



Siren

Fall 2021

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President's Message

James Pierson
President
California Ambulance Association

I want to first thank all of my fellow members for selecting me as your President. The California Ambulance Association has significant meaning to me professionally and personally. My mother, Helen Pierson, has been a long-served Board of Director and is a Past Board Chair. I have grown up in this industry, literally, and I love what we do. I have had the privilege to grow up in a family business and be guided by amazing family members. As ambulance operators, we face many of the same challenges on a daily basis and must constantly balance operational efficiency with the delivery of superior medical services at a competitive price. With our rising costs, decreasing reimbursement, labor shortages, supply chain issues, the current EMS climate mandates our unity. We must collaborate, organize, and work together on these challenges and continue to innovate best practice solutions for our service. We must continue to show our value to our communities, elected officials, employees, and customers; helping them to understand how important we are to the healthcare system as a whole. These last 24 months have been some of the most trying in our history, but I believe they will prove to be our best.

I want to thank all of our team members who helped make this year's convention a great success! Thank you to all our sponsors, vendors, speakers, and attendees for making our conference the best. Despite the COVID, fire, and snowstorms,

it turned out to be high-level educational experience.

As we end 2021 and move into 2022, our association will be facing many challenges. The 2022 Legislative session will be very important to ensure the success of EMS in California. We need our members to come together and show our legislators in Sacramento we mean business. The association will be working on many fronts to improve the climate of EMS in California.

Jonathan Feldman and Arc Strategies will be working tirelessly on behalf of our association.

In closing, I want to again thank all of you for your trust in me and the leadership team we have here at CAA. The Board, committee chairs, consultants and staff are the brightest in the healthcare field. Our membership should feel proud to have such amazing leaders represent our industry in California. ✱





Executive Director's Report

Rob Lawrence
Executive Director
California Ambulance Association

Well, where did the year go! We have all been through a lot, but have shared experience, best practice, and solutions. We also assembled a fantastic team of consultants in 2021 who have all provided major contributions to the association, its committees and individual organizations. Member benefits have certainly never been stronger, and we offer these to organizations that may wish to join us, and our best recruiters are you – our current members.

We have had a busy fall. Thanks to wildland fires, we had to rapidly re-plan our annual conference, and eventually all met in Tahoe in late October. We have had many positive comments and I think I speak for us all when I say, it was good to get out and see that everyone is much more than the Hollywood Zoom square they have been for the last 18 months. We all enjoyed fantastic fellowship and amazing education, sharing of issues and many discussions about future solutions. I for one came away from Tahoe

energized and looking forward to greater things to come. The Tahoe conference was also my first opportunity to see “behind the curtain” and understand the enormous volume of work that goes into the planning leading up to the conference and then the minute-by-minute running of the event. To that end I would like to thank Kim Oreno and the team from California Advocates, our association management company, who worked very hard not one but three times on this conference (the Tahoe Conference we cancelled due to the pandemic in 2020, the fire cancelled conference in September 2021 and the actual conference in October 2021).

In this edition of the *Siren* we bring many images from our wonderful conference, its attendees, presenters and Stars of Life members. We also have a great feature from Bell's Ambulance Service, celebrating their 65th year serving the communities of Windsor, Healdsburg, Geyserville. We celebrate our nationally-recognized Forty under 40 CAA members and as usual, we have updates and reports from our committee chairs and consultants.

As we reach the end of 2021 and look forward to what 2022 has in store, I know that the cooperation, character and strength in numbers that the CAA has developed will stand us in good stead as we navigate the next 12 months. Thank you all, have a great holiday and here's to good things in 2022. *



CAA Membership is a Business Essential

The business environment, the healthcare sector and the EMS industry are evolving at an ever-increasing pace. At the CAA we are dedicated to providing members with the essential tools, information, resources, and solutions to help your organization grow and prosper. And, the CAA's collective efforts on statewide legislative and regulatory issues are not possible without strong membership support and engagement.

Take your place in California's statewide ambulance leadership

Membership not only saves you money on CAA events and resources, but also keeps you up to date on trends, innovations, and regulatory changes through:

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Join the California Ambulance Association
Go to www.the-caa.org/join-the-caa for a membership application.



Carly's Corner

Carly Alley
Executive Director
Riggs Ambulance Service

Recruitment or Retention – Where Is Your Budget?

Organizations frequently have larger recruitment budgets than they do for retention, but is this the right way around?

