



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/26/2019

Agenda Placement: 7B

## Napa County Legislative Subcommittee Board Agenda Letter

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**TO:** Napa County Legislative Subcommittee  
**FROM:** Mary Booher - Assistant County Executive Officer  
County Executive Office  
**REPORT BY:** Nelson Cortez, Staff Assistant-BOS - 7072991478  
**SUBJECT:** SB 438 (Hertzberg) Emergency Services

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### **RECOMMENDATION**

State Legislative Advocates and staff to provide an update on SB 438 (Hertzberg). As amended on July 11, this bill would:

1. Prohibit a public agency from delegating, assigning, or contracting for "911" emergency call processing services for the dispatch of emergency response resources unless it is with another public agency;
2. Require a public safety agency (PSA) that provides "911" call processing services for medical response to make a connection available from the public safety agency dispatch center to an EMS provider's dispatch center; and
3. State that medical control by a local emergency medical services agency (LEMSA) medical director, or medical direction and management of an EMS system will not be construed to limit, supplant, prohibit, or otherwise alter a PSA's authority to directly receive and process requests for assistance originating within the PSA's territorial jurisdiction through the emergency "911" system.

### **EXECUTIVE SUMMARY**

On June 6, 2019 staff presented concerns over SB 438 (Hertzberg). The Subcommittee directed staff to monitor the bill considering on-going negotiations at the time. Since then, significant amendments to the bill removed opposition from the California State Association of Counties (CSAC) and Rural County Representatives of California (RCRC). However, the amendments did not address staffs' concerns, including limiting local medical control by taking away the ability of a LEMSAs to determine the best way to provide emergency medical response. Following an update from the State Legislative Advocates, staff will be available to present and answer questions on the issues that remain.

**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**

The Warren-911-Emergency Assistance Act requires every local public agency to establish and operate an emergency telephone system using the digits 911. The act ensures efficient statewide delivery of emergency services and established a local agency Public Safety Answering Points (PSAP), to answer and respond to requests for emergency services. A call to 911 first goes to the PSAP, which is always a law enforcement agency. The dispatcher answering the call determines whether the call is related to law enforcement, fire, or medical needs and routes the call appropriately to a secondary PSAP, law enforcement personnel, the local government with fire protection responsibility, or the emergency medical services provider.

In 1980, the Legislature enacted the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS Act) to create the modern-day EMS system. The EMS Act created the Emergency Medical Services Authority (EMSA) within the state government and allowed for counties to develop an EMS program and designate a Local EMS Agency (LEMSA).

The EMS Act vests "medical control" with the LEMSA and the LEMSA's medical director adopts policies and procedures for dispatch, patient destination policies, patient care guideline and quality assurance requirements to ensure that state and local standards are met. EMS may be provided under contract by private services, by contract with fire departments or public agencies, or by both public and private entities.

**SB 438**

This bill by Senator Hertzberg and co-authored by Assembly Member Aguiar-Curry et. al., as amended July 11 would:

- (1) prohibit a public agency from delegating, assigning, or contracting for "911" emergency call processing services for the dispatch of emergency response resources unless it is with another public agency;
- (2) require a public safety agency that provides "911" call processing services for medical response to make a connection available from the public safety agency dispatch center to an EMS provider's dispatch center;
- (3) and state that medical control by a local emergency medical services agency (LEMSA) medical director, or medical direction and management of an EMS system will not be construed to limit, supplant, prohibit, or otherwise alter a PSA's authority to directly receive and process requests for assistance originating within the PSA's territorial jurisdiction through the emergency "911" system.

**Amendments**

Recent amendments removed CSAC and RCRC opposition to neutral. According to their most recent letter to the author regarding this bill, the new language mitigates the issues raised related to medical control and patient safety.

At the June 6, 2019 Legislative Subcommittee meeting, staff presented significant concerns regarding SB 438 particularly as it relates to local medical control by taking away the ability of a LEMSA to determine the best way to provide emergency medical response. In Napa County's case, the County currently contracts with American Medical Response for the provision of EMS services and SB 438 would allow public safety dispatch centers to unilaterally determine how these ambulance services are utilized in Napa County. It would also allow each public service agency to operate its own dispatch services and potentially fragment the delivery of emergency medical dispatch and EMS services in Napa County and around the state. Under SB 438, a public safety dispatch center would be free to ignore LEMSA's dispatch protocols and operational/clinical oversight, eroding the quality assurance or quality improvement control over emergency medical dispatch. These concerns were not addressed by the recent amendments.

Because this issue is in the Napa County State Legislative Platform, the committee may direct staff to take action without having to go to the Board of Supervisors.

### **Support & Opposition**

Sponsors:

California Fire Chiefs Association & California Professional Firefighters

Support:

Multiple cities, fire districts (none in Napa County)

Opposition:

EMS Medical Directors Association of CA

EMS Administrators Association of CA

Multiple counties, including: Fresno, Santa Clara, Shasta, Stanislaus

Neutral:

California State Association of Counties

Rural County Representatives of California

### **SUPPORTING DOCUMENTS**

A . SB 438 (Hertzberg)

Recommendation: Approve

Reviewed By: Molly Rattigan