

ASSEMBLY BILL

No. 2456

Introduced by Assembly Member Torrico

February 19, 2010

An act to amend Sections 1797.103, 1797.107, and 1797.200 of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2456, as introduced, Torrico. Emergency medical services: regulation.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, authorizes each county to designate an emergency medical services agency, for the establishment and administration of an emergency medical services program in the county. Existing law also establishes the Emergency Medical Services Authority, which, among other things, adopts regulations governing the provision of emergency medical services. Violation of these provisions is a crime.

This bill would specify that the guidelines of the authority shall include medical control, require local EMS agencies to adhere to the guidelines in all areas of administration, and would require the local EMS agencies to follow the guidelines of the authority when establishing local policies and procedures required by statute or regulation. By requiring that the local entities comply with these requirements, and by changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) For the purpose of administering an effective, statewide
- 4 system of coordinated emergency medical care and statewide
- 5 recognition of certification and licensure for EMT personnel, the
- 6 Emergency Medical Services Authority and the Emergency
- 7 Medical Services Commission must provide guidance to the more
- 8 than 32 local EMS agencies tasked with implementing policies
- 9 and procedures in all areas of EMS, including, but not limited to,
- 10 local accreditation of optional skills, competency tests, training
- 11 programs, demonstration of skills competency, and medical control
- 12 in order to facilitate this vital coordination and efficiency.
- 13 (b) The current statewide EMS guidelines assist in achieving
- 14 system standardization, streamlining field operations, and
- 15 continuing the authority’s commitment to comprehensive planning
- 16 for EMS statewide.
- 17 (c) The statewide EMS guidelines must be strengthened in order
- 18 to do all of the following:
- 19 (1) Link the numerous local EMS agencies together into one
- 20 coordinated statewide EMS system.
- 21 (2) Ensure safety, competence, and consistency to the public
- 22 statewide; consistent training, competence, and delivery of EMS
- 23 statewide; one standard for all EMS certified and licensed
- 24 personnel, regardless of where service is delivered; and that policies
- 25 are driven by research and consensus rather than personality of
- 26 local administrators and doctors.
- 27 (3) Support the statewide mutual aid process by providing a set
- 28 minimum level of service delivery as defined by the EMS
- 29 community.

1 (d) It is the intent of the Legislature to clarify the law with
2 respect to the authority's ability to establish guidelines for the
3 coordinated EMS delivery by the many essential EMS stakeholders
4 of this state.

5 SEC. 2. Section 1797.103 of the Health and Safety Code is
6 amended to read:

7 1797.103. The authority shall develop planning and
8 implementation guidelines for emergency medical services systems
9 ~~which~~. *Counties that establish a local EMS program pursuant to*
10 *Section 1797.200 shall adhere to the guidelines in all areas of*
11 *administration. The authority's EMS guidelines shall address all*
12 *of the following components:*

- 13 (a) Manpower and training.
- 14 (b) Communications.
- 15 (c) Transportation.
- 16 (d) Assessment of hospitals and critical care centers.
- 17 (e) System organization and management.
- 18 (f) Data collection and evaluation.
- 19 (g) Public information and education.
- 20 (h) ~~Disaster~~ *Medical disaster* response.
- 21 (i) *Medical control*.

22 SEC. 3. Section 1797.107 of the Health and Safety Code is
23 amended to read:

24 1797.107. (a) The authority shall adopt, amend, or repeal,
25 after approval by the commission and in accordance with the
26 provisions of Chapter 3.5 (commencing with Section 11340) of
27 Part 1 of Division 3 of Title 2 of the Government Code, ~~such~~ rules
28 and regulations as may be reasonable and proper to carry out the
29 purposes and intent of this division and to enable the authority to
30 exercise the powers and perform the duties conferred upon it by
31 this division not inconsistent with any ~~of the provisions of any~~
32 statute of this state.

33 (b) *The regulations shall include statewide EMS guidelines for*
34 *the coordinated delivery of emergency medical services in this*
35 *state.*

36 SEC. 4. Section 1797.200 of the Health and Safety Code is
37 amended to read:

38 1797.200. (a) Each county may develop an emergency medical
39 services program. Each county developing such a program shall
40 designate a local EMS agency which shall be the county health

1 department, an agency established and operated by the county, an
2 entity with which the county contracts for the purposes of local
3 emergency medical services administration, or a joint powers
4 agency created for the administration of emergency medical
5 services by agreement between counties or cities and counties
6 pursuant to the provisions of Chapter 5 (commencing with Section
7 6500) of Division 7 of Title 1 of the Government Code.

8 *(b) A local EMS agency designated pursuant to subdivision (a)*
9 *shall follow the guidelines of the authority in establishing its*
10 *policies and procedures required by statute or regulation.*

11 SEC. 5. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.