

AMENDED IN ASSEMBLY APRIL 2, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2973

Introduced by Assembly Member Hart

February 16, 2024

An act to amend Section 1797.202 of, and to add Section 1797.234 to, the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2973, as amended, Hart. Emergency services.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, governs local emergency medical services (EMS) systems, authorizes each county to develop an EMS program and designate a local EMS agency, and requires the Emergency Medical Services Authority to receive plans for the implementation of EMS systems from local EMS agencies, as specified. Existing law requires a county to enter into a written agreement with a city or fire district that contracted for or provided prehospital EMS as of June 1, 1980. Existing law requires, until that written agreement is reached, prehospital EMS to be continued at not less than the existing level and the administration of prehospital EMS by cities and fire districts contracting for or providing those services as of June 1, 1980, to be retained by those cities and fire districts, as specified.

This bill would authorize a county board of supervisors to provide or support the provision of EMS to persons located within the county,

~~including indigent persons, as specified. The bill would require the county board of supervisors to review and approve a *single-county* local EMS agency's plans for the EMS system prior to the submission of the plans to the ~~authority~~. *authority, and would require a multicounty local EMS agency's plans to be approved as provided for in the contract between the counties and the agency, as provided for in the joint powers agreement that created the agency, or by the board of supervisors in each of the counties served by the agency prior to the submission of the plans to the authority.*~~

Existing law authorizes a local EMS agency to create one or more exclusive operating areas in the development of a local plan, if a competitive process is used to select the service provider pursuant to the plan, with specified exceptions.

This bill would require the county and the EMS agency that elect to use the above-described competitive process to meet certain requirements.

~~Existing law requires a local EMS agency to have a licensed physician and surgeon, as specified, as medical director to provide medical control and to assure medical accountability for the EMS system, as specified.~~

~~This bill would make the official conduct of the medical director and their staff subject to the supervision of a county board of supervisors, as specified.~~

The bill would make related findings and declarations.

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. (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,

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

3 ~~(3) Since the enactment of the EMS Act, the courts in Hunt v.~~
4 ~~Superior Court (1999) 21 Cal.4th 984, City of Lomita v. County~~
5 ~~of Los Angeles (1983) 148 Cal.App.3d 671, City of Lomita v.~~
6 ~~Superior Court (1986) 186 Cal.App.3d 479, and Fuchino v.~~
7 ~~Edwards-Buckley (2011) 196 Cal.App.4th 1128, determined that~~
8 ~~a county has the obligation to provide EMS and ambulance services~~
9 ~~to all persons located in the county and to relieve indigent county~~
10 ~~residents of the cost of paying for such services pursuant to Section~~
11 ~~17000 of the Welfare and Institutions Code (established prior to~~
12 ~~the EMS Act), and articulated the county's options for fulfilling~~
13 ~~such obligations.~~

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

18 ~~(5)~~

19 (3) Other statutory authorities and obligations of a county and
20 the board of supervisors regarding the *provision and* regulation of
21 ambulance services, whether by public or private agreement,
22 permit, license, or other means, and the provision of ambulance
23 services for indigent county residents are located in statutes outside
24 of the EMS Act including, but not limited to, Sections 25369.5,
25 26612, 29606, and 54980 through 54983, inclusive, of the
26 Government Code, Sections 1443 through 1445, inclusive, 1451
27 through 1455, inclusive, and 1473 through 1475, inclusive, of the
28 Health and Safety Code, Section 2512 of the Vehicle Code, and
29 Sections 14136 and 16817 of the Welfare and Institutions Code.

30 ~~(6)~~

31 (4) As a result of how and where these various statutory
32 authorities are codified, significant confusion and uncertainty in
33 the state exists regarding the statutory authorities, roles,
34 responsibilities, rights, obligations, and functions of counties,
35 boards of supervisors, and local EMS agencies regarding
36 prehospital EMS and ambulance services and the interplay of
37 statutes addressing these services within and outside of the EMS
38 Act.

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

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

4 (2) Reaffirm the authority of boards of supervisors to decide,
5 as a policy matter, whether to provide prehospital EMS and
6 ambulance services to persons located within the county's
7 jurisdiction through a county department or agency or by
8 contracting with other local agencies or private providers.

9 ~~SEC. 2. Section 1797.202 of the Health and Safety Code is~~
10 ~~amended to read:~~

11 ~~1797.202. (a) Every local EMS agency shall have a full- or~~
12 ~~part-time licensed physician and surgeon as medical director, who~~
13 ~~has substantial experience in the practice of emergency medicine,~~
14 ~~as designated by the county or by the joint powers agreement, to~~
15 ~~provide medical control and to assure medical accountability~~
16 ~~throughout the planning, implementation and evaluation of the~~
17 ~~EMS system. The authority director may waive the requirement~~
18 ~~that the medical director have substantial experience in the practice~~
19 ~~of emergency medicine if the requirement places an undue hardship~~
20 ~~on the county or counties.~~

21 ~~(b) The medical director of the local EMS agency may appoint~~
22 ~~one or more physicians and surgeons as assistant medical directors~~
23 ~~to assist the medical director with the discharge of the duties of~~
24 ~~medical director or to assume those duties during any time that~~
25 ~~the medical director is unable to carry out those duties as the~~
26 ~~medical director deems necessary.~~

