

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1153

Introduced by Assembly Member Beall

February 27, 2009

An act to add Section 76000.10 to the Government Code, relating to emergency services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Beall. Emergency air medical transportation providers: penalty levy: reimbursement augmentation.

Existing law requires an additional county penalty of \$7 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, for deposit into specified county funds relating to the construction of courthouses, criminal justice facilities, and forensic laboratories, and the support of emergency medical services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions.

This bill, which is to be known as the Emergency Air Medical Transportation Act, would levy an additional penalty of \$3 upon every fine, penalty, or forfeiture imposed and collected by the courts for all offenses involving a vehicle violation, except certain parking offenses, in each county. This bill would require each county board of supervisors

to establish in the county treasury an emergency air medical transportation act fund into which the penalty collected pursuant to this bill would be deposited. This bill would require, on the last day of each calendar quarter of the year, the county treasurer to transfer moneys in the county's emergency air medical transportation act fund to the Controller for credit to the Emergency Air Medical Transportation Act Fund, which is created by the bill. This fund would be continuously appropriated to the department and be administered by the department solely for the purposes of augmenting Medi-Cal reimbursement paid to emergency air medical transportation services providers.

The bill would require the department to use the moneys in the Emergency Air Medical Transportation Act Fund and federal matching funds to increase the Medi-Cal reimbursement or supplemental payments for emergency air medical transportation services in an amount not to exceed normal and customary charges charged by the emergency air ambulance transportation services provider.

By requiring counties to create emergency air medical transportation act funds and then deposit the levy imposed by this bill into those funds, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Air ambulance services provide life saving emergency
- 4 transportation of the most critical patients from automobile
- 5 accident scenes directly to trauma centers. The vast majority of
- 6 helicopter scene responses are motor vehicle related.
- 7 (b) Many of these transports originate in rural areas where
- 8 ground transportation is prolonged. In some instances, however,

1 *air transportation may be needed in urban areas where traffic*
2 *congestion inhibits rapid transportation.*

3 *(c) Air ambulance services providers transport all emergency*
4 *patients without knowing if the patient has any form of medical*
5 *insurance or ability to pay for the service.*

6 *(d) Many emergency room patients transported by air*
7 *ambulances have no insurance and no ability to pay for the service,*
8 *but these patients are given the same high level of care as those*
9 *with medical insurance.*

10 *(e) Unlike the hospitals where air ambulance services providers*
11 *deliver patients, air ambulance services providers are not eligible*
12 *to apply for additional federal funding for providing services to*
13 *high numbers of indigent patients pursuant to California's*
14 *disproportionate share hospital (DSH) program under the*
15 *Medi-Cal program.*

16 *(f) Unlike the hospitals and emergency physicians who treat the*
17 *patients after they are delivered by helicopter, air ambulance*
18 *services providers do not receive payment from the county Maddy*
19 *Emergency Medical Services Fund when they provide treatment*
20 *to an indigent patient.*

21 *(g) Emergency air ambulance services providers provide*
22 *coverage to multiple counties within a 100-mile radius of their*
23 *bases, and, as a result, often their transports originate in a county*
24 *other than where they are based, which makes it virtually*
25 *impossible for them to be funded by local tax support except in the*
26 *largest of counties.*

27 *(h) The Medi-Cal program reimburses air ambulance services*
28 *providers far below what it costs the providers to provide*
29 *emergency air transportation and pays nothing if the patient is*
30 *indigent and not eligible for Medi-Cal. The Medi-Cal*
31 *reimbursement rates for air ambulances have not increased in*
32 *over 15 years.*

33 *(i) Currently fines and penalties on traffic violations total*
34 *between one hundred and eight dollars (\$108) and*
35 *nineteen-thousand dollars (\$19,000), inclusive. Some of the fine*
36 *and penalty money is already collected by county courts and*
37 *transferred to the state.*

38 *(j) A small additional penalty of three dollars (\$3) per traffic*
39 *violation would result in a very small percentage increase on each*
40 *penalty on traffic violations, but the money collected from the*

1 *penalty would go to support air ambulance services, which are*
2 *the most critical services that support patients who are injured as*
3 *a result of a major collision.*

4 *(k) Air ambulance services play a key role in the statewide*
5 *emergency medical services system, including disaster response*
6 *and homeland security, so it is important for California to support*
7 *these vital services.*

8 **SECTION 1.**

9 **SEC. 2.** Section 76000.10 is added to the Government Code,
10 to read:

11 76000.10. (a) This section shall be known, and may be cited,
12 as the Emergency Air Medical Transportation Act.

13 (b) For the purpose of implementing this section, there shall be
14 levied an additional penalty of three dollars (\$3) in each county
15 that shall be collected together with, and in the same manner as,
16 the amounts established by Section 1464 of the Penal Code, upon
17 every fine, penalty, or forfeiture imposed and collected by the
18 courts for all offenses involving a violation of the Vehicle Code
19 or a local ordinance adopted pursuant to the Vehicle Code, except
20 parking offenses subject to Article 3 (commencing with Section
21 40200) of Chapter 1 of Division 17 of the Vehicle Code. These
22 moneys shall be taken from fines and forfeitures deposited with
23 the county treasurer prior to any division pursuant to Section 1463
24 of the Penal Code. The county board of supervisors shall establish
25 in the county treasury an emergency air medical transportation act
26 fund into which shall be deposited the moneys collected pursuant
27 to this section.

28 (c) (1) Moneys in each county's fund, including interest and
29 dividends earned thereon, shall be held by the county treasurer
30 separate from funds subject to transfer or division pursuant to
31 Section 1463 of the Penal Code.

32 (2) On the last day of each calendar quarter of the year, the
33 county treasurer shall transfer moneys in the county's emergency
34 air medical transportation act fund to the Controller for credit to
35 the Emergency Air Medical Transportation Act Fund, which is
36 hereby established in the State Treasury. Notwithstanding Section
37 16305.7, the Emergency Air Medical Transportation Act Fund
38 shall include interest and dividends earned on money in the fund.

39 (3) The Emergency Air Medical Transportation Act Fund shall
40 be administered by the State Department of Health Care Services.

1 Notwithstanding Section 13340, moneys in the Emergency Air
2 Medical Transportation Act Fund are continuously appropriated,
3 without regard to fiscal year, to the department to augment
4 emergency air medical transportation reimbursement payments
5 made through the Medi-Cal program.

6 (4) The department shall seek to obtain federal matching funds
7 by using the moneys in the Emergency Air Medical Transportation
8 Act Fund for the purpose of augmenting Medi-Cal reimbursement
9 paid to emergency air medical transportation services providers.

10 (5) The department shall use the moneys in the Emergency Air
11 Medical Transportation Act Fund and federal matching funds to
12 increase the Medi-Cal reimbursement or supplemental payments
13 for emergency air medical transportation services in an amount
14 not to exceed normal and customary charges charged by the
15 emergency air ambulance transportation services provider.

16 ~~SEC. 2.~~

17 *SEC. 3.* If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.