



Senate Bill 438

EMS Dispatch Services

As Amended March 25, 2019

SUMMARY

SB 438 will prohibit a public agency from outsourcing its local emergency dispatch services to a private, for-profit entity – except when pursuant to a joint powers or cooperative agreement. It will instead allow them to delegate, assign, or subcontract to another public agency, and make other clarifications related to emergency services.

BACKGROUND

The provision of fire protection services, rescue and emergency medical services, hazardous material emergency response, ambulance and other services related to the protection of lives and property is critical to the public peace, health and safety of the state. Likewise, the call processing and administration of such emergency response functions has traditionally been recognized as one of the highest priorities and obligations of government. Public agencies finance these services with tax dollars and determine the appropriate deployment strategies and levels of emergency response services appropriate for their communities.

EMS has been a part of the fire service for more than 70 years. Fire service-based EMS systems are strategically positioned to deliver time critical response, effective patient care, and scene safety. Additionally, integral parts of the EMS system (e.g. firefighters, apparatus, and facilities) are already being paid for as part of the department’s “all hazards response infrastructure.” Fire departments comprise the largest group of providers of pre-hospital EMS care in North America by covering 97% of the 200 most populated communities in the United States. Additionally, fire departments provide Advanced Life Support (ALS) to 90% of the 30 most populated United States. No other entity, public or private, provides pre-hospital emergency response at the same level as fire departments.

However, many jurisdictions choose to outsource their local emergency services, under the guise of a cost-savings. However, efforts to privatize public services, such as law enforcement, fire protection, and emergency medical response and the dispatch of such services, have resulted in increased costs to citizens and/or a reduction in services provided and in some cases a failure to deliver timely services.

The New York Times, in its 2016 investigative article, [*When You Dial 911 and Wall Street Answers*](#), reports that for governments and their citizens, the effects of privatization have often been calamitous. When dealing with emergency care and other vital services, like firefighting, privatization often results in an inherent pressure: the demand to turn a profit while caring for people in their most vulnerable moments.



SB 438 (Hertzberg)

SB 438 prohibits a public agency from delegating, assigning, or contracting its local emergency dispatch services to a private, for-profit entity – except when pursuant to a joint powers or cooperative agreement. It also clarifies that under the Emergency Medical Services Act, a public safety agency maintains the authority to determine the appropriate deployment of emergency resources within the agency’s jurisdiction in order to provide the highest and best level of emergency response for the community it serves.

Additionally, while respecting the medical control and oversight provided by a local emergency medical director, SB 438 will clarify that medical oversight does not extend to authorize a local EMS agency or its medical director to disrupt or otherwise override a public agency’s authority to directly receive, process, and administer requests for assistance from the 911 system within that public agency’s jurisdiction.

SUPPORT

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Fire Districts Association of California
San Benito-Monterey Chapter of CALFIRE Local 2881
Firefighters Local 1186