

AMENDED IN ASSEMBLY AUGUST 22, 2013

AMENDED IN ASSEMBLY JUNE 25, 2013

SENATE BILL

No. 191

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 until January 1, ~~2021~~ 2017. 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:

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

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

19 (A) A restitution fine.

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

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

24 (D) The state surcharge authorized by Section 1465.7 of the
25 Penal Code.

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

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

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

1 (e) This section shall remain in effect only until January 1, ~~2021~~,
2 2017, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2021~~, 2017, deletes or extends
4 that date.

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

7 1797.98a. (a) The fund provided for in this chapter shall be
8 known as the Maddy Emergency Medical Services (EMS) Fund.

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

17 (2) Costs of administering the fund shall be reimbursed by the
18 fund in an amount that does not exceed the actual administrative
19 costs or 10 percent of the amount of the fund, whichever amount
20 is lower.

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

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

31 (5) The amount in the fund, reduced by the amount for
32 administration and the reserve, shall be utilized to reimburse
33 physicians and surgeons and hospitals for patients who do not
34 make payment for emergency medical services and for other
35 emergency medical services purposes as determined by each county
36 according to the following schedule:

37 (A) Fifty-eight percent of the balance of the fund shall be
38 distributed to physicians and surgeons for emergency services
39 provided by all physicians and surgeons, except those physicians
40 and surgeons employed by county hospitals, in general acute care

1 hospitals that provide basic, comprehensive, or standby emergency
2 services pursuant to paragraph (3) or (5) of subdivision (f) of
3 Section 1797.98e up to the time the patient is stabilized.

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

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

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

17 (d) Any physician and surgeon may be reimbursed for up to 50
18 percent of the amount claimed pursuant to subdivision (a) of
19 Section 1797.98c for the initial cycle of reimbursements made by
20 the administering agency in a given year, pursuant to Section
21 1797.98e. All funds remaining at the end of the fiscal year in excess
22 of any reserve held and rolled over to the next year pursuant to
23 paragraph (4) of subdivision (b) shall be distributed proportionally,
24 based on the dollar amount of claims submitted and paid to all
25 physicians and surgeons who submitted qualifying claims during
26 that year.

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

1 center shall utilize the money deposited into the fund pursuant to
2 Section 76000.5 of the Government Code to improve access to,
3 and coordination of, pediatric trauma and emergency services in
4 the county, with preference for funding given to hospitals that
5 specialize in services to children, and physicians and surgeons
6 who provide emergency care for children. Funds spent for the
7 purposes of this section, shall be known as Richie's Fund. This
8 subdivision shall remain in effect until January 1, ~~2021~~, 2017, and
9 shall have no force or effect on or after that date, unless a later
10 enacted statute, that is chaptered before January 1, ~~2021~~, 2017,
11 deletes or extends that date.

12 (f) Costs of administering money deposited into the fund
13 pursuant to Section 76000.5 of the Government Code shall be
14 reimbursed from the money collected in an amount that does not
15 exceed the actual administrative costs or 10 percent of the money
16 collected, whichever amount is lower. This subdivision shall remain
17 in effect until January 1, ~~2021~~, 2017, and shall have no force or
18 effect on or after that date, unless a later enacted statute, that is
19 chaptered before January 1, ~~2021~~, 2017, deletes or extends that
20 date.

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