



**Legislative Report  
September 22, 2004**

Prepared by Barbara Pletz, Legislative Committee Chair

Definitions:

Watch – No position. Surveillance only.

Active Support – Letters, testimony, lobbying in support of bill.4e

Support – Letters. express support of bill when contacted.

Active Oppose – Letters, testimony, lobbying in opposition of bill.

Oppose – Letters, express opposition of bill when contacted.

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
AB 193	Cohn	Requires Legislature to address methods for the establishment of standards and protocols for early stroke diagnosis and care. Amended no longer applies to EMS. No need to track.		Watch	No longer tracking.
AB 206	Richman	Emergency Health Powers Act – as was introduced and died last session		Watch	Assembly Appropriations. Suspense file.
AB216	Chan	Will become operative only if no bill in the 2003/04 legislative session that imposes or increases any surtax on alcohol is chaptered. This bill would conduct an annual survey on alcohol consumption practices and preferred brands. Fees would be collected by the State Board of Equalization from alcohol industry and be deposited into the Youth Alcohol		Watch	Assembly Health. Failed passage.

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
		Prevention and Recovery Fund.			
AB372	Keho	<p>Poison Control Center Funding. Assesses insurers. Amended 4/24/03. Amended to limit applicable assessments to utilization of poison control services to those with employees that utilize poison control to assist employees/subscribers including advice nurses, emergency room physicians, and other health care professionals. Note: Per Dan Smiley there is currently \$6.9M in the State Budget for Poison Control Center funding.</p> <p>Amended May 15 – to delete all reference to insurers. Now is says “Subject to the inclusion of an appropriation in the annual Budget Act, it is the intent of the Legislature to provide full funding to the California Poison Control System at a level sufficient to fund full and continued operations of the poison control centers.</p>		Active Support Letter sent 4/10/03. Call in for Author’s staff regarding 4/24/03 amendments. <b>Consider going neutral or opposing. April 30, 2003</b>	Assembly Appropriations. Suspense file.
AB472	Correa	Would appropriate any federal funding received by the state for bioterrorism preparedness and emergency response to the DHS if the State budget is not enacted by July 1 of that fiscal year.		Support. Letter sent 4/11/03	Assembly Appropriations. Suspense file.
AB551	Cohn	Specifies a fine for failure to yield to emergency vehicle with light and siren. Amended – now applies to devices that interrupt traffic signals.		Watch	Assembly Transportation. 2 year bill. Dead
AB602	Koretz	Same as AB992			Assembly Public Safety. 2 year bill. Dead
AB910	Diaz	Existing law requires the county to conduct an impact evaluation when a hospital closes or downgrades its emergency medical services. This impact evaluation includes a public hearing. The impact evaluation report is sent to DHS. AB910 substantially expands this process for all hospitals except public hospitals by		Watch for now. Position approved to oppose if bill begins to move and/or we get other entities to join	Assembly Appropriations. Hearing 1/21/03. Hearing postponed by committee. Dead

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		<p>requiring the Board of Supervisors to appoint a hospital protection committee (comprised of 2 members representing the majority of acute care hospitals in the county, 2 RN representatives, 2 physician representatives, 2 representatives of medically uninsured and low income resident of county, and 1 health care consumer. The review would also include full financial disclosures.</p> <p>The old Impact Evaluation process would now apply to public hospitals. Private hospitals would be required to undergo the new process. A <del>one-year</del> 90 day notice of the proposed downgrade or closure would be required.</p>		in opposition.	
AB911	Longville	<p><del>Provides that each local public agency may enact an ordinance that defines what constitutes a nuisance call to a 911 system and may institute fines to persons making such calls. As amended 5/5/03 specifies that a person who knowingly allows the use or who uses the 911 telephone system for any reason other than an emergency is guilty of an infraction. For the first violation person will be issued a written warning. For second there is a fine of \$50. For the third a fine of \$100. For fourth and subsequent it is \$200.</del></p>		Watch	Chaptered.
AB992	Ridley-Thomas	<p>Would impose fee of \$.10 on each munition sold at retail and place funds in Trauma Center Fund. <del>EMSA would allocate to local EMS agencies to support hospital emergency departments and trauma centers in accordance with guidelines adopted by EMSA. Amended 4/22/03. Bill now bypasses LEMSAs and instead claims would be made by physicians and hospitals to the EMSA.</del></p>	May need technical changes	<p>Active Support Letter sent 4/10/03. <b>4/30/03</b> <b>Modify to support if amended.</b> <b>See if bill moves – if does change</b></p>	<p>Assembly third reading. Assembly inactive file. Dead,</p>

