

**Amendments as Proposed by the Rural County
Representatives of California (RCRC)**

**RN 24 11974 08
SUBSTANTIVE**

The people of the State of California

do enact as follows:

Page 2 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) The Legislature designed the Emergency Medical Services
4 System and the Prehospital Emergency Medical Care Personnel
5 Act, Division 2.5 of the Health and Safety Code (EMS Act) to
6 encourage coordination and planning among the state, local
7 governments, and private providers to achieve the most effective
8 and cost-effective prehospital emergency medical services (EMS)
9 on a countywide or regionwide basis.
10 (2) The EMS Act defines the roles, responsibilities, and
11 functions of the Emergency Medical Services Authority (Authority)
12 and the local EMS agencies, and some, but not all, of the roles,

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Page 2 13 responsibilities, and functions of the counties and boards of
14 supervisors regarding prehospital EMS and ambulance services.

15 ~~(3) Since the enactment of the EMS Act, the courts in Hunt v.~~
16 ~~Superior Court (1999) 21 Cal.4th 984, City of Lomita v. County~~
17 ~~of Los Angeles (1983) 148 Cal.App.3d 671, City of Lomita v.~~
Page 3 1 ~~Superior Court (1986) 186 Cal.App.3d 479, and Fuchino v.~~
2 ~~Edwards Buckley (2011) 196 Cal.App.4th 1128, determined that~~
3 ~~a county has the obligation to provide EMS and ambulance services~~
4 ~~to all persons located in the county and to relieve indigent county~~
5 ~~residents of the cost of paying for such services pursuant to Section~~
6 ~~17000 of the Welfare and Institutions Code (established prior to~~
7 ~~the EMS Act), and articulated the county's options for fulfilling~~
8 ~~such obligations.~~

9 ~~(4) In turn, Section 17001 of the Welfare and Institutions Code~~
10 ~~provides that the board of supervisors of each county, or the agency~~
11 ~~authorized by county charter, shall adopt standards for the medical~~
12 ~~care for indigent county residents.~~

13 ~~(5)~~

+ (3) Other statutory authorities and obligations of a county and
14 the board of supervisors regarding the *provision and* regulation of
15 ambulance services, whether by public or private agreement,
16 permit, license, or other means, and the provision of ambulance
17 services for indigent county residents are located in statutes outside
18 of the EMS Act including, but not limited to, Sections 25369.5,
19 26612, 29606, and 54980 through 54983, inclusive, of the
20 Government Code, Sections 1443 through 1445, inclusive, 1451
21 through 1455, inclusive, and 1473 through 1475, inclusive, of the
22 Health and Safety Code, Section 2512 of the Vehicle Code, and
23 Sections 14136 and 16817 of the Welfare and Institutions Code.

24 ~~(6)~~

+ (4) As a result of how and where these various statutory
25 authorities are codified, significant confusion and uncertainty in
26 the state exists regarding the statutory authorities, roles,
27 responsibilities, rights, obligations, and functions of counties,
28 boards of supervisors, and local EMS agencies regarding
29 prehospital EMS and ambulance services and the interplay of
30 statutes addressing these services within and outside of the EMS
31 Act.

32 (b) It is the intent of the Legislature in enacting this act to clarify
+ *do both of the following:*

Amendment 3

Amendment 4

Amendment 5

Amendment 6

Amendment 7

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33 (1) Clarify the statutory authorities, roles, responsibilities,
34 rights, obligations, and functions of counties, boards of supervisors,
35 and local EMS agencies regarding EMS and ambulance services.

+ (2) Reaffirm the authority of boards of supervisors to decide,
+ as a policy matter, whether prehospital EMS and
ambulance services will be provided to persons located within
the county's jurisdiction through a county department or
agency or by contracting with other local agencies or private
providers. —

36 SEC. 2. Section 1797.202 of the Health and Safety Code is
37 amended to read:

38 1797.202. (a) Every local EMS agency shall have a full or
39 part-time licensed physician and surgeon as medical director, who
40 has substantial experience in the practice of emergency medicine,
1 as designated by the county or by the joint powers agreement, to
2 provide medical control and to assure medical accountability
3 throughout the planning, implementation and evaluation of the
4 EMS system. The authority director may waive the requirement
5 that the medical director have substantial experience in the practice
6 of emergency medicine if the requirement places an undue hardship
7 on the county or counties.

