

MEMORANDUM OF LAW

DATE: May 22, 1990

TO: John Delotch, Fire Chief
FROM: City Attorney
SUBJECT: Paramedic Issues

This responds to your memorandum of April 13, 1990 requesting our views on two issues:

1. The impact of Proposition G governing the transport of paramedics in a transport-capable vehicle; and
2. Whether the provisions of Health and Safety Code section 1797.224 require the City to adopt a competitive bid process before establishing a Fire Department paramedic service.

We answer your questions as follows:

Proposition G - This proposition (copy attached) was adopted by vote of the electorate. It requires "paramedics," who are not defined within the proposition, to arrive at medical response emergencies in a paramedic ambulance. Any modification to this provision must be by a majority vote of the electorate. Please note that Proposition G does not preclude paramedic firefighters from being assigned to fire apparatus, nor does it preclude a paramedic ambulance from being driven by a non-paramedic. However, when paramedics are responding to a medical emergency, then at least one of them must arrive in a paramedic dispatched ambulance.

Health and Safety Code section 1797.224 - Our earlier views expressed in a Memorandum of Law dated October 28, 1985 and later confirmed by a memorandum from Chief Deputy City Attorney Ted Bromfield on February 25, 1986 remain valid. You are not required to employ a competitive bid process with the private sector before establishing a public sector paramedic service operated by the Fire Department. Section 1797.224 only applies when private providers would be granted an exclusive operating right within a given geographical area, thereby establishing an exclusive right in a private sector enterprise.

Please do not hesitate to contact me if you have any further questions on these issues.

JOHN W. WITT, City Attorney

By

Rudolf Hradecky

Deputy City Attorney

RH:mb:502.6:(x043.2)

Attachments

cc Maureen A. Stapleton

George K. George

Susan Swanson

ML-90-60