambulance transportation services for all of its residents.

To comply with this legal mandate, the Department of Health Services (DHS) developed the Countywide 9-1-1 Emergency Ambulance Transportation Exclusive Operating Area Program (Program), as authorized under Health and Safety Code section 1797.224, which currently includes 58 cities directly participating under the County's Program; and the corporate territories of 30 cities which continue to provide emergency ambulance transportation services with their own fire departments or under city contracts with private ambulance operators.

Under the Program, contractors and subcontractors are required to provide 9-1-1 emergency ambulance transportation services to all patients, regardless of their payment status, upon dispatch by the County Fire Department (or other authorized 9-1-1 communications centers) within certain response times in exchange for the exclusive right to: (1) operate within designated geographic service areas; and (2) bill patients and third parties at rates no greater than those specified in the primary contracts.

On July 15, 1997, the Board approved the County/private provider exclusive operating area agreement (Contract No. 70897) with McCormick within the City of Hawthorne, effective August 1, 1997 through December 31, 1999. Under the agreement, the Director is authorized to renew the agreement on a year-to-year basis for a maximum of five additional years, i.e., through December 31, 2004.

On August 21, 2001, the Board approved the most recent County/private provider exclusive operating areas agreement (Contract No. 73601) with McCormick within the City of Gardena, effective September 12, 2001 through December 31, 2002, as a result of a Countywide Request For Proposals process. Under the agreement, the Director is authorized to renew the agreement on a year-to-year basis for a maximum of two additional years, i.e., through December 31, 2004.

Non-Emergency Ambulance Program: Overflow Transportation Agreements

For a number of years, the County has contracted with private operators for the provision of patient transportation services on an as-needed overflow basis, at the advanced life support (ALS) or basic life support (BLS) level, when County vehicles are unavailable to provide these services, i.e., the non-emergent transport of County patients between their homes and: 1) County hospitals, health, custody, or court facilities; 2) State mental and other governmental hospital and health facilities; and 3) private hospitals and health facilities.

Services include the provision of appropriately-equipped vehicles staffed at the ALS level with paramedics or registered nurses, and/or at the BLS level with emergency medical technicians, or medical transportation vans with ambulette personnel. Only those operators expressly authorized by the local Emergency Medical Services (EMS) Agency will provide paramedic and/or nurse-staffed ambulances.

On June 13, 2000, the Board approved the most recent overflow transportation agreement (Contract No. H-211252) for non-emergency ambulance transportation services with McCormick, effective July 1, 2000 through June 30, 2005.

Emergency Medical Technician - Paramedic (EMT- P) Service Provider Program

Under provisions of Section 1797, *et seq.*, of the California Health and Safety Code, the County maintains an ALS system under which paramedics provide emergency medical care to the sick and injured at the scene of an emergency, during transport to a general acute care hospital, during interfacility transfer, while in the emergency department of a general acute care hospital until patient care responsibilities are assumed by the regular staff of the hospital, and during training within the facilities of a participating general acute care hospital.

The California Code of Regulations, Section 100168(b)(4), requires approved paramedic provider agencies to have a written agreement with the local EMS Agency to participate in the ALS program and to comply with all applicable State regulations and local policies and procedures, including participation in the local EMS Agency's quality assurance system.

On April 14, 1998, the Board authorized the Director, to approve a form agreement (Contract No. H-209939) for EMT-P services with McCormick, effective December 1, 1998 through June 30, 2003.

Assignment of Agreements

On July 8, 2002, McCormick notified the EMS Agency of proposed sale of its assets to Westmed. As such, McCormick notified the County of its desire to delegate the duties and assign the rights under the four referenced agreements with the County.

Provisions found in the above agreements require the County's consent for the delegation of duties and assignment of rights under the agreement. No other provisions of the existing agreements will be changed by the assignment of agreement forms.

McCormick and Westmed notified DHS in a timely manner and have complied with DHS requests to provide documentation related to the transfer of ownership. The documentation has been reviewed by the Department's Contracts and Grants, EMS, and Inspection and Audit Divisions, and by County Counsel as appropriate.

