

AMENDED IN SENATE JUNE 27, 2011

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 215

Introduced by Assembly Member Beall

January 31, 2011

An act to amend Section 76000.10 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 215, as amended, Beall. Emergency services: Emergency Medical Air Transportation Act.

The Emergency Medical Air Transportation Act, until January 1, 2018, imposes specified penalties for certain Vehicle Code and local ordinance violations. The act requires that the moneys generated from those penalties be deposited by counties into a county emergency medical air transportation act fund, and thereafter requires the counties to transfer those moneys, less administrative costs, to the Emergency Medical Air Transportation Act Fund established in the State Treasury, as provided. The act requires moneys in the Emergency Medical Air Transportation Act Fund to be made available, upon appropriation by the Legislature, to the State Department of Health Care Services for administrative costs, and to offset the state portion of the Medi-Cal reimbursement rate for emergency medical air transportation services and to augment emergency medical air transportation reimbursement payments made through the Medi-Cal program, as specified.

This bill would, instead, provide that the county or the court that imposed the fine shall transfer the moneys collected pursuant to this act to the Emergency Medical Air Transportation Act Fund in accordance with certain procedures set out in the Government Code.

~~This bill would require that, no later than March 1 of each year, each county submit a report on the administration of the Emergency Medical Air Transportation Act that contains specified requirements to the State Department of Health Care Services. By imposing new duties on county officials 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: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: *yes-no*.

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

- 1 SECTION 1. Section 76000.10 of the Government Code is
- 2 amended to read:
- 3 76000.10. (a) This section shall be known, and may be cited,
- 4 as the Emergency Medical Air Transportation Act.
- 5 (b) For purposes of this section:
- 6 (1) "Department" means the State Department of Health Care
- 7 Services.
- 8 (2) "Director" means the Director of the State Department of
- 9 Health Care Services.
- 10 (3) "Provider" means a provider of emergency medical air
- 11 transportation services.
- 12 (4) "Rotary wing" means a type of aircraft, commonly referred
- 13 to as a helicopter, that generates lift through the use of wings,
- 14 known as rotor blades, that revolve around a mast.
- 15 (5) "Fixed wing" means a type of aircraft, commonly referred
- 16 to as an airplane, that generates lift through the use of the forward
- 17 motion of the aircraft and wings that do not revolve around a mast
- 18 but are fixed in relation to the fuselage of the aircraft.

1 (6) “Air mileage rate” means the per-mileage reimbursement
2 rate paid for services rendered by rotary-wing and fixed-wing
3 providers.

4 (c) (1) For purposes of implementing this section, a penalty of
5 four dollars (\$4) shall be imposed upon every conviction for a
6 violation of the Vehicle Code or a local ordinance adopted pursuant
7 to the Vehicle Code, except parking offenses subject to Article 3
8 (commencing with Section 40200) of Chapter 1 of Division 17 of
9 the Vehicle Code.

10 (2) The penalty described in this subdivision shall be in addition
11 to the state penalty assessed pursuant to Section 1464 of the Penal
12 Code. However, this penalty shall not be included in the base fine
13 used to calculate the state penalty assessment pursuant to
14 subdivision (a) of Section 1464 of the Penal Code, the state
15 surcharge levied pursuant to Section 1465.7 of the Penal Code,
16 Section 70372 of the Government Code, and to calculate the other
17 additional penalties levied pursuant to this chapter.

18 (d) The county or the court that imposed the fine shall, in
19 accordance with the procedures set out in Section 68101, transfer
20 moneys collected pursuant to this section to the Treasurer for
21 deposit into the Emergency Medical Air Transportation Act Fund,
22 which is hereby established in the State Treasury. Notwithstanding
23 Section 16305.7, the Emergency Medical Air Transportation Act
24 Fund shall include interest and dividends earned on money in the
25 fund.

26 (e) (1) The Emergency Medical Air Transportation Act Fund
27 shall be administered by the State Department of Health Care
28 Services. Moneys in the Emergency Medical Air Transportation
29 Act Fund shall be made available, upon appropriation by the
30 Legislature, to the department to be used as follows:

31 (A) For payment of the administrative costs of the department
32 in administering this section.

