

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2456

Introduced by Assembly Member Torrico

February 19, 2010

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, as amended, 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 approval by the Director of the EMSA, as specified, and that an EMS service provider *or a local EMS agency* may appeal the determination made by the director to the Emergency Medical Services Commission. 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.

Vote: majority. Appropriation: no. 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) For the purpose of administering an effective, statewide
- 4 system of coordinated emergency medical care and statewide
- 5 recognition of certification and licensure for emergency medical
- 6 technician (EMT) personnel, the Emergency Medical Services
- 7 Authority and the Emergency Medical Services Commission must
- 8 provide guidance to the more than 32 local emergency medical
- 9 services (EMS) agencies tasked with implementing policies and
- 10 procedures in all areas of prehospital EMS, including, but not
- 11 limited to, local accreditation of optional skills, competency tests,
- 12 training programs, demonstration of skills competency, and medical
- 13 control in order to facilitate this vital coordination and efficiency.

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

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

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

9 (2) Ensure safety, competence, and consistency to the public
10 statewide; consistent training, competence, and delivery of
11 prehospital EMS statewide; one standard for all EMT certified and
12 licensed personnel, regardless of where service is delivered; and
13 that policies are driven by research and consensus.

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

17 (d) It is the intent of the Legislature to clarify the law with
18 respect to the authority's ability to establish guidelines for the
19 coordinated EMS delivery by the many essential prehospital EMS
20 stakeholders of this state.

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

23 1797.184. The authority, *no later than December 31, 2011*,
24 shall develop and, after approval by the commission pursuant to
25 Section 1799.50, adopt all of the following:

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

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

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

34 (d) Regulations for disciplinary processes for EMT-I and EMT-II
35 applicants and certificate holders that protect the public health and
36 safety. These disciplinary processes shall be in accordance with
37 Chapter 5 (commencing with Section 11500) of Part 1 of Division
38 3 of Title 2 of the Government Code.

39 (e) (1) Regulations establishing standards for policies and
40 procedures applicable to the functions, certification, and licensure

1 of EMT personnel as defined in Sections 1797.80, 1797.82, and
2 1797.84, ~~which~~ *that provide objective criteria for local adaptation,*
3 *and* address all of the following components:

- 4 (A) Local accreditation.
- 5 (B) Competency-based written and skills examinations.
- 6 (C) Demonstration of skills competency.
- 7 (D) Medical control for the use of the optional skills.
- 8 (E) Approval of service providers utilizing approved optional
9 skills.
- 10 (F) Additional training and maintenance of accreditation for
11 optional skills.
- 12 (G) Continued competency in the optional skills, which shall
13 be monitored through the use of any of various methods, including,
14 but not limited to, organized field care audits, periodic training
15 sessions, structured clinical experience, or remediation plans.
- 16 (H) Field internships.
- 17 (I) Preceptor evaluation criteria for trainees.
- 18 (J) Approval and evaluation of advanced EMT service providers.

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

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

31 1797.200. (a) Each county may develop an emergency medical
32 services program. Each county developing such a program shall
33 designate a local EMS agency which shall be the county health
34 department, an agency established and operated by the county, an
35 entity with which the county contracts for the purposes of local
36 emergency medical services administration, or a joint powers
37 agency created for the administration of emergency medical
38 services by agreement between counties or cities and counties
39 pursuant to the provisions of Chapter 5 (commencing with Section
40 6500) of Division 7 of Title 1 of the Government Code.

1 (b) A local EMS agency designated pursuant to subdivision (a)
2 shall adhere to the standards developed by the authority pursuant
3 to subdivision (e) of Section 1797.184 in establishing its policies
4 and procedures required by statute or regulation.

5 (c) Upon notification to the authority by an EMS service
6 provider *or a local EMS agency*, any policies and procedures
7 implemented by a local EMS agency designated pursuant to
8 subdivision (a) that are not in accordance with the authority's
9 standards developed pursuant to subdivision (e) of Section
10 1797.184 are subject to approval by the Director of the Emergency
11 Medical Services Authority. Approval by the director pursuant to
12 this subdivision shall only be granted if the policies and procedures
13 implemented by the local EMS agency further the purposes of this
14 division.

15 (d) An EMS service provider *or a local EMS agency* may appeal
16 a determination made by the director pursuant to subdivision (c)
17 to the Emergency Medical Services Commission. The commission
18 in deciding an appeal pursuant to this subdivision may sustain or
19 overrule the determination of the director. The commission shall
20 permit local implementation of the policy or procedure at issue if
21 it determines that the policy or procedure meets the approved
22 standards established pursuant to subdivision (e) of Section
23 1797.184 and is consistent with the purposes of this division. The
24 decision of the commission is final.

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

34 However, if the Commission on State Mandates determines that
35 this act contains other costs mandated by the state, reimbursement
36 to 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.

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