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July 6, 2023

The Honorable Anna Caballero  
Chair, Senate Governance and Finance Committee  
State Capitol, Room 407  
Sacramento, CA 95814

**Re: AB 1168 (Bennett): Emergency medical services (EMS): prehospital EMS  
As Amended July 5, 2023 – OPPOSE  
Set for Hearing on July 12, 2023 – Senate Governance & Finance  
Committee**

Dear Senator Caballero,

The Emergency Medical Services Administrators Association of California (EMSAAC), representing the interests of all 34 California Local EMS Agencies (LEMSAs) covering all 58 California counties write in OPPOSITION to AB 1168, authored by Assembly Member Steve Bennett. LEMSAs ensure the high quality, safe, and equitable delivery of emergency medical services (EMS) care to all of California's residents and visitors. AB 1168 as recently amended seeks to overturn an extensive statutory and case law record that has repeatedly affirmed county responsibility for the administration of emergency medical services and with that, the flexibility to design systems to equitably serve residents throughout their jurisdiction.

#### **Response Time Issues**

The author and sponsors have repeatedly stated the response times to residents in the City of Oxnard are protracted and residents are being underserved. *This claim is false.* The ambulance response times for the Exclusive Operating Area (EOA) containing Oxnard are the fastest in the County, furthermore the City of Oxnard has the fastest response times in that particular EOA.

There is a claim that in 2019, there were 1,200 emergency responses in which no ambulance was available. *This claim is false.* Those 1,200 calls did receive an ambulance which was moved up to cover the City during unusually busy times. This movement of ambulances was only made possible because the City of Oxnard is a part of a larger coordinated system of ambulances administrated by the LEMSA. Should the City choose to abandon this safety net, it is unknown who will respond to those calls in the future when the system demands outstrip the City's ambulances.

We recommend the author's office and the sponsor's engaging with an independent, non-interested third-party to review the response time data.

#### **Lack of Support from the County of Ventura**

The City of Oxnard claims that for years they were ignored by the LEMSA as their community remained unsupported and under-served. *This claim is false.* There are

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a number of avenues the City of Oxnard could have explored to address their concerns. If the City felt unsupported by the LEMSA, they could have raised the issue to the County's Health Care Services Agency, the County Executive Office, the County Board of Supervisors, or the CA EMS Authority. At no time is there any evidence reported to the LEMSA that any of these steps were taken. In fact, in 2018, the LEMSA supported the City in Oxnard in increasing their level of service from Basic Life Support (BLS) to Advanced Life Support (ALS). Since implementation the program has not been staffed 24/7/365 as it was designed. If the City was truly concerned about the substandard service being received, it would seem the ALS units could have bridged that gap.

### Legal Challenges

AB 1168 seeks to abrogate unsuccessful legal action that attempted to argue an agency's .201 authorities – that is, the regulation that allows eligible city and fire districts which have continuously served a defined area since the 1980 EMS Act to administer EMS including providing their own or contracted non-exclusive ambulance service. In the case of the City of Oxnard v. County of Ventura, the court determined that their case “would disrupt the status quo, impermissibly broaden Health and Safety Code section 1797.201's exception in a fashion that would swallow the EMS Act itself, **fragment the long-integrated emergency medical system**, and undermine the purposes of the EMS Act.”

### Oxnard v. County of Ventura Intent Language

Counties are concerned with the legislative intent language in AB 1168, which distorts the findings in the City of Oxnard v. County of Ventura case. Section 1797.11 (d) states the Oxnard v. Ventura case has created confusion and concern among local agencies regarding the utility and desirability of entering into JPAs. However, the court clearly ruled that “City contends it meets the criteria for section 1797.201 grandfathering because it contracted for ambulance services on June 1, 1980, as one of the signatories to the JPA. But on that date the JPA empowered County, not City, to contract for and administer ambulance services.” Oxnard never directly contracted for ambulance services; therefore, Oxnard was not eligible to have .201 authorities, this was further affirmed on July 3, 2023 in the Senate Health Committee.

### Joint Powers Agreements

Proponents argue that many cities may be reluctant to enter into joint powers agreements (JPAs) for fear of losing their .201 administrative responsibilities given this recent court case. *This is not true*. However, in practice, many fire districts are part of JPAs and still retain their .201 authority. Nothing would preclude a JPA agreement from ensuring those administrative responsibilities could be maintained in the context of the JPA if all parties agree to those terms.

AB 1168, as noted, opens the door to undo years of litigation and agreements between cities and counties regarding the provision of emergency medical services



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and as drafted causes a great deal of uncertainty for counties who are the responsible local government entity for providing equitable emergency medical services for all of their residents. Unfortunately, this measure creates a system where there will be haves and have nots – well-resourced cities or districts will be able to provide robust services whereas disadvantaged communities, with a less robust tax base, will have a patchwork of providers – the very problem the EMS Act, passed over 40 years ago, intended to resolve.

Our respective members are deeply alarmed not only by the language within AB 1168, but by the misrepresentation of facts that can be validated by an independent third party. The bill's sponsors seek to dismantle state statute, regulations, and an extensive body of case law regarding the local oversight and provision of emergency medical services in California. This bill creates fragmented and inequitable EMS medical services statewide. For these reasons, EMSAAC strongly OPPOSES AB 1168.

Thank you,

Nick Clay  
EMSAAC President

cc: The Honorable Steve Bennett, Member, California State Assembly  
Honorable Members, Senate Governance & Finance Committee  
Daniel Rounds, Consultant, Senate Governance & Finance Committee  
Ryan Eisberg, Policy Consultant, Senate Republican Caucus  
Kayla Williams, Policy Consultant, Senate Republican Caucus  
Angela Pontes, Deputy Legislative Secretary, Office of Governor Newsom  
Samantha Lui, Deputy Secretary, Legislative Affairs, CalHHS  
Brendan McCarthy, Deputy Secretary for Program and Fiscal Affairs, CalHHS  
Julie Souliere, Asst. Secretary, Office of Program and Fiscal Affairs, CalHHS