

## **100000.01 Appeal Proceedings to the Commission**

### **(a)**

Any proceeding by the Commission to hear an appeal of a local emergency medical services agency's (LEMSA) emergency medical services (EMS) plan, pursuant to Health and Safety Code, Section 1797.105, shall be conducted in accordance with the provisions of the Administrative Procedure Act, Government Code, Section 11500 et seq, and its associated regulations as contained in Title 1 of the California Code of Regulations.

### **(b)**

The Office of Administrative Hearings, using an administrative law judge, shall hold a public hearing and receive evidence according to the Administrative Procedures Act.

### **(c)**

The administrative law judge, in making a proposed decision to the Commission, shall only make a recommendation as described in Section 1797.105(d) of Division 2.5 of the Health and Safety Code to: (1) sustain the determination of the authority, or (2) overrule the determination of the authority and permit local implementation of the plan.

#### **(1)**

sustain the determination of the authority, or

#### **(2)**

overrule the determination of the authority and permit local implementation of the plan.

**(d)**

Upon receipt of the Proposed Decision and Order from the Office of Administrative Hearings, the Commission shall calendar a discussion and vote regarding the proposed decision at the next regularly scheduled Commission meeting.

**(e)**

The Commission shall permit public comment concerning the proposed decision pursuant to the Bagley-Keene Open Meeting Act.

**(f)**

The Commission's vote on the proposed decision is limited to the following: (1) adopt the administrative law judge's proposed decision, or (2) not adopt the administrative law judges proposed decision, or (3) return the proposed decision to the office of Administrative Hearings for re-hearing.

**(1)**

adopt the administrative law judge's proposed decision, or

**(2)**

not adopt the administrative law judges proposed decision, or

**(3)**

return the proposed decision to the office of Administrative Hearings for re-hearing.

**(g)**

The decision by the Commission shall be by simple majority vote of a quorum of those members present at the meeting where the proposed decision is scheduled as an agenda item.

**(h)**

Costs of the administrative hearing shall be borne equally by the parties. Costs shall not include attorney's fees.