The current EMS staffing shortage has highlighted the number of sign-on bonuses that are now stretching up to tens of thousands of dollars. This issue has raised eyebrows across the industry as agencies rob Peter to pay Paul with the back-and-forth exchange of staff between organizations bidding for medics. While we may add one or two to the roster, it doesn't solve the problem and most certainly disenfranchises employees that have been with an organization from the get-go and may receive little to no overall reward for their loyalty and service.

The healthcare industry, especially ground ambulance services, are suffering from an acute staffing crisis. Healthcare workers are exiting the industry due to the stress of a prolonged pandemic, PPE fatigue, and burnout in general. There is also a lack of interest in entering the field of Emergency Pre-Hospital Care. Adding to this exodus is the fact that many EMT and Paramedic schools were closed or had significantly reduced class sizes at the height of the pandemic. In simple terms, the bathtub has been emptying faster than we can fill

it and the resultant bidding war for staff has caused concern.

With companies desperate to fill sufficient vacant positions to keep the required and contractual number of trucks on the street; the easiest way to attract staff is via lateral transfer. The one way to grab attention and bring workers in is via sign-on bonuses.

The current situation has created a buyers' market and started a bidding war. Organizations and agencies understand they are not simply gaining "new employees" but rather buying another organization experienced employee with a sign-on bonus. Companies find themselves needing to increase their sign-on bonus to stay competitive when their neighboring agency increases theirs and so on ... imagine it like dueling banjos, does it ever end or does one player just quit because they have nothing left? This practice is guaranteed to keep all organizations understaffed with a revolving door of new employees shopping for the next sign-on bonus. There are no real winners with this recruitment methodology and in fact, it

represents a kick in the morale gut for our current employees.

In knowing that there is no net gain, perhaps we should all take the dollars we have for sign-on bonuses and reward our current employees for staying with it. This could well be an investment in the stability of our organizations. This will also boost morale which is at an all-time low due to the prolonged pandemic. For nearly two years, our employees have worked through some of our most challenging times, showing our appreciation to them is necessary. If we toss-up between a nice sign-on bonus for new employees versus rewarding our current employees for their dedication with a longevity bonus, our neighboring organization just might gain our experienced employees.

Longevity bonuses are not the only way we can show our appreciation for our current employees. Quarterly or monthly incentives for things like the crew or individual with the fastest overall chute

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times, leadership staff hosting a pancake breakfast at your operations base (a fun and inexpensive way to perk up any group), delivering lunch to crews on busy days, a special treat for those working on holidays, birthday and anniversary cards signed by leadership, are all great ways to show your appreciation. We can think outside the box and have fun with it! Investing in our current employees is one of the best tools we have to help this staffing crisis. Employees who are happy and feel appreciated enjoy coming to work. Creating this culture within your organization will keep your current workforce and can also attract new employees.

In the final analysis, if we do the math, the cost of losing an employee is expensive. It takes a member of staff about two weeks to leave (after giving notice) and employers about three months, if they are lucky to recruit, onboard, precept, and clear someone new. The cost associated with this includes the necessary overtime

to plug the gap created, the time spent advertising and recruiting (now add a hefty sign-on bonus to this number), and salary for new staff as they ride 'third man' while being inducted into the organization. The net cost of this process sits somewhere in the range of 10,000 – 30,000 dollars per new employee. Imagine if you invested that amount into keeping rather than finding people!

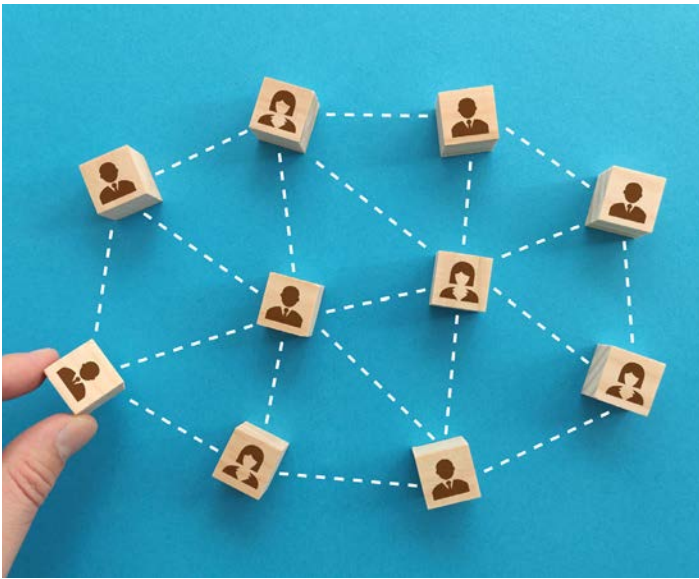
It's probably not going to get any better any time soon, but there are plenty of ways to boost morale and show your appreciation for your employees and retain them. What we have seen is, while we gain one with an attractive bonus, we also lose one so there are no winners. So look at your budget, adjust your focus and retain; it may well keep your bathtub full to an acceptable level! *