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		<p><del>Note: Bruce Lee will contact author. Amended 5/5/03.</del></p> <p>Amended - \$ now goes only to Victims Reimbursement Fund.</p>		<p><b>to support if amended to include 50% to Maddy Fund. Fall back funds earmarked to cover medical costs.</b></p>	
AB1026	Levine and Runner	<p>Would lower the DUI blood alcohol level for enhanced penalties from 0.20% to 0.15%. Sets other penalties for DUI.</p> <p>Amended 5/20/03 to delete this - <del>Would double amount of DUI fines. 50% of the amount of the doubled DUI fines would be kept separate from other fines by the county treasurer. Of this new amount 50% would go for funding licensed DUI programs and 50% would go into the Maddy Fund.</del></p> <p>As amended still would add some \$ into Maddy Fund.</p>		<p>Support. Letter sent May 19, 2003</p>	<p>Senate Public Safety. Failed passage. Dead</p>
AB1145	Horton	<p>Requires Department of General Services to apply for federal funds available through the Community Access to Emergency Devices Act for the purchase of AEDs. General Services to consult with EMSA re: policies and procedures for placement and use of such AEDs. Is an "urgency" bill which would go into effect immediately.</p>		<p>Support. Letter send 4/10/03</p>	<p>1/21/04. Chaptered. As is urgency bill takes effect immediately.</p>

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
AB1369	Pavley	<p>Beginning January 1, 2005 - Requires every skilled nursing facility with more than 60 beds, every residential care facility for the elderly with more than 60 beds, and every senior center to purchase and train personnel in AEDs. Amended 4/21/03 to pertain only to residential care facilities and to become effective January 2005.</p> <p>Amended 5/7/03 – liability protections.</p> <p>Amended 6/12/03 – liability protections and also adds provision that if resident has an advanced directive or DNR, they will also indicate separately in writing whether they want an AED used.</p> <p>Amended 7/1/03 – extends date for placement of AEDs to July 2005. More language added regarding withholding AED if resident has signed form requesting same.</p> <p>Amended 8/18/03 – Substantial revisions. Now also requires EMSA to notify LEMSAs and encourage LEMSAs to track number of times AEDs are employed on residents at residential care facilities for the elderly.</p> <p>Amended 8/26/03. Amends clarify and simplify.</p> <p>Amended no longer applies to EMS</p>		Support. Letter sent 4/10/03	Senate Appropriations. No need to track.
AB1577	Lowenthal	<p>Creates the Falls Surveillance Project within the DHS. The project will collaborate with EMSA. The project will: establish a model of data collection for falls, create EMS first responder reports to document fall injuries, use these reports to identify persons at risk, use the data to develop strategies to prevent falls. Project will design and manage a program of EMS fall event reporting, teach strategies to prevent falls. The EMSA</p>		Watch. We to do more research. Need to delete statement regarding multiple EMS agencies.	Assembly Health. Hearing 4/29/03. Hearing postponed by Committee. 2 year bill. Assembly Health. Dead.

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		will require each LEMSA to provide each fall victim with a copy of his/her assessment report and encourage him/her to share with his/her health care provider.			
AB1588	Negrete McLeod	Previously re: MOUs between state and unions Gut and amend 9/10/03. As an Urgency bill permits trauma center to be accredited by Centers for Medicare and Medicaid Services – rather than by Joint Commission as is required by State Trauma Regs. Second gut and amend changed bill to OES bill re obtaining aircraft in disaster.			Enrolled.
AB1655	Negrete McLeod	<b>Imposes paramedic license discipline administrative fines. Requires employers to report to LEMSA and EMSA termination or suspension of a paramedic for disciplinary care or reason, or if resign when impending investigation, or removed from paramedic duties for disciplinary cause or reason. Defines disciplinary cause or reason as actions considered evidence of a threat to public health and safety as identified in subdivisions of Section 1798.200 H&amp;S code.</b>  <b>Amended 1/5/04. Fines will now go into General Fund rather than into EMSA EMS Personnel Fund. Some other amendments also.</b> <b>Amended 1/15/04 – does not permit fine option if patient was harmed or if paramedic has previously been disciplined by EMSA within preceding 5 years.</b>	<b>Suggest addition of ability for LEMSAs to charge administrative fines for EMT-I, EMT-II certification discipline.</b>	Watch	Chaptered.

