



# CALIFORNIA FIRE CHIEFS ASSOCIATION

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## **IMPORTANT NOTICE TO CALCHIEFS MEMBERS**

### **CalChiefs Petitions State Agency to Rule Cal EMSA Guidelines Are Illegal Regulations**

On February 4, CalChiefs submitted three petitions to the state Office of Administrative Law (OAL) urging this office to rule that various guidelines, enforcement letters and criteria published by the California Emergency Medical Services Authority (CalEMSA), dating back to 1985, are unlawful (“underground”) regulations.

At issue is the CalEMSA’s approach to interpreting, implementing and enforcing Health and Safety Code Section 1797.201 (Section 201) and Section 1797.224 (Section 224) of the EMS Act, including:

- Eligibility criteria and exclusivity for Section 201 agencies
- “Grandfathering” provisions under Section 224
- Contracting requirements for Section 201 agencies with local LEMSAs
- Competitive bidding requirements under Section 224 to establish EOAs
- State and federal ant-trust immunity
- “Scope and manner” findings resulting from geographic boundary changes

In order for a state agency to take such actions, OAL must review and approve draft regulations in an open and transparent process under the Administrative Procedures Act (APA). By publishing Guidelines 310-01, 141 and 141-B (and issuing various enforcement letters over the years to local LEMSAs, cities and fire districts) on the issues enumerated above without adhering to the APA, the CalEMSA’s interpretation and enforcement of the EMS Act constitute “underground” regulations.

For this reason, CalChiefs is urging OAL to rule these guidelines, criteria and enforcement letters as unlawful regulations. CalChiefs is asking that OAL make this determination quickly because of the potential for significant threats to public safety and the economic interests of cities and fire districts.

These petitions are an important component of the commitment (and investment) by CalChiefs to resolve the longstanding challenges with CalEMSA over implementation of the EMS Act and the ability of local agencies to protect their rights to provide EMS services to their communities. Our organization will continue to seek judicial, legislative and (now) regulatory relief for local fire agencies.

They can be viewed at this [link](#). Look for the tab on the webpage labeled “CalChiefs Office of Administrative Law Petitions”. You will find each petition with related attachments separately posted. We will keep you updated on the status of these petitions.

Please feel free to call me if you have any questions about these petitions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Meston".

Jeff Meston  
President

*“To strengthen and advocate for the California Fire Service through leadership, unity and collaboration.”*