



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 9/14/2010

Agenda Placement: 11A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Florin, Lawrance - Director
Community and Intergovernmental Affairs Division

REPORT BY: Lawrance Florin, COM AND INTERGOV AFFAIRS MGR - 253-4621

SUBJECT: Board of Supervisors requesting veto by Governor Schwarzenegger of AB 2456/Torricco (Emergency Measure)

RECOMMENDATION

Community and Intergovernmental Affairs Manager, on behalf of the Legislative Subcommittee, requests approval of and authorization for the Chair to sign a letter urging the veto of AB 2456 regarding emergency medical services. (Unanimous vote required)

EXECUTIVE SUMMARY

AB 2456 (Torriccio) would require that the state Emergency Medical Services Authority (EMSA) establish policies and produces to license all medical technician personnel. Once enacted all local EMS agencies would be required to adhere to these standards. The bill would authorize the authority to develop and adopt a related fee schedule and fee increases to support the authority's costs to promulgate the additional regulations.

The bill also provides the Director of Emergency Medical Services Authority the power to approve any policies or procedures adopted by a local EMS agency, not just those dealing with EMTs. Any local EMS agency notified that a policy or procedure has been found by the Director to not be in compliance must submit a revised policy or procedure within 90 days. The bill allows the authority to assess fines on any local EMS agency that does not comply. The bill would create a major shift of authority granted to local EMS agencies by the EMS Act from those local agencies to the Director of EMSA. It is not possible to assess the potential impact, fiscal and otherwise, of unanticipated changes to local policies and procedures that may be imposed by the Director.

The bill waives reimbursement for this newly created mandate. AB 2456 would impose a State-mandated local program by imposing new fees on counties which are required under the EMS Act to be "certifying entities." Because counties would then have to shift these new costs to individual EMTs and paramedics, this bill would create a disproportionate negative impact to rural counties and volunteer EMS providers due to the increase in

fees.

AB 2456 (Torricio) was approved by the legislature on September 3rd, 2010. It is currently awaiting signature of Governor Schwarzenegger. The Governor has until September 30th to determine whether or not he will sign the bill. This item is not currently in the County's legislature platform and is therefore being considered as an emergency measure in order to have the County's request for a veto considered by the Governor.

PROCEDURAL REQUIREMENTS

1. Motion to add item to the agenda
2. Discussion of item
3. Public Testimony
4. Vote on item

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Existing law authorizes each county to designate an emergency medical services (EMS) agency, for the establishment and administration of an emergency medical services program in the county. Existing law also establishes a state Emergency Medical Services Authority (EMSA) which, among other functions, adopts guidelines and regulations governing the provision of emergency medical services by the local EMS agencies.

AB 2456(Torricio), which was approved by the Legislature, would specify that the regulations of the authority shall include policies and procedures applicable to the functions, certification and licensure of all emergency medical technician (EMT) personnel, and would require the local EMS agencies to adhere to these standards. The bill would authorize the authority to develop a fee schedule and fee increases to support the authority's actual costs to promulgate the additional regulations.

The bill would also provide that the Director of the EMSA may review any policies and procedures implemented by a local EMS agency, not just those having to do with EMT certification or training. A local EMS agency that is notified by EMSA that the Director has determined that a policy or procedure adopted by that local EMS agency does not, in the Director's opinion, further the purposes of Division 2.5 of the Health and Safety Code or is not in accordance with regulations will have 90 days to submit a revised policy or procedure. The bill would allow the authority to assess fines on any local EMS agency that fails to respond to a notification. It is not possible to determine the future fiscal impact on a local EMS agency of policy or procedural changes imposed by EMSA potentially without due consideration of local circumstances.

The California Constitution requires the state to reimburse local agencies for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement. This bill establishes that no state reimbursement would be forthcoming for this additional mandate. Local EMS agencies are required under the EMS Act to be "certifying entities." By imposing new fees which counties will be required to implement, this bill will impose an unfunded state mandate. Because counties will have to shift much of these new costs to individualization EMTs and paramedics, the bill would create a particularly negative impact on rural counties and counties, like Napa, with volunteer EMS providers.

The bill was approved by the legislature on September 3, 2010. The Governor has until September 30, 2010 to either sign or veto this measure. This item is not currently in the County's legislative platform. This emergency measure is necessary if the County is going to urge the Governor to veto the legislation.

SUPPORTING DOCUMENTS

A . AB 2456 Request for Veto Letter

CEO Recommendation: Approve

Reviewed By: Molly Rattigan