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
AB1690	Leno	<p><del>Permits local taxes through a public safety finance agency to fund supplemental law enforcement and fire services. This tax is from a local income tax that is approved by the voters.</del> Amended 7/16/03 to contain only the following language:            "The legislature declares its intent to examine both of the following:                (a) Allowing local governments to impose a personal income tax.                (b) The revenue sources to local governments.</p> <p>Amended 8/18 now includes \$ for physicians 60% and hospitals 40% in Maddy Fund.            Amended 8/29 - minor</p>		Watch CSAC opposed.	Senate Appropriations. Dead
AB 1898	Nakano	<p>Changes EMS Commission member that was previously nominated by California Rescue and Paramedic Association to be nominated instead by CPF. This gives fire labor two seats on the Commission. Amended so that an additional paramedic representative is added who is employed in the private sector from a list of three names submitted by the California Labor Federation. <del>Private sector paramedics will not be represented.</del></p>		Watch	Enrolled Vetoed. No veto message yet available.

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AB2293	Wolk	<p>CSAC/League of Cities sponsored bill mandating all LEMSAs to have an Emergency Medical Care Committee, proscribing the membership, and authority for the EMCC. Authority will include advising on local EMS plan and hearing complaints re: inconsistent implementation of the EMS plan. If recommendation of EMCC is not acceptable to the complainant the complaint is referred to State EMS Commission. State EMS Commission decision forwarded to local Board of Supervisors (or Board of Directors of Regional EMS Agency).</p>			<p>Introduced 2/19/04. Assembly Health Hearing postponed by committee. Dead</p>
AB 2406	Bermudez	<p>Would require every fire department within a city or a city and a county with a population over 10,000 to establish response times of 1 minute for turnout, 7 minutes for arrival at fire suppression incident, 4 minutes for EMS incident (BLS), 8 minutes for EMS (ALS). Compliance objective is 90%.</p> <p>Bill is opposed by California League of Cities. Amended 5/3/04 Deletes all the above standards. Now only pertains to statistical information furnished to State Fire Marshall.</p>			<p>Enrolled.</p>

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
AB 2670	Benoit	Limits AED maintenance checks for AEDs utilized by public safety personnel to only those recommendations of the manufacturer.			Assembly Judiciary. Hearing cancelled by Author. Dead
AB 2874	Diaz	This bill used to have entirely different content and not pertain to hospitals. As amended the bill is the same as previous AB910. Amendment provides that if a private entity proposes to close a hospital or emergency room facility, the county or LEMSA where the facility is located will be given the opportunity to establish a local health care district and be given the opportunity to purchase the facility at a price that reflects its fair market value.			Enrolled.
SJR6	Soto	Reaffirms Legislature's commitment to strengthen cities and counties as first line of defense and to give firefighters training in disasters and emergencies, requests Federal financial assistance due to current California budget crisis. Amended 3/12/03 now includes firefighters and emergency medical teams. Amended 4/22/03 to include statements about our Armed Forces personnel in the Middle	Request addition of fire and ambulance personnel.	Watch.	Chaptered.