Following Board approval, the actual asset sale will be finalized and McCormick will be wholly owned and operated as a subdivision of Westmed, doing business as McCormick Ambulance.

Attachment A provides additional information.

Exhibits I through IV have been approved as to form by County Counsel.

CONTRACTING PROCESS:

It is not appropriate to advertise assignment of agreement actions on the Los Angeles County Online Web Site as a contracting opportunity.

The Honorable Board of Supervisors
October 3, 2002
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IMPACT ON CURRENT SERVICES (OR PROJECTS):

Approval of the recommendation will ensure that the provision of 9-1-1 emergency ambulance transportation services will continue uninterrupted for the residents of Hawthorne and Gardena, patient transportation services will continue to be provided on an as-needed overflow basis, and paramedic advanced life support services will continue uninterrupted for residents in Los Angeles County.

When approved, this Department requires three signed copies of the Board's action.

Respectfully submitted,

Thomas L. Garthwaite, M.D.
Director and Chief Medical Officer

TLG:rw

Attachments (5)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

BLETC2211.RW
rw:09/17/02

SUMMARY OF ASSIGNMENT OF AGREEMENTS1. TYPE OF SERVICES:

1) 9-1-1 emergency ambulance transportation services at the basic life support level (BLS), i.e., ambulance transport vehicles staffed with at least Emergency Medical Technician-I (EMT-I) personnel; 2) non-emergency ambulance transportation overflow services; 3) and EMT-paramedic advanced life support services as part of the advanced life support system in Los Angeles County.

2. AGENCY ADDRESSES AND CONTACT PERSONS:

<u>Former Name</u>	<u>Agreement Nos.</u>
McCormick Ambulance Company 240 South Sepulveda Boulevard, Suite 200 Manhattan Beach, California 90266 Attention: Jack Hunkapillar, Vice President Telephone/Facsimile (FAX): (310) 798-3300/(310) 798-3309	70897 73601 H-211252 H-209939

New Name

Westmed Ambulance, Inc.
d.b.a. McCormick Ambulance
5462 2nd Street
Irwindale, California 91706
Attention: Joe Chidley, Vice President
Telephone/FAX: (888) 331-1420/(626) 962-2540

3. TERMS:

Contract No. 70897: August 1, 1997 through December 31, 2004.
Contract No. 73601: September 12, 2001 through December 31, 2004.
Contract No. H-211252: July 1, 2000 through June 30, 2005.
Contract No. H-209939: December 1, 1998 through June 30, 2003.

4. FINANCIAL INFORMATION:

There is no additional net County cost associated with the Department's recommended action.

5. GEOGRAPHIC AREAS SERVED:

All Supervisorial Districts

6. ACCOUNTABILITY FOR PROGRAM MONITORING AND EVALUATION:

The County's local Emergency Medical Services (EMS) Agency, i.e., the Department's Emergency Medical Services Division.

7. APPROVALS:

Emergency Medical Services Division:	Virginia Price Hastings, Director
Contracts and Grants Division:	Riley J. Austin, Acting Chief
County Counsel (as to form):	Edward E. Morrissey, Deputy County Counsel

Contract No. 70897

APPROVAL OF DELEGATION OF DUTIES AND ASSIGNMENT
OF RIGHTS OF AGREEMENT

EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT

THIS APPROVAL OF ASSIGNMENT OF AGREEMENT is made and entered into this _____ day of _____, 2002,

by and between COUNTY OF LOS ANGELES (hereafter "County"),
and MCCORMICK AMBULANCE COMPANY (hereafter "MCCORMICK"),
and WESTMED AMBULANCE, INC. D.B.A. MCCORMICK AMBULANCE (hereafter "WESTMED").

