



COUNTY OF MENDOCINO

Board of Supervisors

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August 29, 2023

Commissioner Sean Duryee
California Highway Patrol
601 North 7th Street
Sacramento, CA 95811

RE: Request for and Notification of Exemption from Ambulance Licensure Requirement

Dear Commissioner Duryee,

By this request, the Mendocino County Board of Supervisors ("Board") writes to notify the California Highway Patrol ("CHP") that it has authorized and approved an exemption of ambulance regulations in the interest of public health and safety, as permitted by California Vehicle Code § 2512, with respect to licensure of ambulances operated by a non-profit hospital in our county, Adventist Health Mendocino Coast ("AH Mendocino").

Unless exempt, California Code of Regulations, Title 13, Section 1107 prevents ambulances from responding to emergency calls "unless they have obtained from the department a license to operate an emergency ambulance service." California Vehicle Code § 2512 requires the CHP Commissioner to exempt noncommercial ambulance services operated within Mendocino County from regulations under the Vehicle Code upon receiving a request from the Board that the exemption is necessary for public health and safety. The Board submits this letter and its attachments in support of its request for and notification of exemption, and as consistent with its strategic plan priority to be "a Prepared and Resilient County."

Summary of Request

An exemption from the ambulance licensure requirement permits the Board to continue relying upon its current ambulance services without interruption, for the benefit of Mendocino County residents who would otherwise lack emergency ambulance services. Absent an exemption, the ability of AH Mendocino ambulances to continue to operate, along with the health and safety of Mendocino County residents, would be endangered.

Since July 1, 2020, AH Mendocino has been operating an ambulance service. AH Mendocino took over the previous ambulance provider from the Mendocino Coast Health Care District Hospital, as part of a larger deal to save the community hospital and various service lines the community relies upon. Generally, an ambulance provider is required to have a CHP license, unless exempt from such requirement. Due to various difficulties facing AH Mendocino, including the COVID-19 pandemic and numerous challenges resulting from the transition in operations from the District Hospital, which was exempt from CHP licensure, AH Mendocino did not receive its own CHP license until April 27, 2022. The lack of licensure for the period between July 1, 2020 and April 27, 2022 may impact AH Mendocino's ability to bill Medicare and Medi-Cal for crucial and necessary ambulance services provided during this time to the Mendocino County community. Forgoing reimbursement for this period

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or returning payments would negatively impact AH Mendocino's ability to continue to be able to provide this critical service. AH Mendocino is committed to ensuring compliance with all state and local requirements. To that end, AH Mendocino sought, and the Board approved, a request for a retroactive exemption from CHP licensure for the relevant period.

Request for Exemption

The Board now submits its request to CHP in compliance with Vehicle Code § 2512 and California Code of Regulations, Title 13, Section 1108(b)(1). As confirmed by the attached agenda materials approved on July 25, 2023, the Board requests an exemption as follows:

- **Ambulance Service:** Adventist Health Mendocino Coast
- **Exemption Requested:** California Code of Regulations Title 13, Section 1107, requiring that private ambulance owners obtain a CHP emergency ambulance service license, for the period of July 1, 2020 to April 26, 2022.
- **Committee Findings:** Following the approval of File No. 23-0757 at the July 25, 2023 Board Meeting, the Mendocino County Emergency Medical Care Committee found that this request for exemption is necessary and appropriate to ensure the public health and safety, given the risk to Mendocino County residents arising from financial instability of its emergency ambulance service provider.
- **Statement of the Board:** This exemption is necessary for public health and safety. The exemption is justified to avoid interference with ongoing services, and to reimburse for already provided services, which were essential to ensuring that Mendocino County residents had timely access to emergency care. This exemption mitigates the risk of insufficient funding in order to continue providing necessary services, the absence of which could jeopardize the public health and safety.

Thank you for your attention to this exemption request. Should you desire any further information concerning the exemption, please contact the undersigned. Should the CHP issue any formal recognition of this mandatory exemption, please direct such acknowledgement/approval to the undersigned.

Sincerely,



GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Attachment: Approved Mendocino County Board of Supervisors File No. 23-0757