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
		<del>East.</del>			
SJR7	Karnette	Responds to Federal Government Advisory Group – Transportation Research Board’s recommendation to test longer and heavier trucks, including triple trailer trucks on public highways. SJR7 opposes this recommendation.		Support. Letter submitted.	Chaptered  <b>Note: Now there is another proposal for these 3 trailer trucks.</b>
SB108	Romero	Establishes the Alcohol-Related Emergency Services Reimbursement Trust Fund to be administered by DHS. Funds derived by a \$.05 fee per drink on distributors to retailers. Payments would be made to local emergency medical services providers including emergency departments, trauma centers, emergency medical professionals and entities for reimbursement for provision of medical services (including transportation) to victim as a result of, or in which a causative agent was, the ingestion of alcohol. Amended 3/10/03 to be more specific “emergency departments, trauma centers, emergency and oncall physicians, and other emergency medical professionals and entities...” Amended 3/10/03 section now says, “Local emergency medical services providers, including, but not limited to, emergency departments, trauma centers, emergency and oncall physicians, entities that provide initial prehospital emergency medical stabilization services, emergency ambulance transportation, and other emergency medical professionals and entities, that meet the qualifications established by the department for reimbursement of expenses incurred in providing services for alcohol-related emergencies.		Active support. Letter sent March 13	Senate Rules Dead

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SB244	Speier	Requires DHS to survey all hospitals with Emergency departments to collect information on physician on-call. Amended 6/26/03. No longer pertains to emergency departments.		Watch	No longer tracking.
SB391	Florez/ Escutia	Pesticide drift. Result of gut an amend 5/24/04. Used to pertain to health.			Assembly Judiciary. No need to track.
SB431	Ortiz	Would create new Dept of Public Health that would include all public health functions including the EMSA. Amended 1/5/04 Now appropriates unknown sum for Federal Trust Fund for BT preparedness. Deleted new Dept of Public Health structure. Urgency clause adopted.		Watch	Chaptered
SB476	Florez	Maddy Fund. Mandates limit of 10% reserves in fund. Funds in excess would be required to be sent back to the state to a "Emergency Medical Services Equalization Fund administered by the EMSA that would allocate the fund to each county based on the proportion of emergency department visits. Would require reports on each county's Maddy fund to go to the State EMS Commission. Each county would establish an advisory committee with representatives comprised of local physicians and hospital administrators.  Amended 4/22/03. Took amendments submitted by CSAC/EMSAAC/CHEAC. Still waiting on reserve limit % (now is 10%, we have asked for 20%).  Amended 5/6/03. Reserve limit increased to 15%. Now states that physicians may receive 50% of their claim. If remaining funds are available at the end of the year,		Support as amended 5/6/03.	Enrolled September 3, 2003. Returned by Governor to Senate. EMSA doesn't want reporting problem due to budget cuts. Amended to delete EMSA role in reporting.  Signed by Governor Davis.

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		<p>this amount can be increased up to 100% of the claim.</p> <p>Amended 7/24/03 so that if more than 15% reserves at the end of the fiscal year the excess shall be distributed proportionately to physicians who submitted claims that year.</p> <p>Amended</p>			
SB536	Romero	Requires the EMSA task force, in conducting the study required by Chapter 333 of the Statutes of 2002, to include within the scope of that study the Los Angeles trauma care system.		Watch	Senate Health and Human Services. Dead.
SB635	Dunn	<p><b>Maddy Fund. Modifies limitation that physician services must be provided within 48 hours of the patient's hospitalization to qualify for reimbursement from the fund. Instead states 2 calendar days. Requires EMS Commission to make recommendations re: revenue options for increasing funding for emergency medical services.</b></p> <p>Amended added language enabling Santa Barbara County to establish Maddy Fund. Sunsets in two years. Santa Barbara County is supposed to put a measure on the ballot.</p> <p>Amended 8/16/04 – has now deleted the 17% for EMS purposes as determined by County. Only applies to Santa Barbara but does set a bad precedent.</p>	Opposed by POST and Teamsters	Support Letter sent 3/30/04	Chapered
SB666	Bowen	Requires Department of General Services, no later than March 31, 2004 to report to the Legislature on the status of implementing 911 service in connection		Watch	Assembly third reading. No longer need to track.

