



April 17, 2019

The Honorable Richard Pan, M.D.
Chair, Senate Health Committee
State Capitol, Room 5114
Sacramento, CA 95814

RE: SB 438/Hertzberg – Emergency medical services: dispatch
As Amended March 25, 2019 – **OPPOSE**
Set for Hearing on April 24, 2019 – Senate Health Committee

Dear Senator Pan:

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC), County Health Executives Association of California (CHEAC), Emergency Medical Services Administrators Association of California (EMSAAC), and the Emergency Medical Services Medical Directors Association of California (EMDAC), representing California's 58 counties and the 33 local emergency medical services agencies (LEMSAs) serving them, must regrettably oppose SB 438, authored by Senator Hertzberg. This measure would restrict county oversight and accountability for the operation of public safety answering points (PSAPs), including 9-1-1 EMS dispatch centers, and circumvent the authority of LEMSA medical directors to ensure the appropriate deployment and use of EMS resources.

SB 438 attempts to overturn 22 years of Supreme Court precedent in *County of San Bernardino v. City of San Bernardino* (1997 15.Cal. 4th 909). The State Supreme Court explained in enacting the EMS Act in 1980, "the Legislature conceived of 'medical control' in fairly expansive terms, encompassing matters directly related to regulating the quality of emergency medical services, including policies and procedures governing dispatch and patient care." Other subjects of medical control include those policies designed to improve the "speed and effectiveness" or emergency response as well as "how the various providers will interact at the emergency scene."

LEMSAs are required to adhere to stringent medical control standards established by the Emergency Medical Services Authority (EMSA) when enacting local policies and procedures, including those that govern EMS dispatch and response. EMSA enforces adherence to these state

standards through the local EMS plan approval process. Local EMS agency medical directors are charged with ensuring that all dispatch entities, whether public or private, operate under medical control to the benefit of the patients within their boundaries.

Should SB 438 become law, local municipal agencies would be permitted to act outside of the medical control of the LEMSA medical director, and EMSA, in the response and delivery of prehospital emergency care. This fragments the EMS system and may result in considerable variation in the care provided to patients. It also would risk patient safety, as deviations from LEMSA policies and procedures may occur without LEMSA and EMSA oversight and authority to monitor dispatch and response times, as well as issue corrective actions. It is for these reasons that our organizations regretfully must oppose SB 438.

Sincerely,

As signed by

Farrah McDaid Ting
CSAC Legislative Representative

As signed by

Kelly Brooks-Lindsey
UCC Legislative Representative

As signed by

Tracy Rhine
RCRC Legislative Advocate

As signed by

Michelle Gibbons
CHEAC Executive Director

As signed by

Kris Lyon, MD
EMDAC President

As signed by

Tammi McConnell
EMSAAC President

cc: The Honorable Robert Hertzberg, Member, California State Senate
The Honorable Susan Eggman, Member, California State Assembly
Honorable Members, Senate Health Committee
Vincent Marchand, Consultant, Senate Health Committee
Joe Parra, Consultant, Senate Republican Caucus
Tim Conaghan, Consultant, Senate Republican Caucus