



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Damon Covington
Interim Fire Chief

SUBJECT: Medical Director Agreement

DATE: September 18, 2023

City Administrator Approval

Date: Sep 28, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution: (1) Authorizing The City Administrator To Enter Into A Two-Year Agreement With Dr. Herbert Gene Hern Doing Business As (DBA) "Emergentt Consulting" To Continue Providing The Services Of Medical Director For The Oakland Fire Department From October 1, 2023 Through September 30, 2025 At A Cost Of One Hundred Seventy Thousand Dollars (\$170,000.00) With The Option To Extend for One Year At A Cost of Eighty Thousand Dollars (\$80,000) For A Total Contract Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000); And (2) Waiving The City's Competitive Request For Proposals/Qualification (RFP/RFQ) Process And Local And Small Business (LS/B) Enterprise Program Requirements For The Proposed Agreement.

EXECUTIVE SUMMARY

Approval of this Resolution will authorize the City Administrator to enter a new contract with Dr. Gene Hern to provide the services of the Medical Director for the Oakland Fire Department (OFD), ensure continued required oversight of the Department's controlled substance program, and provide clinical education to the Department's firefighters and paramedics. Furthermore, the Fire Dispatch Center (FDC) uses the Medical Priority Dispatch System (MPDS) to triage Emergency Medical Service Division (EMSD) calls by severity level and identify approximately fifteen thousand (15,000) low severity medical responses annually, which do not require the Fire Department response. The Medical Director supports the ongoing use of the MPDS and FDC's quality assurance program by conducting periodic reviews of EMSD calls. The Medical Director's feedback informs staff training and process improvement.

BACKGROUND / LEGISLATIVE HISTORY

On June 1, 2000, the Fire Department began providing Advanced Life Support (ALS) services to the City's residents and visitors. The City also entered into an agreement with the County to provide an Emergency Physician to serve as Medical Director for the ALS program.

In October 2011, Dr. Gene Hern began providing the professional services of a Medical Director for the Oakland Fire Department's EMSD. On September 23, 2014, the City Council approved

Public Safety Committee
October 10, 2023

Resolution No. [85184 C.M.S.](#), which authorized the previous contract with the incumbent. In July 2015, an RFP was issued, and Dr. Gene Hern was the only respondent. The initial contract was approved by City Council Resolution No. [85808 C.M.S.](#) on October 6, 2015. In 2018, the City Council approved a one-year extension. On October 1, 2020, Oakland Fire Department Medical Services Division entered a 3-year contract with Emergentt Consulting after a Formal Request for Proposals with a limit not to exceed two hundred and twenty-five thousand dollars (\$225,000).

This contract is currently on track to be successfully executed by its completion date of September 30, 2023. This resolution seeks the approval of Council to waive the multi-step proposal solicitation process and enter into a 2-year agreement through September 30, 2025, for an amount not to exceed one hundred and seventy thousand dollars (\$170,000) with an option to extend for one year for eight thousand dollars (\$80,000).

ANALYSIS AND POLICY ALTERNATIVES

The Medical Director serves in several critical capacities within the Emergency Medical Services Division (EMSD). The incumbent contractor, Dr. Hern, allows OFD to meet the Federal, State, and County requirements for physician oversight of the Emergency Medical Services Division (EMSD) and controlled substances programs that concern paramedic drug inventories.

The Medical Director provides the following critical functions within the EMSD:

- 1) Serves as the subject matter expert in Occupational Safety and Health Administration (OSHA) mandated post-exposure follow-up when firefighters and paramedics have been exposed to infectious diseases in the field during the provision of EMSD.
- 2) Develops and implements policies and procedures that comply with the Federal Controlled Substances Act, Section 812, California Controlled Substance Act and Regulations, Division of Control Amendments of 1984, Registrant Protection Act of 1984, Health and Safety Code Section 11122, and the California Board of Pharmacy.
- 3) Provides clinical oversight for EMSD-related training programs developed and/or provided to Emergency Medical Technicians (EMTs) and Paramedics. This ensures that EMSD continuing education corresponds with advances in medical knowledge, technologies, and modern procedures.
- 4) Provides medical oversight of general infection control programs and policies pertaining to hazardous situations and exposures in the field.
- 5) Satisfies the State requirement (Health and Safety Code, Division 2.5, Chapter 5, Section 1798(a) that “the Medical Director and the management of emergency medical services systems shall be under the medical control of the Medical Director of the local EMSD agency”.