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Human Resources Collaborative

Jim Karras
Co-Chair, Human Resources Collaborative

In late October, as the fires moved away from the Lake Tahoe basin, CAA members from around the state gathered for another annual conference that was nothing short of spectacular.

The HR Collaborative was well-represented among the plethora of interesting presentations that covered all aspects of the keynote topics our industry has a significant interest in. At the conference, our very own human resources consultant, Amber Healy, Esq., a partner at Atkinson, Andelson, Loya, Ruud & Romo (AALRR) presented the very latest news and information regarding COVID-19 and the many pitfalls and curveballs members should keep a keen eye out for in the upcoming year.

As we close this remarkable year, we look to the future as 2022 approaches. From another state minimum wage adjustment occurring in January, the looming federal COVID-19 vaccination mandates, new OSHA COVID-19 related safety regulations; and more, the HR Collaborative is ready to focus on these issues and many more.

Remember, all CAA members are invited to participate in the HR Collaborative meetings to learn the latest human resources-related news and information affecting employers in California and the special considerations of interest to ambulance provider management teams. The HR Collaborative meets on the first

Thursday of each month at 2 PM via Zoom. Members can obtain the meeting link by logging into the CAA website and clicking on the meeting in the website calendar.

If you have a topic that you believe the HR Collaborative should explore, please send

it to info@the-caa.org and indicate in the subject line, "HR Collaborative Suggestion."

From all of us on the HR Collaborative, we wish each of you, your company team members, and your families a happy, healthy holiday season and a prosperous 2022! ❄️





Legislative Update

Jonathan Feldman
CAA Legislative Advocate, Arc Strategies

Throughout the 2021 Legislative Session, CAA actively engaged on several key priority issues impacting emergency medical services providers. The political landscape in California, and the ongoing challenges of the COVID-19 pandemic, has made any issue involving EMS more difficult. However, despite significant opposing forces and a progressive Legislature, CAA was successful in forcing critical changes to legislation that would have otherwise had major consequences.

Assembly Bill 389 (Grayson) was the most significant and consequential measure CAA engaged on this year. Originally, the bill was introduced to codify the ability for counties to subcontract for EMS services in an effort to preclude EMSA's proposed regulations to prohibit subcontracting under exclusive operating area contracts. AB 389 was authored by Assemblymember Tim Grayson (D-Concord) and was sponsored by the California Professional Firefighters and the County of Contra Costa. Although the intent was fairly straightforward, as details emerged, CAA and our coalition partners immediately realized the possible consequences of AB 389.

In the first substantive draft of AB 389, the measure authorized counties to contract, and subcontract, for emergency ambulance services. In doing so, the language in AB 389 also stated that this

new authorizing statute did not supersede section 1797.201 of the Health and Safety Code (the existing code section governing grandfathered rights for fire agencies). CAA concerns arose in the act this section made no mention of 1797.224, which outlines competitive bidding process and requirements, and would therefore allow counties to avoid those requirements. As such, AB 389 represented a very real threat to allowing public agencies to void all existing contracts and award them to their own public agency.

CAA was quick to point out these concerns to the author and staff. During the Assembly Floor presentation of AB 389, our coalition was able to get Assemblymember Grayson to commit to addressing this issue in the Senate. We were also able to get Assemblymember Grayson to commit more specifically to amendments in the Senate Health committee, in large part thanks to the engagements of CAA members who made direct calls to their Senators on the committee. Language to codify that commitment was worked out through a series of back-and-forth negotiations.

Ultimately, the final language regarding section 1797.224 read as follows:

"This section shall not supersede Section 1797.201 and shall not alter, modify, abridge, diminish, or enlarge the requirements for creating, establishing,

or maintaining an exclusive operating area under Section 1797.224."