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8 (b) The medical director of the local EMS agency may appoint
9 one or more physicians and surgeons as assistant medical directors
10 to assist the medical director with the discharge of the duties of
11 medical director or to assume those duties during any time that
12 the medical director is unable to carry out those duties as the
13 medical director deems necessary.

14 (c) The medical director may assign to administrative staff of
15 the local EMS agency for completion under the supervision of the
16 medical director, any administrative functions of their duties which
17 do not require their professional judgment as medical director.

18 (d) The official conduct of the local EMS agency's medical
19 director, assistant medical directors, and administrative staff is
20 subject to the supervision of the board of supervisors pursuant to
21 Section 25303 of the Government Code.

22 (e) Nothing in this section affects, modifies, limits, or otherwise
23 impairs the medical control of the medical director of a local EMS
24 agency granted under the EMS Act.

25 (f) Nothing in this section affects, modifies, limits, or otherwise
26 impairs the authority's enumerated powers and authority under
27 the EMS Act.
28

Amendment 8

Amendment 9

Amendment 10

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Page 4 29 ~~(g) The Legislature finds and declares that the changes made~~
30 ~~by the act that added this subdivision are declaratory of existing~~
31 ~~law.~~

32 ~~SEC. 3.~~

+ SEC. 2. Section 1797.234 is added to the Health and Safety
33 Code, to read:

34 1797.234. (a) The county and the board of supervisors may
35 exercise their statutory ~~authority~~ *authority, including their statutory*
36 *authority* regarding prehospital EMS and ambulance services to
37 perform their functions ~~and obligations~~ under this division ~~and~~
38 ~~Part 5 (commencing with Section 17000) of Division 9 of the~~
39 ~~Welfare and Institutions Code~~ and to support the local EMS
+ agency's functions under this division.

Page 5 1 (b) *Without limiting the authority of the board of supervisors*
under any other provision of law, the county and the board of
supervisors may ~~fulfill the county's obligation to provide~~
ambulance services to persons located ~~in the county within the~~
county's jurisdiction under this division ~~and Part 5 (commencing~~
~~with Section 17000) of Division 9 of the Welfare and Institutions~~
~~Code~~ by any of the following means or combination of means:

6 (1) Creating a separate county department to provide ambulance
7 services, providing the department with the necessary staffing,
8 vehicles, and equipment, and operating such department as it staffs
9 and operates other county departments.

10 (2) Assigning the duty of providing ambulance services to
11 residents of the county to an existing county department and
12 providing the department with the necessary staffing, vehicles,
13 and equipment to provide ambulance services.

14 (3) Contracting with cities or local *public* agencies located
15 within the county to provide ambulance services within areas under
16 the jurisdiction of the county, the cities, or the local *public*
+ agencies.

17 (4) Contracting with private ambulance companies as provided
18 for by statute, including under this division.

19 (c) Contracts or assignments made under paragraph ~~(2)~~ (1), (2),
20 or (3) of subdivision (b) *that restrict operations to a county*
+ *department or agency or other local agency* do not constitute
21 exclusive operating areas as defined by Section 1797.85 and do
not require the local EMS agency to utilize a competitive process
under Section 1797.224.

(d) This section does not supersede Section 1797.201.

6 ~~(h)~~

+ (e) Nothing in this section affects, modifies, limits, or
otherwise impairs the authority's enumerated powers and authorities
under the EMS Act.

+ (f) *Nothing in this section affects, modifies, limits, or otherwise*
impairs the medical control of the medical director of a local EMS
agency granted under the EMS Act.

9 ~~(i)~~

+ (g) The Legislature finds and declares that the provisions of this
section are declaratory of existing law.