27 ~~(c) The medical director may assign to administrative staff of~~
28 ~~the local EMS agency for completion under the supervision of the~~
29 ~~medical director, any administrative functions of their duties which~~
30 ~~do not require their professional judgment as medical director.~~

31 ~~(d) The official conduct of the local EMS agency's medical~~
32 ~~director, assistant medical directors, and administrative staff is~~
33 ~~subject to the supervision of the board of supervisors pursuant to~~
34 ~~Section 25303 of the Government Code.~~

35 ~~(e) Nothing in this section affects, modifies, limits, or otherwise~~
36 ~~impairs the medical control of the medical director of a local EMS~~
37 ~~agency granted under the EMS Act.~~

38 ~~(f) Nothing in this section affects, modifies, limits, or otherwise~~
39 ~~impairs the authority's enumerated powers and authority under~~
40 ~~the EMS Act.~~

1 ~~(g) The Legislature finds and declares that the changes made~~
2 ~~by the act that added this subdivision are declaratory of existing~~
3 ~~law.~~

4 ~~SEC. 3.~~

5 *SEC. 2.* Section 1797.234 is added to the Health and Safety
6 Code, to read:

7 1797.234. (a) The county and the board of supervisors may
8 exercise their statutory ~~authority~~ *authority, including their statutory*
9 *authority* regarding prehospital EMS and ambulance services to
10 perform their functions ~~and obligations~~ under this division ~~and~~
11 ~~Part 5 (commencing with Section 17000) of Division 9 of the~~
12 ~~Welfare and Institutions Code~~ and to support the local EMS
13 agency's functions under this division.

14 (b) *The county and the* board of supervisors may ~~fulfill the~~
15 ~~county's obligation to~~ provide ambulance services to persons
16 located ~~in the county~~ *within the county's jurisdiction* under this
17 division ~~and Part 5 (commencing with Section 17000) of Division~~
18 ~~9 of the Welfare and Institutions Code~~ by any of the following
19 means or combination of means:

20 (1) Creating a separate county department to provide ambulance
21 services, providing the department with the necessary staffing,
22 vehicles, and equipment, and operating such department as it staffs
23 and operates other county departments.

24 (2) Assigning the duty of providing ambulance services to
25 residents of the county to an existing county department and
26 providing the department with the necessary staffing, vehicles,
27 and equipment to provide ambulance services.

28 (3) Contracting with cities or local *public* agencies located
29 within the county to provide ambulance services within areas under
30 the jurisdiction of the county, the cities, or the local *public*
31 agencies.

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

34 (c) Contracts or assignments made under paragraph ~~(2)~~ (1), (2),
35 or (3) of subdivision (b) *that restrict operations to a county*
36 *department or agency or other local agency* do not constitute
37 exclusive operating areas as defined by Section 1797.85.

38 (d) All county agreements for implementation of the EMS
39 system, including for prehospital EMS and ambulance services,

1 shall be in the name of the county and shall be approved by the
2 board of supervisors.

3 (e) When a local EMS agency, upon the recommendation of the
4 county, elects to create an exclusive operating area using a
5 competitive process pursuant to Section 1797.224, all of the
6 following shall apply:

7 (1) The county's purchasing and acquisition personnel and the
8 EMS agency shall jointly develop and administer a competitive
9 process pursuant to the county's purchasing policies, rules, and
10 requirements and government procurement best practices.

11 (2) The board of supervisors shall review and approve a
12 competitive process prior to issuance of the competitive processes
13 to the public.

14 (3) The board of supervisors shall have the sole authority to
15 approve the award of agreements or operating rights for prehospital
16 EMS or ambulance services by the county or the local EMS agency
17 pursuant to a competitive process.

18 (f) (1) *Contracts for ambulance services developed pursuant*
19 *to this section shall comply with the requirements of subdivisions*
20 *(c) and (d) of Section 1797.230.*

21 (2) *Subcontracts for emergency ambulance services developed*
22 *pursuant to this section shall comply with the requirements of*
23 *subdivisions (b), (c), and (d) of Section 1797.231.*

24 ~~(f) The board of supervisors shall review and approve a local~~
25 ~~EMS agency's plans for the EMS system prior~~

26 (g) *Prior to the submission of the plans to the authority of the*
27 *local EMS agency's plans for the EMS system pursuant to this*
28 *division including, but not limited to, Article 2 (commencing with*
29 *Section ~~1797.250~~: 1797.250), one of the following shall apply:*

30 (1) *For a single-county local EMS agency, the board of*
31 *supervisors shall review and approve the local EMS agency's*
32 *plans.*

33 (2) *For a multicounty local EMS agency, the local EMS agency's*
34 *plans shall be approved through one of the following:*

35 (A) *As provided for in the contract for local emergency medical*
36 *services administration between the counties and the local EMS*
37 *agency.*

38 (B) *As provided for in the joint powers agreement that created*
39 *the local EMS agency.*

1 (C) *By the board of supervisors of each of the counties served*
2 *by the local EMS agency.*

3 ~~(g)~~

4 (h) This section does not supersede Section 1797.201.

5 ~~(h)~~

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

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

12 ~~(i)~~

13 (k) The Legislature finds and declares that the provisions of this
14 section are declaratory of existing law.

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