WHEREAS, on August 1, 1997, County and McCormick, entered into an EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT, herein further identified as County Agreement No. 70897 (hereafter "Agreement"); and

WHEREAS, it is the intent of McCormick to transfer all duties and rights under the Agreement through an asset sale to Westmed; and

WHEREAS, Paragraph 25, DELEGATION AND ASSIGNMENT, of Agreement prohibits McCormick from delegating its duties or assigning its rights thereunder without prior written consent of County; and

WHEREAS, it is the desire of the parties hereto, to delegate the duties and assign the rights under Agreement from McCormick

to Westmed, doing business as McCormick Ambulance; and

WHEREAS, County's Department of Health Services has reviewed the financial statements and other documentation of Westmed and finds that Westmed is a responsible and experienced entity capable of performing the services required under the Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. All Contractor rights and responsibilities under Agreement have been assigned and delegated by McCormick to Westmed, effective upon the date of its approval by County's Board of Supervisors.

2. County hereby consents to such assignment and delegation effective upon the date of its approval by County's Board of Supervisors.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Approval of Assignment of Agreement to be subscribed by its Director of Health Services,

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and McCormick and Westmed have caused this Approval of Assignment of Agreement to be subscribed in their behalf by their duly authorized officers, the day, month, and year first above written.

COUNTY OF LOS ANGELES

By _____
Thomas L. Garthwaite
Director and Chief Medical Officer

MCCORMICK AMBULANCE COMPANY

By _____
Signature

Print Name

Title _____
(AFFIX CORPORATE SEAL)

APPROVED AS TO FORM
BY THE OFFICE OF THE COUNTY COUNSEL
LLOYD W. PELLMAN
County Counsel

APPROVED AS TO CONTRACT
ADMINISTRATION:

WESTMED AMBULANCE, INC.

Department of Health Services

By _____
Signature

By _____
Acting Chief, Contracts and
Grants Division

Print Name

Title _____
(AFFIX CORPORATE SEAL)

09/20/2002
CD2226.RW

EXHIBIT II

Contract No. 73601

APPROVAL OF DELEGATION OF DUTIES AND ASSIGNMENT
OF RIGHTS OF AGREEMENT

EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT

THIS APPROVAL OF ASSIGNMENT OF AGREEMENT is made and entered into this _____ day of _____, 2002,

by and between COUNTY OF LOS ANGELES (hereafter "County"),
and MCCORMICK AMBULANCE COMPANY (hereafter "MCCORMICK"),
and WESTMED AMBULANCE, INC. D.B.A. MCCORMICK AMBULANCE (hereafter "WESTMED").

WHEREAS, on September 12, 2001, County and McCormick, entered into an EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT, herein further identified as County Agreement No. 73601 (hereafter "Agreement"); and

WHEREAS, it is the intent of McCormick to transfer all duties and rights under the Agreement through an asset sale to Westmed; and

WHEREAS, Paragraph 17, DELEGATION AND ASSIGNMENT, of Agreement prohibits McCormick from delegating its duties or assigning its rights thereunder without prior written consent of County; and

WHEREAS, it is the desire of the parties hereto, to delegate the duties and assign the rights under Agreement from McCormick

to Westmed, doing business as McCormick Ambulance; and

WHEREAS, County's Department of Health Services has reviewed the financial statements and other documentation of Westmed and finds that Westmed is a responsible and experienced entity capable of performing the services required under the Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

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COUNTY OF LOS ANGELES

By _____
Thomas L. Garthwaite
Director and Chief Medical Officer

MCCORMICK AMBULANCE COMPANY

By _____
Signature

Print Name

Title _____
(AFFIX CORPORATE SEAL)

APPROVED AS TO FORM
BY THE OFFICE OF THE COUNTY COUNSEL
LLOYD W. PELLMAN
County Counsel

APPROVED AS TO CONTRACT
ADMINISTRATION:

WESTMED AMBULANCE, INC.

Department of Health Services

By _____
Signature

By _____
Acting Chief, Contracts and
Grants Division

Print Name

Title _____
(AFFIX CORPORATE SEAL)

09/20/2002
CD2227.RW

Contract No. H211252

APPROVAL OF DELEGATION OF DUTIES AND ASSIGNMENT
OF RIGHTS OF AGREEMENT

TRANSPORTATION OVERFLOW AGREEMENT

THIS APPROVAL OF ASSIGNMENT OF AGREEMENT is made and entered into this _____ day of _____, 2002,

by and between COUNTY OF LOS ANGELES (hereafter "County"),
and MCCORMICK AMBULANCE COMPANY (hereafter "MCCORMICK"),
and WESTMED AMBULANCE, INC. D.B.A. MCCORMICK AMBULANCE (hereafter "WESTMED").