33 (B) Twenty percent of the fund remaining after payment of
34 administrative costs pursuant to subparagraph (A) shall be used
35 to offset the state portion of the Medi-Cal reimbursement rate for
36 emergency medical air transportation services.

37 (C) Eighty percent of the fund remaining after payment of
38 administrative costs pursuant to subparagraph (A) shall be used,
39 to augment emergency medical air transportation reimbursement

1 payments made through the Medi-Cal program, as set forth in
2 paragraphs (2) and (3).

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

8 (B) The director shall do all of the following:

9 (i) By March 1, 2011, meet with medical air transportation
10 providers to determine the most appropriate methodology to
11 distribute the funds for medical air services.

12 (ii) Implement the methodology determined most appropriate
13 in a timely manner.

14 (iii) Develop the methodology in collaboration with the medical
15 air providers.

16 (iv) Submit any state plan amendments or waiver requests that
17 may be necessary to implement this section.

18 (v) Submit any state plan amendment or waiver request that
19 may be necessary to implement this section.

20 (vi) Seek federal approvals or waivers as may be necessary to
21 implement this section and to obtain federal financial participation
22 to the maximum extent possible for the payments under this
23 section. If federal approvals are not received, moneys in the fund
24 may be distributed pursuant to this section until federal approvals
25 are received.

26 (C) The director may give great weight to the needs of the
27 emergency medical air services providers, as discussed through
28 the development of the methodology.

29 (3) (A) Upon appropriation by the Legislature, the department
30 shall use moneys in the Emergency Medical Air Transportation
31 Act Fund and any federal matching funds to increase the Medi-Cal
32 reimbursement for emergency medical air transportation services
33 in an amount not to exceed normal and customary charges charged
34 by the providers.

35 (B) Notwithstanding any other provision of law, and pursuant
36 to this section, the department shall increase the Medi-Cal
37 reimbursement for emergency medical air transportation services
38 provided that both of the following conditions are met:

1 (i) Moneys in the Emergency Medical Air Transportation Act
2 Fund will cover the cost of increased payments pursuant to
3 subparagraph (A).

4 (ii) The state does not incur any General Fund expense to pay
5 for the Medi-Cal emergency medical air transportation services
6 increase.

7 (f) The assessment of penalties pursuant to this section shall
8 terminate commencing January 1, 2016. Penalties assessed prior
9 to January 1, 2016, shall continue to be collected, administered,
10 and distributed pursuant to this section until exhausted or until
11 June 30, 2017, whichever occurs first. On June 30, 2017, moneys
12 remaining unexpended and unencumbered in the Emergency
13 Medical Air Transportation Act Fund shall be transferred to the
14 General Fund, to be available, upon appropriation by the
15 Legislature, for the purposes of augmenting Medi-Cal
16 reimbursement for emergency medical air transportation and related
17 costs, generally.

18 (g) Notwithstanding the rulemaking provisions of Chapter 3.5
19 (commencing with Section 11340) of Part 1 of Division 2 of the
20 Government Code, the department may implement, interpret, or
21 make specific this section and any applicable federal waivers and
22 state plan amendments by means of all county letters, plan letters,
23 plan or provider bulletins, or similar instructions without taking
24 regulatory action.

25 ~~(h) Notwithstanding Section 10231.5, no later than March 1 of~~
26 ~~each year until 2018, each county shall submit a report to the~~
27 ~~department that contains the total amount of funds collected~~
28 ~~pursuant to paragraph (1) of subdivision (c) and remitted to the~~
29 ~~State Treasury.~~

30 (i)

31 (h) This section shall remain in effect until January 1, 2018, and
32 as of that date is repealed, unless a later enacted statute, that is
33 enacted before January 1, 2018, deletes or extends that date.

34 ~~SEC. 2. If the Commission on State Mandates determines that~~
35 ~~this act contains costs mandated by the state, reimbursement to~~
36 ~~local agencies and school districts for those costs shall be made~~
37 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
38 ~~4 of Title 2 of the Government Code.~~

O