

Assembly Bill No. 2456

Passed the Assembly August 26, 2010

Chief Clerk of the Assembly

Passed the Senate August 25, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 1797.184 and 1797.200 of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2456, Torrico. Emergency medical services: regulation.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, 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 the Emergency Medical Services Authority (EMSA), which, among other things, adopts guidelines and regulations governing the provision of emergency medical services. Violation of these provisions is a crime.

This bill 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 personnel, as defined, and would require the local EMS agencies 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 actual costs to promulgate the additional regulations. The bill would provide that any policies and procedures implemented by a local EMS agency that are not in accordance with the standards required under the bill are subject to review by the Director of the EMSA, as specified, and that a local EMS agency that is notified of a policy or procedure that is not in compliance is required to stop implementation of the policy and procedure or submit a revised policy or procedure that complies with the regulations developed by the authority to the director within 90 days of notification. The bill would allow the authority to assess penalties on a local EMS agency that fails to respond to a notification of noncompliance. By requiring that the local entities comply with these requirements, and by changing the definition of an existing crime, this bill would impose 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) For the purpose of administering an effective, statewide system of coordinated emergency medical care and statewide recognition of certification and licensure for emergency medical technician (EMT) personnel, the Emergency Medical Services Authority and the Commission on Emergency Medical Services must provide guidance to the more than 31 local emergency medical services (EMS) agencies tasked with implementing policies and procedures in all areas of prehospital EMS, including, but not limited to, local accreditation of optional skills, competency tests, training programs, demonstration of skills competency, and medical control in order to facilitate this vital coordination and efficiency.

(b) The current statewide EMS guidelines assist in achieving system standardization, streamlining field operations, and continuing the authority's commitment to comprehensive planning for EMS statewide.

(c) The statewide EMS guidelines must be strengthened in order to do all of the following:

(1) Link the numerous local EMS agencies together into one coordinated statewide EMS system.

(2) Ensure safety, competence, and consistency to the public statewide; consistent training, competence, and delivery of prehospital EMS statewide; a single standard for all EMT certified

and licensed personnel, regardless of where service is delivered; and that policies are driven by research and consensus.

(3) Support the statewide mutual aid process by providing a predetermined minimum level of service delivery as defined by the EMS community.

(d) It is the intent of the Legislature to clarify the law with respect to the authority's ability to adopt regulations and enforce statutes and regulations for the coordinated delivery of EMS by the many essential prehospital EMS stakeholders of this state.

SEC. 2. Section 1797.184 of the Health and Safety Code is amended to read:

1797.184. The authority, no later than July 1, 2012, shall develop and, after approval by the commission pursuant to Section 1799.50, adopt all of the following:

(a) Guidelines for disciplinary orders, temporary suspensions, and conditions of probation for EMT-I and Advanced EMT certificate holders that protects the public health and safety.

(b) Regulations for the issuance of EMT-I and Advanced EMT certificates by a certifying entity that protects the public health and safety.

(c) Regulations for the recertification of EMT-I and Advanced EMT certificate holders that protect the public health and safety.

(d) Regulations for disciplinary processes for EMT-I and Advanced EMT applicants and certificate holders that protect the public health and safety. These disciplinary processes shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) (1) Regulations establishing standards for policies and procedures applicable to the functions, certification, and licensure of EMT personnel as defined in Sections 1797.80, 1797.82, and 1797.84, that address all of the following components:

(A) Local accreditation.

(B) Competency-based written and skills examinations.

(C) Demonstration of skills competency.

(D) Medical control for the use of the optional skills.

(E) Approval of service providers utilizing approved optional skills.

(F) Additional training and maintenance of accreditation for optional skills.

(G) Continued competency in the optional skills, which shall be monitored through the use of any of various methods, including, but not limited to, organized field care audits, periodic training sessions, structured clinical experience, or remediation plans.

(H) Field internships.

(I) Preceptor evaluation criteria for trainees.

(J) Approval and evaluation of advanced EMT service providers.

(2) The authority may develop and, after approval by the commission pursuant to Section 1799.50, adopt a schedule of fees to be collected from each certifying entity, and an increase in fees pursuant to subdivision (d) of Section 1797.172, in amounts sufficient to support the authority's actual additional costs to promulgate regulations pursuant to paragraph (1). The fees shall be imposed proportionally between the certifying entities, and through EMT-P licensure fees, based on the number of EMT-Is and Advanced EMTs certified by certifying entities and the number of EMT-Ps licensed by the authority.

SEC. 3. Section 1797.200 of the Health and Safety Code is amended to read:

1797.200. (a) Each county may develop an emergency medical services program. Each county developing such a program shall designate a local EMS agency which shall be the county health department, an agency established and operated by the county, an entity with which the county contracts for the purposes of local emergency medical services administration, or a joint powers agency created for the administration of emergency medical services by agreement between counties or cities and counties pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

(b) A local EMS agency designated pursuant to subdivision (a) shall adhere to the regulations adopted by the authority pursuant to this division in establishing its policies and procedures required by statute or regulation.

(c) Any policies and procedures adopted or approved by a local EMS agency designated pursuant to subdivision (a) to implement regulations adopted by the authority shall be subject to review by the Director of the Emergency Medical Services Authority at the discretion of the director or upon notification by a relevant employer or a local EMS agency. Approval of policies and procedures by the director pursuant to this subdivision shall only

be granted if the policies and procedures implemented by the local EMS agency further the purposes of this division and are in accordance with the regulations developed by the authority.

(d) A local EMS agency that is notified by the authority that a policy or procedure is not in compliance with the regulations developed by the authority shall stop implementing that policy or procedure or shall submit a revised policy or procedure that complies with the regulations developed by the authority to the director within 90 days of notification.

(e) The authority may assess penalties on a local EMS agency that fails to respond to a notification as required pursuant to subdivision (d).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2010

Governor