

AMENDED IN ASSEMBLY AUGUST 22, 2013

AMENDED IN ASSEMBLY JUNE 25, 2013

**SENATE BILL**

**No. 191**

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**Introduced by Senator Padilla**

February 7, 2013

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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.