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OAKLAND

CITY OF OAKLAND 2019 NOV 21 PM 1:42

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Darin White, Fire Chief  
Oakland Fire Department

**SUBJECT:** Medical Director Contract Extension

**DATE:** November 14, 2019

City Administrator Approval

Date:

11/21/19

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Extend The Agreement With Dr. Herbert Gene Hern Doing Business As (DBA) "Emergentt Consulting" To Continue to Provide The Services Of Medical Director For The Oakland Fire Department Through November 30, 2020 In An Amount Not To Exceed Sixty-Five Thousand Two Hundred Thirty-Three Cents (\$65,233.33). For A Total Contract Amount Not To Exceed Three Hundred Twenty-Six Thousand Dollars Sixty-Five Cents (\$326,166.65).**

## EXECUTIVE SUMMARY

Approval of this Resolution will authorize the City Administrator to enter into a contract with Dr. Gene Hern to provide the services of the Medical Director for the Oakland Fire Department (OFD), and 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 (EMS) calls by severity level and identify approximately fifteen thousand (15,000) low severity medical responses annually, which do not require a Fire Department response. The Medical Director supports the ongoing use of the

MPDS, and FDC's quality assurance program, by conducting periodic reviews of EMS calls. The Medical Director's feedback is used to inform 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.

Item: \_\_\_\_\_  
Public Safety Committee  
December 3, 2019

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 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 on October 6, 2015. Resolution No.85808 C.M.S, which established the contract, provides two (2) additional, one-year options to extend the contract at the City Council's discretion. The first one-year extension from the current three (3) year contract was scheduled to expire on September 30, 2019. The extension was extended by the City Administrator through December 31, 2019 to allow for the second one-year extension to be approved by the Council. This report seeks the approval of Council to authorize and approve the second, one-year extension, as permitted under Resolution No.85808 C.M.S, starting December 1, 2019.

### **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 Emergency Medical Services (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 is providing 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 search for a replacement, and the potential impact to ongoing operations during that time, staff recommends the extension of the current contract for at least an additional one year period from December 1, 2019 to November 30, 2020.

### **FISCAL IMPACT**

Funding for the one-year contract period of December 1, 2019 through November 30, 2020 shall not exceed \$65,233.33. For the period of December 1, 2019 through June 30, 2020 funding for the professional services contract with Dr. Gene Hern, doing business as "Emergent Consulting", was included in the FY 2019-20 Adopted Budget. The funding was appropriated in Measure N Fund (2250), Measure N Paramedic Org. (20912), Administrative Project (1000009), Emergency Medical Response Program (PS19).

### **PUBLIC OUTREACH/INTEREST**

This item does not require additional public outreach at this time. The City issued a Request for Proposals (RFP) in July 2015 and the incumbent was formally selected through that process. There is potential for public interest in the work of the Medical Director for the EMSD as the Emergency Physician in this position plays a critical role in the delivery of the EMSD for the Oakland Fire Department.

### **COORDINATION**

The Oakland Fire Department coordinated with the Office of Contracts and Compliance, Budget Office and Office of the City Attorney in the preparation of this report.

### **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 to rendered to the Oakland community. Extending the contract with the incumbent contractor ensures that EMSD is able to provide emergency medical services without interruption by complying with various Federal, State, and County requirements in relation to 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 of OFD on all of 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.

In addition to this, Resolution No.85808C.M.S. stipulates the current contract not be extended beyond November 30, 2020. Thus, should this extension 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. Hems. The RFP process will begin Spring/Summer 2020.

### **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 for an opportunity to reduce potential cost to the City as a result of litigation related to negligence.

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

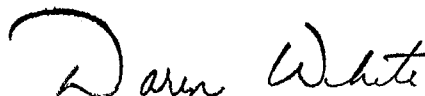
***Race & Equity:*** By providing an Emergency Physician to serve as the Medical Director to the City of Oakland, the Fire Department will continue to serve and ensure the safety to all the city of Oakland residents.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt a Resolution authorizing the City Administrator, or designee to extend the agreement with Dr. Herbert Gene Hems doing business as (DBA) "Emergentt Consulting" to continue to provide the services of Medical Director for the Oakland Fire Department through November 30, 2020 in an amount not to exceed sixty-five thousand two hundred thirty-three dollars and thirty three cents (\$65,233.33). For a total contract amount not to exceed three hundred twenty-six thousand dollars sixty-five cents (\$326,166.65)

For questions regarding this report, please contact Michael Hunt, Chief of Staff, Oakland Fire Department 510-238-6353.