The reason this section did not simply read "this section shall not *supersede* 1797.224" is that the sponsors believed that could potentially give private agencies .201 rights they cannot currently claim. In order to protect against any future litigation over this statute, CAA was also able to get Assemblymember Grayson to submit a formal letter to the Assembly Journal clarifying the intent of AB 389. That letter reads:

"Assembly Bill 389 intended to clarify the circumstances in which a county may contract for emergency ambulance services with a fire protection agency and to permit the fire protection agency to provide such services through a subcontract with an ambulance provider. AB 389 does not alter and has no effect on existing law that requires a public competitive bidding process, including requests for proposals, for the awarding of any emergency ambulance services contract."

Together, legal counsel for our industry was confident CAA can defend existing requirements in 1797.224, notwithstanding the changes made by AB 389. With the changes above, and the

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73RD Annual Convention



Asbel Montes



Brian Hartley of Bound Tree Medical



CAA Board Member Steve Grau



CAA Director Melissa Harris



CAA Director Carly Alley



CAA Executive Director Rob Lawrence



CAA Legislative Advocate Jonathan Feldman



CAA President James Pierson



73RD Annual Convention



Chris Kelly, Matt Zavadsky, & James Pierson



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Pre-Conference Reception at Edgewood Tahoe



Rob Lawrence, Danielle Campagne, Steve Melander, & James Pierson



Scott Moore



Shawn Baird, President AAA

formal letter clarifying intent, CAA and our coalition partners (which included AMR and AFSCME) went neutral on the bill.

The Governor signed AB 389 in September, which takes effect January 1, 2022. Important to note, AB 389 includes several other sections which may impact future contract negotiations. While not required, AB 389 states that counties must have a policy in place setting forth issues to be considered for inclusion in a contract, which include 1) employment retention, 2) demonstrated experience serving similar populations and geographic areas, 3) diversity and equity efforts, 4) financial stability, 5) community education, and involvement. These are not mandated, but will gain attention.

For subcontracts, issues that may be considered are 1) experience, including managerial experience, 2) operational process and assets, 3) quality control measures, 4) service rates and charges,

and 5) financial stability. Finally, AB 389 requires bids to include comparable wages, benefits, and staffing generally consistent with those provided to ambulance service employees in the same geographic region. Overall, these are likely items that were already being considered before AB 389, but counties may place added focus on each area above, and therefore similar focus should be given by employer companies.

Overall, against tough odds and opponents, CAA managed to negotiate critical changes legislation impacting private EMS providers. These measured successes, especially in AB 389, prevented potentially devastating consequences. Looking ahead to major issues facing CAA, including wall time, medical rates, surprise billing, and more, we will continue to engage heavily in the legislative process with the support of our members. *



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American Ambulance Association News

The CAA enjoys a great relationship with the American Ambulance Association, and we regularly cooperate in areas of mutual interest. About one third of CAA members are also AAA members and at the 2021 AAA Annual Conference, several great Californians and CAA members received both recognition and election.

FORTY UNDER 40

Every year, the AAA identifies the emerging talent in the EMS industry in their Forty under 40 program. Nominees are selected based on their contributions to the American Ambulance Association, their employer, state ambulance associations, other professional associations, and the EMS profession. For the 2021 cohort of the Forty Under 40, the following CAA members were recognized:

Carly Alley

Executive Director, Riggs Ambulance Service, Merced, California.

Citation – Carly Alley is worthy of praise and recognition in this year's Forty Under 40 program. She has risen through the ranks of her Merced CA based EMS system to be the Executive Director. She has a deep understanding of the operation of every facet of running and operating a 911 and Inter Facility Transport service, and she leads from the front. Recently, EMS1 selected and covered Carly as a female EMS leader who is a great example as a role model for gender equality in the industry. It noted that Carly is "blazing a trail for others to follow." In addition to her duties as Rigg's Chief, Carly is also a newly appointed Board Member of the California Ambulance Association where she is making a wonderful contribution. As the EMS industry matures, we must look to our under 40's to take the reins of EMS leadership and administration. Carly has already achieved the role of a chief officer and will invariably offer much more in the future in both the state and national EMS arenas.

