



Emergency Medical Services Medical Directors'
Association of California

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San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
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Solano
Stanislaus
Tuolumne
Ventura
Yolo

Date: May 9, 2023

To: The Honorable Chris Holden
Chair, Assembly Appropriations Committee
1021 O Street, Suite 5650
Sacramento, CA 95814

RE: AB 1168 (Bennett) - Emergency medical services
As Amended May 1, 2023 – OPPOSE

Dear Assembly Member Holden,

The Emergency Medical Services Administrators Association of California (EMSAAC), representing the interests of all 34 Local EMS Agencies (LEMSAs) covering all 58 counties and the Emergency Medical Directors' Association of California (EMDAC), representing all 34 EMS Agency Medical Directors and various EMS provider medical directors are strongly opposed to AB 1168, authored by Assembly Member Bennett. LEMSAs ensure the high quality, safe, and equitable delivery of emergency medical services (EMS) care to all of California's residents and visitors. This safe and equitable care is made possible by the ability of counties to organize EMS response according to local needs and provide a coordinated system as prescribed by the intent and language of the EMS Act.

As recently amended, AB 1168 continues to undo decades of progress in the provision of coordinated delivery of local EMS systems. Implementation of this bill will reverse over 40 years of state and local EMS system planning by abrogating holdings contrary to case law supporting 1797.201 (City of Oxnard v. Ventura (2021) 71 Cal.App.5th 1010). In short, AB 1168 allows for fragmentation of existing EMS systems which is antithetical to the legislature's intent (of the EMS act) to create a two-tiered system of EMS governance at state and county levels providing for the coordination of EMS at State and County levels.

Legislative Fix to a Local Dispute

AB 1168 seeks a legislative override to the court decision (Oxnard v. Ventura) upholding local challenges to 1797.201. This was a local dispute experienced in one county, by one fire agency. While recent amendments intend to narrow the intent of the bill, AB 1168 could be interpreted and used to break apart and effectively dismantle well established emergency ambulance response areas commonly known as Exclusive Operating Areas (EOA) across the State. Locally defined EOAs ensure EMS services are delivered in an equitable manner to all in need within in these areas. Simply put, organized EMS systems save lives, AB 1168 would allow these organized systems to be fractured.

1797.201 Authorities Already Protected

The bill's sponsor asserts AB 1168 is required to codify a city fire agency's or district's rights as outlined in 1797.201, if they entered into Joint Powers Agreement (JPA). We disagree. A number of fire agencies and districts have entered JPAs while retaining their 1797.201 authorities. 1797.201 was written to ensure a safe transition from fragmented and disorganized EMS delivery to a locally standardized and centrally coordinated EMS system.

Creates Fragmented and Disorganized EMS Systems

The sponsor/author correctly outline how the EMS Act "ensures that there is consistent coordination at a statewide level, while balancing the need to have that coordination occur at a more granular, and local level." However, by authorizing city fire agencies and districts to disrupt existing and contracted exclusive operating areas, AB 1168 will create fragmented



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EMS systems, preventing the very coordination the author seeks to protect. Additionally, AB 1168 does not outline how prehospital ambulance services would continue should the city fire agency or district no longer be able to provide these services after an EOA has been dismantled.

Disenfranchises Californians

AB 1168 drives a wedge between well-resourced and historically disadvantaged communities. This measure will lead to the inequitable provision of emergency medical care for residents in California with consequential impacts on neighboring communities. AB 1168 does not account for the economy of scale required to serve disadvantaged, rural, or lower call volume areas. It would force these communities to accept the service provided by the newly separated city fire agency or district without any guarantee of contractually enforceable response time or care standards.

Exclusive operating areas are designed to ensure equitable access by standardizing the level of services within these geographic regions. Exclusivity creates a balanced delivery of ambulance service through this standardization. Furthermore, in counties with multiple EOAs any change to an EOA boundary will require a re-balancing of the entire system and may require a county to reopen bidding on other operating areas in order to secure coverage for those impacted areas

This Issue Has Been Settled by Numerous Courts

AB 1168 seeks to "abrogate any contrary holdings in City of Oxnard v. County of Ventura (2021) 71 Cal.App.5th 1010. This measure overturns a vast number of settled cases between counties, local EMS agencies, cities, fire districts, hospitals, ambulance services, and other parties creating confusion and the inability for LEMSAs to ensure equitable and universal basic emergency medical services in urban, suburban, and rural areas throughout California. AB 1168 is counter to the EMS Act's intent of a coordinated, integrated and readily available system of prehospital emergency medical care and specialty hospital resources for everyone in California, regardless of where one lives or socio-economic status. Today's local EMS systems provide and assure equitable access, standardized delivery of high-quality prehospital care, and the ability to ensure local coordination of EMS assets thus fulfilling the intent of the EMS Act.

For these reasons, we continue to strongly OPPOSE AB 1168 and respectfully urge your 'NO' vote on the measure.

Should you have any additional questions please feel free to contact David Magnino at (916) 208-5985.

Respectfully,

Nick Clay
 EMSAAC President

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Katherine Staats, MD
 EMDAC President

cc: The Honorable Steve Bennett, Member, California State Assembly
 Honorable Members, Assembly Appropriations Committee
 Irene Ho, Principle Consultant, Assembly Appropriations Committee
 Allegra Kim, Principle Consultant, Assembly Appropriations Committee
 Joe Shinstock, Fiscal Director, Assembly Republican Caucus