Bill#	Author	Summary	Suggested Amendments/Clarifications	EMSAAC Position	Status
		<p>with wireless telecommunications service. Also requires Department of Consumer Affairs to convene a working group of providers and users of wireless telecommunications to make recommendations on privacy issues. 6/12/03 amended to delete the working group.</p> <p>9/9/03 Gut and amend. Now pertains to environment – wet lands.</p>			
SB678	Ortiz	<p>Previously an education bill. Amended 6/18/03 to public health. Makes appropriation from the Federal Trust Fund to DHS for purpose of implementing BT measures - \$32,799,000 for hospitals and \$17,683,000 to local health services. Urgency bill.</p>			To enrollment with urgency clause adopted. Chaptered
SB725	Romero	<p>Intent language re: problems with emergency department on call specialists.</p>		Watch	Senate Rules. Dead.
SB767	Florez	<p>Amended May 20, 2003. Specifies that certain “health care safety net programs” such as Black Infant Health, Health of Seasonal Agricultural and Migratory Works shall not be funded at less than their 2002-3 levels and shall not be realigned to local government. The list contained in the bill includes all those programs currently slated to go back to counties as realigned. Also sets condition that hospitals receiving funds from public sources (including anything e.g., MediCal) shall have formal agreements with nonprofit community health centers for EDs to refer nonemergency to such centers and vice versa. This would pertain to patients with payer source as well as indigents. Would require these hospitals to assist in funding these nonprofit community health centers.</p>		Watch	Senate Rules. Senate Health and Human Services. Dead.

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		2 year bill.			
SB828	Figueroa, Perata, Romero	"Boutique Hospitals" – ones limiting admission to medical or surgical specialty, type of disease, or medical condition, or limits services to such. Restricts these facilities from being issued a license unless the facility agrees to maintain a basic or comprehensive ED, takes Medi-Cal, provides emergency services to nonpaying and low reimbursement patients.		Watch	Assembly Health. Failed passage. Reconsideration granted. Dead.
SB858	Ortiz	<b>Previously pertained to Tobacco Control. Amended 6/18/03 Establishes the Department of Public Health under the Health and Human Services Agency. Moves into this agency the EMS Authority, Office of Statewide Health Planning and Development and certain programs presently under DHS.  Amended back to Department of Public Health bill on April 28, 2004.</b>		Watch	<b>Assembly Appropriations. Dead.</b>
SB911	Alpert	Creates a State 911 Administrative Board.		Watch	Chaptered.
SB 1157	Romero	<b>Current law states that insurers are not liable for consequences of an insured's being intoxicated or under the influence of a controlled substance. This bill would delete that language.</b>		<b>Support Letter sent 6/4/04</b>	<b>Enrolled. Vetoed.</b>
SB 1209	Scott	<b>Beginning January 2006 would require the DMV to review drivers license records and identify persons who have accumulated 4 or more moving violations with the preceding year. The DMV would then impose a \$250 fine (plus an additional \$50 per each additional violation). 50% of these</b>			<b>Senate Public Safety. Held in Committee without recommendation. Dead.</b>

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		<p>funds would be placed in the local Maddy Funds.</p> <p>Bill is strongly opposed by California Labor Federation.</p>			
SB1433	Romero	<p>Establishes Trauma Care Fund Advisory Board within the EMS Authority. Requires EMSA to appoint a deputy for trauma center funding. Permits taxpayers to voluntarily donate a contribution to the Trauma Care Fund on their tax return. Amended 5/3/04 deleting the taxpayer option. Instead provides that private donations can be deposited into a separate account within the fund.</p>		Support Letter sent 3/30/04	Senate Appropriations. Dead.
SB1540	Margett	<p>As amended would require a hospital that is reducing, or eliminating, emergency medical services to notify the local EMS agency with the region served by the hospital. Current law requires notification of DHS, health plans, and local government entity in charge of the provision of health services but does not specifically list the LEMSA.</p> <p>Amended June 29<sup>th</sup> to say that if a hospital does make a responsible attempt to comply, the licensee may not obtain a new license to operate another acute care facility for at least two years.</p>			Enrolled.
SB 1830	Aanestad	<p>Would permit public safety expenses incurred in emergency response to an incident involving police, fire, search and rescue, EMS (but not ambulance) to be charged to a person causing the incident if the person is convicted of certain Vehicle Code violations (e.g., reckless driving, illegal street racing,</p>			Senate Public Safety. Hearing March 30 – Failed passage. Dead.

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		<b>DUI). The maximum financial liability is \$12,000.</b>			