SUBJECT: **AMBULANCE LICENSING ADMINISTRATIVE FINE HEARING PROCESS** REFERENCE NO. 452

PURPOSE: To outline a process for requesting an administrative hearing to contest the imposition and/or amount of an Administrative Fine.

AUTHORITY: Los Angeles County Code, Title 7, Business Licenses, Ambulance Ordinance 7.16.020
Health &Safety Code 1797.170, 1797.172, 1797.204, 1797.224
California Code of Regulations, Title 22, Sections 100062, 100063, 100145, 100169

DEFINITIONS:

Hearing Officer: The person appointed by the Director to conduct the administrative hearings. The Hearing Officer shall not be the enforcement officer who issued the notice of violation that is the subject of the administrative hearing or their immediate supervisor.

Notice of Violation: Issued to an operator, attendant or driver by an enforcement officer who has determined that a violation of any provision of the Ambulance Ordinance has occurred. The violation may subject the operator or EMS personnel to an administrative fine.

Notice of Administrative Fine: Imposition of a fine issued by the Director of the EMS Agency pursuant to a violation of the Ambulance Ordinance. Administrative fines may be issued for Administrative, Operational, or Personnel violations (refer to Ref. No. 451.1, Ambulance Administrative Fines).

PRINCIPLES:

1. An appeal and hearing process provides a basic level of fairness, respects the rights of ambulance operators and personnel, and ensures due process whenever there is an adverse action involving a provider.

I. Procedure to Request an Administrative Hearing

A. Ambulance operators or personnel served with a Notice of Administrative Fine may request an administrative hearing before a Hearing Officer to contest the imposition and/or amount of the fine.

1. Submit a written request to the EMS Agency Director within ten (10) calendar days following service of the fine.

a. Include a statement indicating the basis on which the operator contests the imposition of the fine, and

b. Include any evidence the operator would like the Hearing Officer to consider.

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Director, EMS Agency Medical Director, EMS Agency

2. Submit a deposit equal to the full amount of the administrative fine with the written request.

   a. Fines may be paid in person by cash, check, or money order.

   b. Fines submitted by mail shall be by check or money order only, payable to:

      County of Los Angeles – EMS Agency
      10100 Pioneer Blvd., Suite 200
      Santa Fe Springs, CA 90670
      Attn: Finance Section

3. Failure to deposit the fine amount concurrently with the request for an administrative hearing shall constitute a waiver of the operator/personnel's entitlement to the administrative hearing.

4. The hearing request and fee deposit are considered filed on the date received by the EMS Agency.

B. Following receipt of the hearing request and the full amount of the fine deposit, the EMS Agency shall schedule an administrative hearing.

   1. The operator/personnel shall be given no less than ten (10) calendar days' prior written notice of the date, time, and location of the hearing.

   2. The operator/personnel shall be provided with the name of the Hearing Officer.

II. Administrative Hearing Procedures

A. The EMS Agency Director shall appoint the Hearing Officer.

B. Hearings shall be conducted by the Hearing Officer on the date, time and place specified in the notice.

C. The operator/personnel have the opportunity to present evidence relevant to the Hearing Officer's determination of the matter.

D. Request for Continuance

   1. At their discretion, and upon written request and a showing of good cause, the Hearing Officer may grant a continuance of the hearing date.

   2. The Hearing Officer must receive the request for continuance at least two (2) business days prior to the hearing.

   3. The continuance shall not be longer than forty-five (45) calendar days from the originally scheduled hearing date.

E. Hearing Abandonment

1. If the operator/personnel fail to appear at the administrative hearing, it is considered an abandonment of the hearing request and a failure to exhaust administrative remedies to judicially challenge the imposition of the administrative fine.

2. If the administrative hearing is abandoned, the EMS Agency retains the funds deposited with the hearing request.

3. The Notice of Violation, Notice of Administrative Fine, and any other reports prepared by or for the enforcement officer concerning the code violation shall be accepted by the Hearing Officer as prima facie evidence of the code violation and the facts stated in those documents.

III. Hearing Decision

A. The Hearing Officer shall consider all the evidence and testimony submitted at the hearing. At the conclusion of the hearing and within ten (10) calendar days the Hearing Officer shall issue a written decision that confirms or cancels the administrative fine.

B. The written decision shall include a statement of the reasons for the decision and shall be served personally or by first-class (certified) mail.

C. The Hearing Officer's written decision shall constitute the final administrative decision of the County.

D. If the hearing confirms the imposition of the full amount of the administrative fine, the EMS Agency shall keep the funds deposited with the hearing request.

E. If the Hearing Officer cancels the administrative fine, the EMS Agency shall refund the entire amount of the funds deposited with the hearing request to the operator or personnel within twenty (20) calendar days from the date of the written decision.

CROSS REFERENCES:

Prehospital Care Manual:

Ref. No. 414, **Registered Nurse/Respiratory Specialty Care Transport Provider**
Ref. No. 450, **Los Angeles County Code, Title 7, Business Licenses, Division 2, Chapter 7.16 Ambulances**
Ref. No. 451, **Ambulance Licensing Notices of Violation and Administrative Fines**
Ref. No. 451.1, **Ambulance Licensing Administrative Fines**
Ref. No. 451.2, **Notice of Violation – Administrative**
Ref. No. 451.3, **Notice of Violation – Operational**
Ref. No. 451.4, **Notice of Violation – Ambulance Personnel**
Ref. No. 453, **Ambulance Licensing Investigations**
Ref. No. 453.1, **Ambulance Licensing Enforcement Officers**
Ref. No. 706, **ALS EMS Aircraft Inventory**
Ref. No. 710, **Basic Life Support Ambulance Equipment**
Ref. No. 712, **Nurse Staffed Critical Care Unit Inventory**
Ref. No. 713, **Respiratory Care Practitioner Staffed Critical Care Transport Unit Inventory**
Ref. No. 802, **EMT Scope of Practice**
Ref. No. 803, **Los Angeles County Paramedic Scope of Practice**