

ASSEMBLY BILL

No. 2021

**Introduced by Assembly Members Poochigian, Aguiar,
Ashburn, and Figueroa**

(Coauthors: Senators Burton, Costa, Craven, Johnston,
Kelley, Lockyer, McPherson, and Rosenthal)

February 18, 1998

An act to amend Section 1797.98a of, and to amend the heading of Chapter 2.5 (commencing with Section 1797.98a) of Division 2.5 of, the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2021, as introduced, Poochigian. Maddy Emergency Medical Services Fund.

Existing law establishes the Emergency Medical Services Fund. Under existing law, money in the fund is available for reimbursement to physicians and surgeons who provide emergency medical services under specified circumstances.

This bill would change the name of the Emergency Medical Services Fund to the Maddy Emergency Medical Services Fund, would make related legislative findings and declarations, and would correct an obsolete cross-reference.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. (a) The Legislature finds and declares
 2 that in 1987 the State of California faced a crisis in
 3 emergency medical services, as trauma centers and
 4 emergency rooms were threatened with closure due to
 5 high volumes of nonpaying patients. In response to this
 6 crisis, Senator Ken Maddy introduced Senate Bill No. 12
 7 (hereafter SB 12) to establish a new fund, The
 8 Emergency Medical Services (EMS) Fund, based on
 9 revenues from penalty assessments, to partially cover the
 10 costs incurred for nonpaying patients by emergency
 11 physicians, on-call physicians, hospitals, trauma centers,
 12 and county emergency medical services systems. Under
 13 Senator Maddy’s leadership, SB 12 moved through the
 14 legislative process and was signed into law.

15 (b) After enactment, SB 12 and the creation of the
 16 EMS Fund was widely recognized as a successful
 17 approach for dealing with the crisis in emergency
 18 medical services, and in 1988 the Legislature doubled the
 19 amount of revenues deposited into the EMS Fund.

20 (c) After the adoption of Proposition 99, the Tobacco
 21 Tax Initiative, the success of the EMS Fund was again
 22 recognized by the Legislature, which adopted the EMS
 23 Fund as a mechanism for disbursing tobacco tax revenues
 24 to physicians for nonpaying patients.

25 (d) Senator Ken Maddy again demonstrated
 26 leadership in furthering emergency medical care by
 27 authoring successful legislation, Senate Bill No. 2098 in
 28 1990, and Senate Bill No. 946 in 1991, to further refine the
 29 administration of the EMS Fund in California and to
 30 make certain the moneys collected were disbursed
 31 appropriately. Over the 10 year period the EMS Fund has
 32 been in operation, Senator Ken Maddy has vigorously
 33 protected its existence, in order that emergency patients
 34 may continue to be well served in California’s hospitals.

35 (e) Additionally, Senator Ken Maddy has been a
 36 recognized leader in other emergency medical services
 37 legislation. He was the author of the legislation
 38 establishing the emergency medical services patient



1 transfer mechanisms, also contained in SB 12 of 1987, and
2 he was the author of Senate Bill No. 534 in 1983, which
3 authorized and governed the establishment of trauma
4 centers in California.

5 (f) It is therefore appropriate, in recognition of
6 Senator Ken Maddy and his efforts in authoring the
7 original legislation to create the EMS Fund and in
8 enhancing the fund's effectiveness during its 10 years of
9 existence, that the EMS Fund be renamed the Maddy
10 Emergency Medical Services Fund.

11 SEC. 2. The heading of Chapter 2.5 (commencing
12 with Section 1797.98a) of Division 2.5 of the Health and
13 Safety Code is amended to read:

14
15 CHAPTER 2.5. THE MADDY EMERGENCY MEDICAL
16 SERVICES FUND

17 SEC. 3. Section 1797.98a of the Health and Safety
18 Code is amended to read:

19 1797.98a. (a) *The fund provided for in this chapter*
20 *shall be known as the Maddy Emergency Medical*
21 *Services (EMS) Fund.*

22 (b) Each county may establish an emergency medical
23 services fund, upon adoption of a resolution by the board
24 of supervisors. The money in the fund shall be available
25 for the reimbursements required by this chapter. The
26 fund shall be administered by each county, except that a
27 county electing to have the state administer its medically
28 indigent services program may also elect to have its
29 emergency medical services fund administered by the
30 state. Costs of administering the fund shall be reimbursed
31 by the fund, up to 10 percent of the amount of the fund.
32 All interest earned on moneys in the fund shall be
33 deposited in the fund for disbursement as specified in this
34 section. The fund shall be utilized to reimburse physicians
35 and surgeons and hospitals for patients who do not make
36 payment for emergency medical services and for other
37 emergency medical services purposes as determined by
38 each county. Fifty-eight percent of the balance of the
39 money in the fund after costs of administration shall be
40 distributed to physicians and surgeons for emergency



1 services provided by all physicians and surgeons, except
2 those physicians and surgeons employed by county
3 hospitals, in general acute care hospitals that provide
4 basic or comprehensive emergency services up to the
5 time the patient is stabilized, 25 percent of the balance of
6 the fund after costs of administration shall be distributed
7 only to hospitals providing disproportionate trauma and
8 emergency medical care services, and 17 percent of the
9 balance of the fund after costs of administration shall be
10 distributed for other emergency medical services
11 purposes as determined by each county, including, but
12 not limited to, the funding of regional poison control
13 centers.

14 (c) The source of the money in the fund shall be the
15 penalty assessment made for this purpose, as provided in
16 Section ~~1465 of the Penal~~ 76000 of the Government Code.