Sandra Whalley

Vice President of Communications, Medic Ambulance Service, Vallejo, California

Citation – Without a doubt, the excellence of any EMS system starts with the phone call. It is acknowledged that lifesaving is initiated by our heroes in headsets – our Call Takers and Dispatchers. The leadership of our emergency communication functions is as essential towards operational success as field supervisors are. The contribution that Sandra Whalley has made to the success of MEDIC ambulance has been immeasurable. Under her leadership, Medic attained ACE accreditation, and her contribution as a leader no doubt contributed towards the organization's CAAS accreditation. Sandra has expanded her experience and knowledge into her local community and has also been both a board member and chair of the Solano County Community Healthcare Board. Priority Dispatch recently noted Sandra as a "remarkable woman who has worked her way up the ranks to now serve as the VP of Communications." They featured her as part of Women's History Month where she offered the sage advice – "To those coming into this industry, you need to make sure that you have empathy for the people who are calling," she says. "Some of them are calling in on the most difficult day of their life. Our job is to guide them through giving us the right information so that we can get help to them quickly." Sandra has the right attitude and approach to be a leader of the future that continues to lift the emergency communication element of our profession to further heights. She is therefore a deserving candidate for Forty under 40 recognition.

James Pierson

President and COO, Medic Ambulance Service, Medic Ambulance Service, Vallejo, California

Citation – James 'Jimmy' Pierson has devoted his life to EMS. He understands the business

and operations of EMS from top to bottom and local to national. As an organization and state leader, Jimmy is also now beginning to make his presence felt at the national level. He is dynamic, enthusiastic, and totally focused on the improvement of EMS as a profession and the people who work and serve in it. Jimmy is ready, willing, and able to share best practice always and is fast becoming a national Subject Matter Expert via webinars and presentations that is increasing his expert exposure to EMS operators everywhere. Jimmy exemplifies the reason we now seek to identify and recognize our Forty under 40 as they are truly the future of EMS leadership and given his current trajectory, we fully expect to see him leading on the national stage in the future.

AAA BOARD

The 2021 AAA Board election results identified Paul Main, President and GM of American Ambulance of Visalia as a Board Member for AAA Region V. Paul has been an active member of the AAA for many years and began his EMS career in 1983, delivering EMS in the Central Valley before joining American Ambulance of Visalia as President in 2000. Paul's top three priorities for the AAA are:

1. Staffing for immediate and future needs as well as addressing fatigue, burnout, and mental health concerns for field personnel
2. Reimbursement – balance billing, Medicare, state level Medicaid reimbursement
3. Vehicle and supply chain disruptions – addressing ways to mitigate shortages

Congratulations to Carly, Sandra, Jimmy, and Paul! 🌟

Employment Law Corner



Amber S. Healy, Partner
Atkinson, Andelson, Loya, Ruud & Romo APC

2021 was another unprecedented year in so many ways. 2022 is beginning to look to be a bit brighter regarding the pandemic; however, with all of the laws passed in response to the pandemic, employers have had a difficult time keeping up. This update will inform you of the latest employment law developments, including new bills ranging from new COVID-19 reporting requirements to wage theft consequences to a new statewide minimum wage and the ever-evolving COVID-19 vaccine mandate issue.

2022: NEW LAWS FOR EMPLOYERS

The 2021 California Legislative Season has officially come to a close, but not without the passage of several new bills, many of which directly affect employers. We highlight the key legislation below and where applicable, we provide a recommended action step for employers. Unless noted, the bills highlighted below take effect on January 1, 2022.

AB 654 (COVID-19 Exposure Reporting)



AB 654 builds on and clarifies AB 685, which was passed in 2020. AB 654 seeks to clarify

some of the employer COVID reporting requirements under AB 685. Important amendments include:

- Adjusts the Cal/OSHA exposure reporting time frame articulated by AB 685 from 48 hours to 48 hours **or one business day, whichever is later**.
- Clarifies that Cal/OSHA's COVID-19 exposure requirements do not apply to health care facilities.

These new amendments go into effect **immediately** and will remain in effect along with the reporting requirements until January 1, 2023.

Employer Action Step: Confirm your Illness Injury and Prevention Plan has been updated and your employee notice information and reporting requirements are accurate.

