

Introduced by Senator Padilla

February 7, 2013

An act to amend Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 191, as amended, Padilla. Emergency medical services.

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services. Existing law, until January 1, 2014, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2014, requires 15% of the funds collected pursuant to that provision be used to provide funding for pediatric trauma centers.

This bill would extend the operative date of these provisions ~~indefinitely~~ *until January 1, 2021*. The bill would also make a technical, nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 76000.5 of the Government Code is
- 2 amended to read:

1 76000.5. (a) (1) Except as otherwise provided in this section,
2 for purposes of supporting emergency medical services pursuant
3 to Chapter 2.5 (commencing with Section 1797.98a) of Division
4 2.5 of the Health and Safety Code, in addition to the penalties set
5 forth in Section 76000, the county board of supervisors may elect
6 to levy an additional penalty in the amount of two dollars (\$2) for
7 every ten dollars (\$10), or part of ten dollars (\$10), upon every
8 fine, penalty, or forfeiture imposed and collected by the courts for
9 all criminal offenses, including violations of Division 9
10 (commencing with Section 23000) of the Business and Professions
11 Code relating to the control of alcoholic beverages, and all offenses
12 involving a violation of the Vehicle Code or a local ordinance
13 adopted pursuant to the Vehicle Code. This penalty shall be
14 collected together with and in the same manner as the amounts
15 established by Section 1464 of the Penal Code.

16 (2) This additional penalty does not apply to the following:

17 (A) A restitution fine.

18 (B) A penalty authorized by Section 1464 of the Penal Code or
19 this chapter.

20 (C) A parking offense subject to Article 3 (commencing with
21 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

22 (D) The state surcharge authorized by Section 1465.7 of the
23 Penal Code.

24 (b) Funds shall be collected pursuant to subdivision (a) only if
25 the county board of supervisors provides that the increased
26 penalties do not offset or reduce the funding of other programs
27 from other sources, but that these additional revenues result in
28 increased funding to those programs.

29 (c) Moneys collected pursuant to subdivision (a) shall be taken
30 from fines and forfeitures deposited with the county treasurer prior
31 to any division pursuant to Section 1463 of the Penal Code.

32 (d) Funds collected pursuant to this section shall be deposited
33 into the Maddy Emergency Medical Services (EMS) Fund
34 established pursuant to Section 1797.98a of the Health and Safety
35 Code.

36 (e) *This section shall remain in effect only until January 1, 2021,*
37 *and as of that date is repealed, unless a later enacted statute, that*
38 *is enacted before January 1, 2021, deletes or extends that date.*

39 SEC. 2. Section 1797.98a of the Health and Safety Code is
40 amended to read:

1 1797.98a. (a) The fund provided for in this chapter shall be
2 known as the Maddy Emergency Medical Services (EMS) Fund.

3 (b) (1) Each county may establish an emergency medical
4 services fund, upon the adoption of a resolution by the board of
5 supervisors. The moneys in the fund shall be available for the
6 reimbursements required by this chapter. The fund shall be
7 administered by each county, except that a county electing to have
8 the state administer its medically indigent services program may
9 also elect to have its emergency medical services fund administered
10 by the state.

11 (2) Costs of administering the fund shall be reimbursed by the
12 fund in an amount that does not exceed the actual administrative
13 costs or 10 percent of the amount of the fund, whichever amount
14 is lower.

15 (3) All interest earned on moneys in the fund shall be deposited
16 in the fund for disbursement as specified in this section.

17 (4) Each administering agency may maintain a reserve of up to
18 15 percent of the amount in the portions of the fund reimbursable
19 to physicians and surgeons, pursuant to subparagraph (A) of, and
20 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
21 administering agency may maintain a reserve of any amount in
22 the portion of the fund that is distributed for other emergency
23 medical services purposes as determined by each county, pursuant
24 to subparagraph (C) of paragraph (5).

25 (5) The amount in the fund, reduced by the amount for
26 administration and the reserve, shall be utilized to reimburse
27 physicians and surgeons and hospitals for patients who do not
28 make payment for emergency medical services and for other
29 emergency medical services purposes as determined by each county
30 according to the following schedule:

31 (A) Fifty-eight percent of the balance of the fund shall be
32 distributed to physicians and surgeons for emergency services
33 provided by all physicians and surgeons, except those physicians
34 and surgeons employed by county hospitals, in general acute care
35 hospitals that provide basic, comprehensive, or standby emergency
36 services pursuant to paragraph (3) or (5) of subdivision (f) of
37 Section 1797.98e up to the time the patient is stabilized.

38 (B) Twenty-five percent of the fund shall be distributed only to
39 hospitals providing disproportionate trauma and emergency medical
40 care services.

1 (C) Seventeen percent of the fund shall be distributed for other
2 emergency medical services purposes as determined by each
3 county, including, but not limited to, the funding of regional poison
4 control centers. Funding may be used for purchasing equipment
5 and for capital projects only to the extent that these expenditures
6 support the provision of emergency services and are consistent
7 with the intent of this chapter.

8 (c) The source of the moneys in the fund shall be the penalty
9 assessment made for this purpose, as provided in Section 76000
10 of the Government Code.

11 (d) Any physician and surgeon may be reimbursed for up to 50
12 percent of the amount claimed pursuant to subdivision (a) of
13 Section 1797.98c for the initial cycle of reimbursements made by
14 the administering agency in a given year, pursuant to Section
15 1797.98e. All funds remaining at the end of the fiscal year in excess
16 of any reserve held and rolled over to the next year pursuant to
17 paragraph (4) of subdivision (b) shall be distributed proportionally,
18 based on the dollar amount of claims submitted and paid to all
19 physicians and surgeons who submitted qualifying claims during
20 that year.

21 (e) Of the money deposited into the fund pursuant to Section
22 76000.5 of the Government Code, 15 percent shall be utilized to
23 provide funding for all pediatric trauma centers throughout the
24 county, both publicly and privately owned and operated. The
25 expenditure of money shall be limited to reimbursement to
26 physicians and surgeons, and to hospitals for patients who do not
27 make payment for emergency care services in hospitals up to the
28 point of stabilization, or to hospitals for expanding the services
29 provided to pediatric trauma patients at trauma centers and other
30 hospitals providing care to pediatric trauma patients, or at pediatric
31 trauma centers, including the purchase of equipment. Local
32 emergency medical services (EMS) agencies may conduct a needs
33 assessment of pediatric trauma services in the county to allocate
34 these expenditures. Counties that do not maintain a pediatric trauma
35 center shall utilize the money deposited into the fund pursuant to
36 Section 76000.5 of the Government Code to improve access to,
37 and coordination of, pediatric trauma and emergency services in
38 the county, with preference for funding given to hospitals that
39 specialize in services to children, and physicians and surgeons
40 who provide emergency care for children. Funds spent for the

1 purposes of this section, shall be known as Richie’s Fund. *This*
2 *subdivision shall remain in effect until January 1, 2021, and shall*
3 *have no force or effect on or after that date, unless a later enacted*
4 *statute, that is chaptered before January 1, 2021, deletes or extends*
5 *that date.*

6 (f) Costs of administering money deposited into the fund
7 pursuant to Section 76000.5 of the Government Code shall be
8 reimbursed from the money collected in an amount that does not
9 exceed the actual administrative costs or 10 percent of the money
10 collected, whichever amount is lower. *This subdivision shall remain*
11 *in effect until January 1, 2021, and shall have no force or effect*
12 *on or after that date, unless a later enacted statute, that is*
13 *chaptered before January 1, 2021, deletes or extends that date.*

O