

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 SEP 13 PM 1:16

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Darin White
Fire Chief

SUBJECT: One-Year Extension of Oakland Fire
Department's Medical Director
Contract

DATE: August 25, 2018

City Administrator Approval

Date:

9-12-18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee To Extend the Existing Contract With Dr. Herbert Gene Hern Doing Business As (DBA) "Emergentt Consulting" To Provide The Services Of Medical Director For The Oakland Fire Department For An Additional One (1) Year Period Beginning October 1, 2018 Through September 30, 2019 In An Amount Not To Exceed Sixty-Five Thousand Two Hundred Thirty-Three Dollars (\$65,233.33) And Thirty-Three Cents.

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 FDCs 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.

In October 2011, Dr. Gene Hern began providing the professional services of a Medical Director for the Oakland Fire Department's MSD.

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.

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Hern was the only respondent. The current contract was approved by City Council Resolution No. 85808 C.M.S. (**Attachment A**) on October 6, 2015.

On September 30, 2018, the current three (3) year contract will expire. However, Resolution No. 85808 C.M.S. which established the current contract; provides two additional, one-year options to extend the contract at the City Council's discretion. This report seeks Council authorization to approve the first, one-year extension as permitted under Resolution No. 85808 C.M.S.

ANALYSIS AND POLICY ALTERNATIVES

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

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

- 1) Serves as subject matter expert in Occupational Safety and Health Administration (OSHA) mandated post-exposure incident follow-up when firefighters and paramedics may have been exposed to infectious diseases in the field during the provision of EMS.
- 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) Clinical oversight for EMS-related training programs developed and/or provided to Emergency Medical Technicians (EMTs) and Paramedics. This ensures that EMS continuing education corresponds with advances in medical knowledge, technologies, and modern procedures.
- 4) 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 "[t]he medical direction and management of an emergency medical services system shall be under the medical control of the Medical Director of the local EMS agency".
- 6) Serves as a clinical instructor for the Department, taking the latest findings in Emergency Medicine and translating them to the field setting where they can be applied by the Department's Paramedics.
- 7) Serves as the lead during clinical call reviews to investigate potential clinical issues resulting from EMS 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 searching 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 October 1, 2018 to September 30, 2019.

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FISCAL IMPACT

Funding for the one-year contract period of October 1, 2018 through September 30, 2019 shall not exceed \$65,233.33.

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", is included in the FY 2018-19 Adopted Budget. The funding is appropriated in Measure N Fund (2250), Measure N Paramedic (20912), Project (1000009), Emergency Medical Response (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 the potential for public interest in the work of the Medical Director for the MSD as the Emergency Physician in this position plays a critical role in the delivery of EMS 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 EMS services rendered to the Oakland community. Extending the contract with the incumbent contractor ensures that MSD is able to provide EMS services without interruption by satisfying the various Federal, State, and County requirements related to the City's delivery of EMS programs.

Beyond satisfying County and State requirements, the incumbent's experience within MSD since 2011 gives him the institutional knowledge necessary to advise 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 his experience, knowledge, and relationships to provide customized and comprehensive medical oversight of EMS programs within the MSD.

In addition to this, Resolution No. 85808 C.M.S. stipulates that the current contract cannot be extended beyond September 30, 2020. Thus, should this extension be granted, the City must issue another RFP in order to select and contract with a Medical Director before the contract with Dr. Hern expires. 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 costs to the City as a result of litigation related to negligence.

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

Social Equity: By providing an Emergency Physician to serve as Medical Director for the City, the Fire Department continues to ensure the safety of all 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 existing contract with Dr. Herbert Gene Hern doing business as (DBA) "Emergentt Consulting" to provide the services of Medical Director for the Oakland Fire Department for an additional one (1) year, period beginning October 1, 2018 through September 30, 2019 in an amount not to exceed sixty-five thousand two hundred thirty-three dollars and thirty-three cents (\$65,233.33).

For questions regarding this report, please contact Michael Johnson, Program Analyst, Oakland Fire Department at (510) 637-0337.