AB 1003 (Wage Theft)



AB 1003 provides that intentional theft of wages by employers is punishable as grand theft. AB 1003 makes an employer's intentional theft of wages, gratuities, or

benefits in an amount greater than \$950 for one employee or \$2,350 for two or more employees, in any 12 consecutive month period punishable as grand theft. It defines wage theft as the "intentional deprivation of wages, gratuities, benefits, or other compensation, by unlawful means, with the knowledge that the wages, gratuities, benefits, or other compensation is due to the employee under the law." This law applies to California employers of all sizes, and covers independent contractors as well as employees.

Employer Action Step: Ensure that all employees are timely and correctly paid both during their employment and at separation. If a pay error is made, promptly correct it and make sure you document the unintentional nature of the error.

AB 1033 (California Family Rights Act)



AB 1033 expands CFRA to include employee leave to care for parents-in-law. It also makes several procedural modifications to the Department of Fair Employment and Housing's ("DFEH") mediation pilot

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program – which applies to small employers that employ between 5 and 19 employees at the time any alleged violation occurred.

Employer Action Step: Ensure your handbook is updated to include “parents-in-law” to the list of family members for which an employee can take leave under CFRA.

SB 331 (Silenced No More Act)



SB 331, known as the *Silenced No More Act*, makes it unlawful for an employer or former employer to include in any agreement any provision that prohibits the disclosure of information about unlawful acts in the workplace related to an employee’s separation from employment with the employer. Specifically, SB 331 prohibits the use of non-disclosure agreements to settle workplace-related legal claims involving unlawful harassment, discrimination, retaliation, or any other conduct that the employee has reasonable cause to believe is unlawful, with some limited exceptions.

SB 331 also prohibits non-disparagement agreements or similar agreements required as a condition of employment (or continued employment) that deny an employee’s right to disclose information about unlawful acts in the workplace, unless the agreement includes language providing for the employee’s right to discuss such unlawful workplace conduct.

Employer Action Step: Update any employment contracts or policies that contain non-disparagement clauses and if you have standardized separation agreements they must be updated to include specific language to comply with the new law. Any non-disparagement agreement, separation agreement, or other contractual provision that restricts an employee’s ability to disclose information

related to workplace conditions must include the following language: *“Nothing in this agreement prevents you from discussing or disclosing information about unlawful acts in the workplace, such as harassment or discrimination or any other conduct that you have reason to believe is unlawful.”* Separation agreements that include such provisions must notify employees that they have at least **five business days** to consider the agreement and that they have a right to consult an attorney regarding the agreement.

SB 807 (Procedural Amendments to the Fair Employment and Housing Act (“FEHA”))



SB 807 makes procedural changes to how the DFEH enforces California’s civil rights and anti-discrimination laws under the FEHA. SB 807 extends an employer’s record retention requirements for employees and applicants from two (2) years to four (4) years from the date the records were created, or the date the employment action was taken. SB 807 also amends several other procedural deadlines including:

- Extends the period for which an individual can file a complaint alleging violations of several statutes by tolling the time period to file while the DFEH investigates
- Extends the period the DFEH has to issue a right-to-sue letter to two (2) years for class-wide employment claims
- Modifies and grants the DFEH enhanced enforcement powers, including the power to petition the superior courts to compel compliance with investigations.
- Tolls the deadline for the DFEH to file a civil action pursuant while a mandatory

or voluntary dispute resolution is pending

Employer Action Step: Ensure that your employee and applicant record retention policy is updated pursuant to the new law.

SB 606 (Cal/OSHA Enforcement Expansion)



SB 606 extends potential penalties for employers by providing expanded scope of enforcement for Cal/OSHA. Specifically, SB 606 makes vast changes to Cal/OSHA by creating two new categories of violations: (1) enterprise-wide, and (2) egregious. SB 606 also provides Cal/OSHA with the authority to “issue a subpoena if the employer or related entity fails to promptly provide the requested information.”

SB 657 (Electronic Document Transmission)



SB 657 gives employers the right to distribute information to employees by email in any instance in which an employer is required to physically post the information, such as workplace postings. However, SB 657 does not alter an employer’s obligation to physically display any required postings.

2022 MINIMUM WAGE INCREASES

On January 1, 2022 California’s statewide minimum wage will increase to:

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- \$15 per hour for employers with 26 or more employees.
- \$14 per hour for employees with 25 or fewer employees.

Many cities and counties have local minimum wages that exceed the statewide minimum wage and may increase on January 1, 2022 or other points during the year. For example, the minimum wage in West Hollywood will increase to \$17.64 per hour on July 1, 2022 and Cupertino increases to \$16.40 on January 1, 2022.