- 6) Serves as a clinical instructor for the Department by obtaining the latest findings in emergency medicine and conveying to the field setting where they can be applied by Department Paramedics.
- 7) Serves as the lead during clinical call reviews to investigate potential clinical issues resulting from EMSD service requests.

Since the incumbent provides a State and County-mandated professional service for the Department, the only alternative to extending the current contract is to find and select another contractor who can fulfill similar duties. Based upon the length of the incumbent's tenure, the staff time involved in the search for a replacement, and the potential impact on ongoing operations during that time, staff recommends that the Council waive the RFP/Q process and enter into a two-year agreement through September 30, 2025, with a limit of \$170,000 and an option to extend for one year for \$80,000.

Adoption of this proposed resolution is in alignment with the citywide goal of holistic community safety.

FISCAL IMPACT

Funding for the two-year agreement through September 30, 2025, shall not exceed \$170,000, with an option to extend for one year for a total contract amount not to exceed \$250,000. For the period of October 1, 2023, through September 30, 2025, funding for the professional services contract with Dr. Gene Hern, doing business as "Emergentt Consulting" was appropriated in the FY 2023-25 Adopted Budget in Measure N Fund (2250), Measure N Paramedic Org. (20912), Administrative Project (1000009), Emergency Medical Response Program (PS19).

PUBLIC OUTREACH / INTEREST

No outreach was needed for the adoption of this resolution.

COORDINATION

The Fire Department coordinated with the Budget Bureau and the City Attorney's Office in the development of this report and resolution.

Past Performance Evaluation and Follow-Up

The incumbent has continually provided critical medical services to the Oakland Fire Department since 2011 and has been instrumental in improving the quality of the EMSD services rendered to the Oakland community. Extending the contract with the incumbent contractor ensures that EMSD can provide emergency medical services without interruption by

complying with various Federal, State, and County requirements concerning the City's delivery of EMSD programs.

Beyond satisfying the various Federal, State, and County requirements, the incumbent's experience within EMSD since 2011 provides the institutional knowledge necessary to advise OFD on all the medical aspects of the organization. The incumbent has successfully built professional relationships with the County Medical Director, command staff, and line staff and is in a position to leverage experience, knowledge, and relationships while providing customized and comprehensive medical oversight of emergency medical services programs within the EMSD.

Should a waiver of the multi-step proposal solicitation process not be granted, the City will be required to post an additional Request for Proposal RFP to select and contract for a Medical Director prior to the contract expiring with Dr. Hern on September 30, 2023. The RFP process will begin immediately in Fall 2023.

SUSTAINABLE OPPORTUNITIES

Economic: Providing the services of a Medical Director will help to ensure that Firefighters and Paramedics are properly trained to carry out their duties efficiently, providing an opportunity to reduce potential costs to the City because of litigation related to negligence.

Environmental: There are no environmental impacts or opportunities associated with this report.

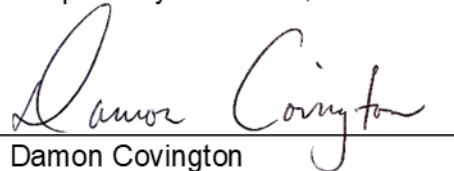
Race & Equity: By providing an Emergency Physician to serve as the Medical Director to the City of Oakland, the Fire Department will continue to serve and ensure the safety to all the City of Oakland residents and, particularly its most vulnerable populations.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution: (1) Authorizing The City Administrator To Enter Into A Two-Year Agreement With Dr. Herbert Gene Hern Doing Business As (DBA) "Emergentt Consulting" To Continue Providing The Services Of Medical Director For The Oakland Fire Department From October 1, 2023 Through September 30, 2025 At A Cost Of One Hundred Seventy Thousand Dollars (\$170,000.00) With The Option To Extend for One Year At A Cost of Eighty Thousand Dollars (\$80,000) For A Total Contract Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000); And (2) Waiving The City's Competitive Request For Proposals/Qualification (RFP/RFQ) Process And Local And Small Business (LS/B) Enterprise Program Requirements For The Proposed Agreement.

For questions regarding this report, please contact Michael Hunt at mhunt@oaklandca.gov.

Respectfully submitted,



Damon Covington
Interim Fire Chief