Respectfully submitted,



Darin White
Fire Chief

Attachment:

A. Resolution No. 85808 C.M.S.

Item: _____
City Council
September 17, 2018

FILED
OFFICE OF THE CITY CLERK
OAKLAND

AS AMENDED AT PUBLIC SAFETY COMMITTEE
ON SEPTEMBER 15, 2015

Approved as to Form and Legality

Amalia Sotol
City Attorney

OAKLAND CITY COUNCIL

2015 SEP 24 PM 1:01

RESOLUTION No. 85808 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH HERBERT GENE HERN, M.D., TO PROVIDE THE SERVICES OF MEDICAL DIRECTOR FOR THE OAKLAND FIRE DEPARTMENT, FOR THE PERIOD BEGINNING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2018, IN AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$65,233.33) PER YEAR OVER A THREE YEAR PERIOD, WITH TWO ONE-YEAR OPTIONS TO EXTEND AT THE SAME ANNUAL RATE IF APPROVED BY COUNCIL, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-SIX THOUSAND ONE HUNDRED SIXTY-SIX 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 and has served in this capacity since October 1, 2011, meeting the needs of the of the Department, including the requirement for a physician to authorize the ordering and resupply of controlled substances (narcotics) used by Department paramedics in treating patients; 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

WHEREAS, he has the historical knowledge of the Department related to system issues that require clinical training as well as individual paramedics who require performance improvement plans; and

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 assures that appropriate levels of remediation occur when issues arise after Department paramedics have provided clinical care on an EMS response; and

WHEREAS, the current Medical Director's contract expires September 30, 2015, as such staff conducted a formal RFP process to solicit competitive bids for a new contract to provide the services of a Medical Director for the Oakland Fire Department, effective October 1, 2015; and

WHEREAS, Dr. Hern was the only vendor who responded to the Request for Proposals; 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; now, therefore be it

RESOLVED: That the City Council authorizes the City Administrator or her designee To Enter Into An Agreement With Herbert Gene Hern, MD To Provide The Services Of Medical Director For The Oakland Fire Department, For The Period Beginning October 1, 2015 Through September 30, 2018, In An Amount Not To Exceed \$65,233.33 per year, with two one-year options to extend at the same annual rate if approved by Council, for a total contract amount not to exceed three hundred twenty-six thousand one hundred sixty-six dollars sixty-five cents (\$326,166.65); and be it

FURTHER RESOLVED: That funding of in the amount of \$65,233.33 is available in the Department's 2015-2016 budget appropriation and will be drawn from 1:2250.20912.53719.00000000.PS19. Additional funding in the amount of \$65,233.33 per year will be available in the Department's 2015-2017 baseline budget appropriation; 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.

OCT 06 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

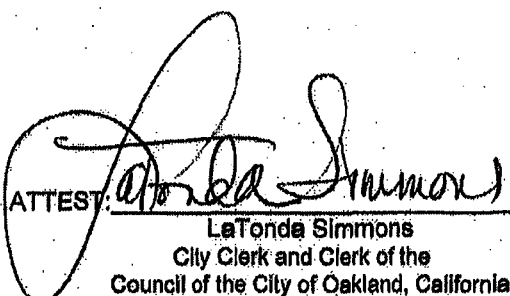
AYES - ~~McElhaney~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON McELHANEY

NOES- Brooks-1

ABSENT- ~~X~~

ABSTENTION- ~~X~~

ATTEST:


LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California

2018 SEP 13 PM 1:16

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO: EXTEND THE EXISTING CONTRACT WITH DR. HERBERT GENE HERN DOING BUSINESS AS (DBA) "EMERGENTT CONSULTING" TO PROVIDE THE SERVICES OF MEDICAL DIRECTOR FOR THE OAKLAND FIRE DEPARTMENT FOR AN ADDITIONAL ONE (1) YEAR PERIOD BEGINNING OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019 IN AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$65,233.33)

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, 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

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, the current Medical Director's contract expires September 30, 2018; and

WHEREAS, Dr. Hern was the only vendor who responded to the Request for Proposals made in July, 2015 which resulted in the current contract; 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", is included in the FY 2018-19 Adopted Budget and is appropriated in Measure N Fund (2250), Measure N Paramedic (20912), Project (1000009), Emergency Medical Response (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, MD to provide the services of Medical Director for the Oakland Fire Department, for the period beginning October 1, 2018 through September 30, 2019, in an amount not to exceed \$65,233.33; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, and
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California