Employer Action Step: As needed, increase employee wages to comply with the new applicable statewide or local minimum wage.

OSHA EMERGENCY TEMPORARY STANDARD: VACCINE MANDATE

Federal OSHA issued their proposed regulations regarding the vaccine mandate for employers with 100 or more employees on November 4, 2021. As expected there has been an onslaught of legal challenges with more activity expected. There is currently an injunction preventing the regulation from taking effect and the ultimate fate of the mandate is uncertain at this time.

While definitive guidance has been eagerly anticipated in the human resources community, California employers will have to wait for further guidance from both the courts and from Cal/OSHA which has jurisdiction over most California workplaces.

Employer Action Step: If you have more than 100 employees and if you aren't already mandating the COVID-19 vaccine and/or tracking the vaccination status of your employees, use this time to survey the vaccination status of your workforce. If you have not implemented a mandate based on customer/facility requirements or applicable local mandates, prepare a plan of how you will implement the mandate in your workforce. Make sure you

are prepared to engage in the interactive process with any employees that come forward with qualifying exemptions.

CONCLUSION

Not surprisingly, the pandemic continues to be front and center on employers' minds and causes uncertainty at nearly every turn. Even so, one thing remains certain: employment regulations in California are expanding and employers must remain vigilant in their compliance efforts as we head into 2022. *



Amber S. Healy

Amber S. Healy is a partner at Atkinson, Andelson, Loya, Ruud & Romo APC, and oversees the Firm's complex employment litigation team. Amber works closely with employers to put proactive measures in place to avoid litigation and manage risks. Amber is a consultant to the CAA and a member of the CAA's Human Resources Collaborative which meets on a monthly basis to discuss employment law trends, updates and hot topics. The monthly meeting is open to all CAA members.

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From Your Consultants

Page, Wolfberg & Wirth

2022 brings a whole set of new Medicare issues and challenges. As your CAA Medicare consultants, we want to help your agency stay on top of all that's coming down the line!

First, remember that the annual Medicare Ambulance Inflation Factor (AIF) – which is a whopping 5.1% (the largest increase in recent years) – should be applied to your Medicare claims starting with dates of service 1/1/22 and after. While the AIF will be adjusted automatically on your Medicare claims, keep a few things in mind:

- Double check your remittances to ensure the MAC applied the AIF properly
- Make sure your non-contracted Medicare Advantage (MA) plans pay you the adjusted amount with the 2022 AIF factored in
- If you have other contracts or payers whose rates are tied to Medicare rates, make sure those are adjusted to reflect the new increase

Another 2022 adjustment is the return of “sequestration” – the automatic 2% reduction to Medicare payments (note: this applies to your *payments* and not to your fee schedule rates) that was temporarily suspended for a portion of the pandemic. So, your new 2022 rates will reflect the AIF increase mentioned above – but also the unfortunate return of the 2% sequestration reductions on your payments.

Also note that Medicare is resuming supplier revalidations (i.e., the every-five-year resubmission of the entire CMS 855B Provider Enrollment application, or its electronic equivalent, PECOS). You should be notified of your revalidation due

date – and be sure to pay close attention to that notice when it comes. If you miss your revalidation due date, you could lose Medicare billing privileges.

Most CMS contractors are also resuming ambulance audits. If you receive an audit request, pay close attention to the documents and information requested, as well as the due date, and be responsive to those requests. If your agency needs any assistance responding to or defending an audit, let us know.

The first collection period in the CMS Ambulance Cost Data Collection project also begins on January 1, 2022. Ambulance services selected for Year 1 or Year 2 (both of which were delayed) will now begin collection of their cost data in 2022. If your agency does its books on a calendar year, your collection period is January 1 – December 31, 2022. If your agency uses a fiscal year, you start collecting on the first day of your fiscal year and collect for the next 12 months. So, for example, if your agency's fiscal year starts July 1, your collection period would be July 1, 2022 – June 30, 2023. Your agency then has five months after the end of the collection period to complete and submit your data on the required CMS cost data collection instrument. So, if your collection period is January 1 – December 31, your data is due no later than May 31. Failure to submit your data can result in a reduction in your subsequent year's Medicare reimbursement.

With the onset of the new year, be sure to also reset your deductible status monitoring for those patients whose plan years start January 1. Remember, with high-deductible plans, timing your claims can be the difference between a

patient-responsible charge – which has a low likelihood of collection – and a payer charge. So be sure to renew your deductible monitoring efforts with the onset of a new plan year.