Respectfully submitted,



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Darin White  
Fire Chief

Prepared by:  
Michael Hunt, Chief of Staff  
Oakland Fire Department

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2019 NOV 21 PM 1:42

**DRAFT**  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO EXTEND THE AGREEMENT WITH DR. HERBERT GENE HERN DOING BUSINESS AS (DBA) "EMERGENTT CONSULTING" TO CONTINUE TO PROVIDE THE SERVICES OF MEDICAL DIRECTOR FOR THE OAKLAND FIRE DEPARTMENT THROUGH NOVEMBER 30, 2020 IN AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$65,233.33), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-SIX THOUSAND DOLLARS SIXTY-FIVE CENTS (\$326, 166.65)**

**WHEREAS**, on June 1, 2000, the Fire Department began providing Advanced Life Support (ALS) services to the City's residents and visitors; and

**WHEREAS**, the current Medical Director (Dr. Hern) was selected through the City's formal RFP process in 2015 and has served in this capacity since October 1, 2011, meeting the needs of the Department, including the requirement for a physician to authorize the ordering and resupply of controlled substances used by Department paramedics in treating patients; and

**WHEREAS**, in 2015 pursuant to Resolution Number 85808 C.M.S. (Resolution 85808), City Council authorized an agreement with Herbert Gene Hern to provide services as the Medical Director (Medical Director Agreement) for the Oakland Fire Department from October 1, 2015 through September 30, 2018, in an amount not to exceed sixty-five thousand two hundred and thirty-three cents (\$65,233.33) per year over a three year period, with two annual one-year options to extend at the same annual rate, subject to City Council approval, for a total contract amount not to exceed three hundred and twenty-six thousand one hundred and sixty-six dollars and sixty-five cents (\$326,166.65); and

**WHEREAS**, in 2018, City Council authorized the first one-year option to extend the Medical Director Agreement via Resolution 87349; and

**WHEREAS**, Dr. Hern has provided exceptional clinical oversight of the Department's Paramedics by serving as the lead during call reviews for those EMS requests where questions or issues arise and Dr. Hern has the historical and institutional knowledge of the Department related to system issues that require clinical training as well as individual paramedics who require performance improvement plans; and

Medical Director Contract Extension

**WHEREAS**, the Medical Director works closely with the staff of the Medical Services Division to develop and provide timely instruction on the advances in emergency medicine that occur on a continual basis; and

**WHEREAS**, by serving as the medical authority in call reviews, the medical director ensures that appropriate levels of remediation occur when issues arise after Department paramedics have provided clinical care on an EMS response; and

**WHEREAS**, in 2020 the City Administration will conduct a new Request for Proposals/Qualifications for the Medical Director agreement; and

**WHEREAS**, during his time as the Medical Director, Dr. Hern has been instrumental in maintaining the Department's Accredited Center of Excellence (ACE) status, which is required by Medical Priority Dispatch Services (MPDS); and

**WHEREAS**, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

**WHEREAS**, for the period of October 1, 2018 through June 30, 2019 funding for the professional services contract with Dr. Gene Hern, doing business as "Emergent Consulting", was included in the FY 2018-19 Adopted Budget and was appropriated in Measure N Fund (2250), Measure N Paramedic Org. (20912), Administrative Project (1000009), Emergency Medical Response Program (PS19); and, now therefore be it

**RESOLVED:** That the City Council authorizes the City Administrator or her designee to extend the agreement with Dr. Herbert Gene Hern to provide the services of Medical Director for the Oakland Fire Department, for the period beginning December 1, 2019 through November 30, 2019, in an amount not to exceed \$65,233.33, bringing the total contract amount authorized by City Council in the amount three hundred and twenty-six thousand one hundred and sixty-six dollars and sixty-five cents; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreement as to form and legality and copies of said agreement shall be filed with the Office of the City Clerk.

Medical Director Contract Extension

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California