



# CALIFORNIA FIRE CHIEFS ASSOCIATION

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March 13, 2019

Dear CalChiefs Members:

Last week Sonoma County Counsel sent an email indicating that they were advised that the State has agreed to review requests from agencies that believe they have "201 rights." The email from Sonoma County Counsel asked that agencies provide the LEMSA a request that includes the basis for their position that they qualify as a 201 agency and they will send that to the State for a determination.

The basis for this requested 201 review is directly related to one of CalChiefs Office of Administrative Law petitions filed last month. CalChiefs believes that the regulation that California Emergency Medical Services Authority (EMSA) relies upon to complete this evaluation of 201 status is unlawful. The regulation that they use was not put in place through the proper process and is effectively an "underground regulation."

CalChiefs recommends that fire agencies carefully consider these requests for assessment of 201 provider status with legal counsel and encourage that you not reply to the request until such time as the Office of Administrative Law rules upon the petition filed that challenges this very regulation. CalChiefs believes strongly that there are no properly promulgated EMSA regulations as to what constitutes a 201 provider and until one is properly and lawfully put in place, agencies should avoid replying to these requests.

We encourage agencies who might have questions or concerns regarding this complex subject to contact CalChiefs directly. CalChiefs is working with subject matter experts and legal counsel to ensure that the rights and obligations of our members are protected.

Respectfully,

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

Jeff Meston  
President  
California Fire Chiefs Association

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