CMS has also announced the nationwide expansion of RSNAT – the Repetitive Scheduled Non-Emergency Ambulance Transport prior authorization program. California is scheduled to go live with RSNAT sometime on or after February 1, 2022. For those services that provide repetitive, scheduled non-emergency transports, such as dialysis for ESRD beneficiaries, this is a good time to start improving your documentation from facilities who request repetitive transports for their patients. Stay tuned for more to come on RSNAT and the new forms and processes that will be required for your Medicare population requiring repetitive, scheduled non-emergency ambulance transports.

Last but not least, remember that your Advance and Accelerated Medicare payments are subject to repayment one year from the issuance of those funds. Remember, this is *not* referring to your CARES Act funds – those do not require repayment – but this deals only with Advance or Accelerated Medicare payments you may have received in 2020.

That's it for now – no shortage of things happening in the Medicare world! We look forward to assisting CAA members with any Medicare issues they may have. Be sure to use the Payer Issues Forum or listserv and we'll answer your questions as they arise. See you at the upcoming Payer Issues meetings, CAA Town Hall events, and other CAA happenings! *



Member Spotlight: Bell's Ambulance Service at 65

Bell's Ambulance Service is a second-generation family-owned and operated business proudly serving the communities of Windsor, Healdsburg, Geyserville and a large rural area composed of wineries and ranches for 65 years. Bell's offers 911 emergency services to the area 24/7, medical stand-bys and medical transports. Currently Bell's employs 45 full and part-time employees and Bell's

team are some of the most experienced paramedics and EMT's in our area. We are proud of our dedicated and caring professionals that carry on the Founders work with pride, professionalism, and integrity – the same principles that the company was created on August 28, 1956.

Bell's was started in 1956 when Lea returned from the war after suffering

injuries. While he healed, he became aware his hometown did not have a dedicated emergency ambulance service. He and his wife Inez became the primary first responders and medical transport team in their community and the largest EMS zone in Sonoma County. Inez was the driver. Together they broke down countless barriers, developed numerous new modalities and were forward thinkers in a new and growing industry as well as invented and designed their own equipment and ambulances. They took classes all over the state that allowed them to improve and expand their skills in the ambulance, out in the field and to assist in the emergency room. Whatever formal teaching certifications they acquired, they taught others at no cost.

While opportunities presented for growth, they wanted to remain a modest company serving their community the best they possibly could. They were the first company to use Paramedics in Sonoma County and through the years have consistently



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maintained the highest standards of care and most advanced equipment. After Lea and Inez retired, their son Wayne Bell took over operations for many years and worked on the ambulances, also. Several years ago, Wayne's sister, Pamela Bell Simmons, took over running the company and brought a new business model and modernized the company in many areas. The business initiated mutual aid agreements with all neighboring providers of emergency services and for many decades Bell's has worked all over Sonoma County assisting whenever requested.

Recently, Bell's was able to staff 5 ALS ambulances operating 24/7 for several weeks to support and protect our EMS, Law and Fire co-workers as well as parts of the community that were isolated and made vulnerable by the fires. The ability to provide this level of staffing in an unprecedented crisis gives credit to the Paramedics and EMT's who voluntarily showed up to staff the rigs as well as Bell's long-time operations manager, Steve Busher, who coordinated and supported the crews through these disasters.

In 2021, Bell's Ambulance Service was granted an exclusive operating area by the LEMSA and County Supervisors. Several



years ago, Bell's was awarded eligibility for our 224 rights by the state EMS authority and the ability to negotiate an EOA with our LEMSA under the "Grandfather Clause." "We have spent time negotiating a contract and were supported by the LEMSA, ambulance company partners, our Supervisors, overwhelming support from voters in the service area community, local

businesses, local hospitals, City Councils, Fire departments and others. We remain humbled and grateful for our community support and expect to have a fully executed contract in the very near future."

Bell's currently responds to approximately 4,500 emergency calls annually and is proud and privileged to have treated more than 100,000 patients over the years. "We remain dedicated to our communities and diligently continue to provide the best services possible, as we persist to ensure solid business practices for a future serving Northern Sonoma County with the highest medical standards for care and transport possible.

It's been an honor serving our neighbors for over 65 years!" 🌟





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