

COUNTY OF SANTA BARBARA LEGISLATIVE ANALYSIS FORM

This form is required for the Legislative Program Committee to consider taking an advocacy position on an issue or legislative item.

BILL NUMBER: SB 867	AUTHOR: Senator Richard Dale Roth
INTRO/AMEND DATE: April 5, 2016	AUTHOR'S POLITICAL PARTY: Democrat
BILL STATUS: 4/5/2016 9:30 a.m. -John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, HANCOCK, Chair	

1) BILL SUBJECT:

SB867 (Roth), which re-authorizes the Richie’s fund for pediatric trauma center funding

2) FROM DEPARTMENT:

Public Health and Emergency Medical Services Agency

3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?

No

4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?

Public Safety: Removes sunset date of 1/1/2017 continuing funding for Pediatric Trauma Centers.

5) HOW WOULD THIS BILL IMPACT THE COUNTY? (Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.)

On 3/16/2016 a) the Board of Supervisors approved and authorized an agreement between the Public Health Department and Santa Barbara Cottage Hospital Level II Pediatric Trauma Center to receive Maddy Fund distributions pursuant to the Richie Pediatric Trauma Fund legislation in an amount not to exceed \$598,000. This Bill will allow Richie to continue past its sunset date of January 1, 2017 and provide continued funding for the Cottage Pediatric Level II Trauma Center.

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, 2017, 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, 2017, requires 15% of the funds collected pursuant to that provision to be used to provide funding for pediatric trauma centers. This bill would extend the operative date of these provisions indefinitely. (Based on text date 1/11/2016)

6) IMPACT ON COUNTY PROGRAM:

Major

Minor

None

SANTA BARBARA COUNTY IMPACT:

Major

Minor

None

STATEWIDE IMPACT:

Major

Minor

None

Explanation of Impacts:

This program unless extended will sunset on January 1, 2017. Continued funding through the Richie Fund will allow the Public Health Department (PHD) to distribute pediatric trauma funds to support local pediatric trauma services.



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7) WOULD THIS BILL IMPACT:

- | | | |
|---|---|-----------------------------|
| a. Efficient service delivery and operations? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| b. Fiscal stability? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| c. Inter-agency cooperation? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. Local control? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. Protection of safety net services? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| f. Community sustainability/economic stability? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

Additional Comments:

SB867 has the support of the Emergency Medical Services Administrators' Association of California, (EMSAAC), and the EMS Medical Directors Association of California, (EMDAC).

8) FISCAL IMPACT ON THE COUNTY:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Revenue Increase | <input type="checkbox"/> Revenue Decrease | <input type="checkbox"/> Unfunded Mandate |
| <input type="checkbox"/> Cost Increase | <input type="checkbox"/> Cost Decrease | <input type="checkbox"/> Undetermined |
| <input type="checkbox"/> None | | |

Additional Comments:

9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:

Please list other agencies below:

10) CSAC POSITION ON BILL:

- | | | |
|--|---------------------------------|---|
| <input type="checkbox"/> Support | <input type="checkbox"/> Oppose | <input type="checkbox"/> Support if Amended |
| <input type="checkbox"/> Oppose unless Amended | <input type="checkbox"/> Watch | <input type="checkbox"/> No position taken |

11) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:

(Indicate support or opposition for each)

12) PROPOSED AMENDMENTS: (Attach separate sheet)

13) RECOMMENDATION:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Active Support* | <input type="checkbox"/> Passive Support | <input type="checkbox"/> Support if Amended* |
| <input type="checkbox"/> Active Opposition* | <input type="checkbox"/> Passive Opposition | <input type="checkbox"/> Oppose unless Amended* |
| <input type="checkbox"/> Watch | <input type="checkbox"/> Concerns (Why? Explain in #6) | <input type="checkbox"/> No Position (Why?) |
| <input type="checkbox"/> No Change since Last Position | | |

* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill



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Additional Comments:

14) LEGISLATIVE ANALYSIS FORM PREPARED BY: Susan Klein-Rothschild and John Eaglesham

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SENATE BILL

No. 867

Introduced by Senator Roth

January 11, 2016

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 867, as introduced, Roth. 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, 2017, 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, 2017, requires 15% of the funds collected pursuant to that provision to be used to provide funding for pediatric trauma centers.

This bill would extend the operative date of these provisions indefinitely.

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

SB 867

— 2 —

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

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

14 (A) A restitution fine.

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

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

19 (D) The state surcharge authorized by Section 1465.7 of the
20 Penal Code.

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

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

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

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

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

38 1797.98a. (a) The fund provided for in this chapter shall be
39 known as the Maddy Emergency Medical Services (EMS) Fund.

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

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

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

15 (4) Each administering agency may maintain a reserve of up to
16 15 percent of the amount in the portions of the fund reimbursable
17 to physicians and surgeons, pursuant to subparagraph (A) of, and
18 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
19 administering agency may maintain a reserve of any amount in
20 the portion of the fund that is distributed for other emergency
21 medical services purposes as determined by each county, pursuant
22 to subparagraph (C) of paragraph (5).

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

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

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

39 (C) Seventeen percent of the fund shall be distributed for other
40 emergency medical services purposes as determined by each

1 county, including, but not limited to, the funding of regional poison
2 control centers. Funding may be used for purchasing equipment
3 and for capital projects only to the extent that these expenditures
4 support the provision of emergency services and are consistent
5 with the intent of this chapter.

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

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

19 (e) Of the money deposited into the fund pursuant to Section
20 76000.5 of the Government Code, 15 percent shall be utilized to
21 provide funding for all pediatric trauma centers throughout the
22 county, both publicly and privately owned and operated. The
23 expenditure of money shall be limited to reimbursement to
24 physicians and surgeons, and to hospitals for patients who do not
25 make payment for emergency care services in hospitals up to the
26 point of stabilization, or to hospitals for expanding the services
27 provided to pediatric trauma patients at trauma centers and other
28 hospitals providing care to pediatric trauma patients, or at pediatric
29 trauma centers, including the purchase of equipment. Local
30 emergency medical services (EMS) agencies may conduct a needs
31 assessment of pediatric trauma services in the county to allocate
32 these expenditures. Counties that do not maintain a pediatric trauma
33 center shall utilize the money deposited into the fund pursuant to
34 Section 76000.5 of the Government Code to improve access to,
35 and coordination of, pediatric trauma and emergency services in
36 the county, with preference for funding given to hospitals that
37 specialize in services to children, and physicians and surgeons
38 who provide emergency care for children. Funds spent for the
39 purposes of this section, shall be known as Richie's Fund. ~~This~~
40 ~~subdivision shall remain in effect until January 1, 2017, and shall~~

1 ~~have no force or effect on or after that date, unless a later enacted~~
2 ~~statute, that is chaptered before January 1, 2017, deletes or extends~~
3 ~~that date.~~

4 (f) Costs of administering money deposited into the fund
5 pursuant to Section 76000.5 of the Government Code shall be
6 reimbursed from the money collected in an amount that does not
7 exceed the actual administrative costs or 10 percent of the money
8 collected, whichever amount is lower. ~~This subdivision shall remain~~
9 ~~in effect until January 1, 2017, and shall have no force or effect~~
10 ~~on or after that date, unless a later enacted statute, that is chaptered~~
11 ~~before January 1, 2017, deletes or extends that date.~~

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