WHEREAS, on July 1, 2000, County and McCormick, entered into an TRANSPORTATION OVERFLOW AGREEMENT, herein further identified as County Agreement No. H211252 (hereafter "Agreement"); and

WHEREAS, it is the intent of McCormick to transfer all duties and rights under the Agreement through an asset sale to Westmed; and

WHEREAS, Paragraph 19, PROHIBITION AGAINST ASSIGNMENT AND DELEGATION, of Agreement prohibits McCormick from delegating its duties or assigning its rights thereunder without prior written consent of County; and

WHEREAS, it is the desire of the parties hereto, to delegate the duties and assign the rights under Agreement from McCormick to Westmed, doing business as McCormick Ambulance; and

WHEREAS, County's Department of Health Services has reviewed the financial statements and other documentation of Westmed and finds that Westmed is a responsible and experienced entity capable of performing the services required under the Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. All Contractor rights and responsibilities under Agreement have been assigned and delegated by McCormick to Westmed, effective upon the date of its approval by County's Board of Supervisors.

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COUNTY OF LOS ANGELES

By _____
Thomas L. Garthwaite
Director and Chief Medical Officer

MCCORMICK AMBULANCE COMPANY

By _____
Signature

Print Name

Title _____
(AFFIX CORPORATE SEAL)

APPROVED AS TO FORM
BY THE OFFICE OF THE COUNTY COUNSEL
LLOYD W. PELLMAN
County Counsel

APPROVED AS TO CONTRACT
ADMINISTRATION:

WESTMED AMBULANCE, INC.

Department of Health Services

By _____
Signature

By _____
Acting Chief, Contracts and
Grants Division

Print Name

Title _____
(AFFIX CORPORATE SEAL)

09/20/2002
CD2228.RW

EXHIBIT IV

Contract No. H209939

APPROVAL OF DELEGATION OF DUTIES AND ASSIGNMENT
OF RIGHTS OF AGREEMENT

EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC
SERVICE PROVIDER AGREEMENT

THIS APPROVAL OF ASSIGNMENT OF AGREEMENT is made and entered into this _____ day of _____, 2002,

by and between COUNTY OF LOS ANGELES (hereafter "County"),

and MCCORMICK AMBULANCE COMPANY (hereafter "MCCORMICK"),

and WESTMED AMBULANCE, INC. D.B.A. MCCORMICK AMBULANCE (hereafter "WESTMED").

WHEREAS, on December 1, 1998, County and McCormick, entered into an EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC SERVICE PROVIDER AGREEMENT, herein further identified as County Agreement No. H209939 (hereafter "Agreement"); and

WHEREAS, it is the intent of McCormick to transfer all duties and rights under the Agreement through an asset sale to Westmed; and

WHEREAS, Paragraph 19, DELEGATION AND ASSIGNMENT, of Agreement prohibits McCormick from delegating its duties or assigning its rights thereunder without prior written consent of County; and

WHEREAS, it is the desire of the parties hereto, to delegate the duties and assign the rights under Agreement from McCormick

to Westmed, doing business as McCormick Ambulance; and

WHEREAS, County's Department of Health Services has reviewed the financial statements and other documentation of Westmed and finds that Westmed is a responsible and experienced entity capable of performing the services required under the Agreement.

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COUNTY OF LOS ANGELES

By _____
Thomas L. Garthwaite
Director and Chief Medical Officer

MCCORMICK AMBULANCE COMPANY

By _____
Signature

Print Name

Title _____
(AFFIX CORPORATE SEAL)

APPROVED AS TO FORM
BY THE OFFICE OF THE COUNTY COUNSEL
LLOYD W. PELLMAN
County Counsel

APPROVED AS TO CONTRACT
ADMINISTRATION:

WESTMED AMBULANCE, INC.

Department of Health Services

By _____
Signature

By _____
Acting Chief, Contracts and
Grants Division

Print Name

Title _____
(AFFIX CORPORATE SEAL)

09/20/2002
CD2229.RW