



June 21, 2022

The Honorable Jim Wood, Chair
Assembly Health Committee
1020 N Street, Room 390
Sacramento CA 95814

RE: Senate Bill 443 (Hertzberg) EMS Dispatch Services
As Amended June 16, 2022 – **OPPOSE**
Set for Hearing on June 28, 2022 – Assembly Health Committee

Dear Assembly Member Wood,

The Emergency Medical Services Administrators Association of California (EMSAAC) and the Emergency Medical Directors Association of California (EMDAC) strongly oppose Senate Bill 443, authored by Senator Hertzberg. The bill's sponsors assert that SB 443 clarifies the intent of SB 438 (Hertzberg, Chapter 389, Statutes of 2019), which addressed emergency medical services (EMS) dispatch centers and the response of fire resources. The truth is SB 443 undermines 40 years of EMS system planning and severely restricts local medical control of the EMS system. In 2019, we were assured that SB 438 was not intended to undermine local emergency medical services agency (LEMSA) medical control or EMS system planning.

SB 443 will vastly reinterpret the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS Act) and reverse 40 years of state and local EMS system planning by abrogating the California Supreme Court case of *County of San Bernardino v. City of San Bernardino* (1997 [15.Cal \[15.ca\]](#). 4th 909) and "other judicial decisions". SB 443 will overturn hundreds 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 the state. SB 443 does nothing less than repeal the EMS Act's promise 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 their socio-economic status. Today's local EMS systems provide equitable access and deliver high-quality care, fulfilling the promise of the EMS Act.

In its construction, the EMS Act created a comprehensive two-tiered system governing virtually every aspect of prehospital emergency medical services. Tier 1 is state level leadership and planning led by the Emergency Medical Services Authority (EMSA). Tier 2 is local EMS leadership and planning led by the local EMS medical director. The local EMS agency and its physician medical director are dispassionate agents of the county focused on serving patient needs through planning, implementing, and evaluating the EMS system. Since the passage of the EMS Act 40 years ago, the courts have consistently affirmed the local EMS agency medical director's broad and expansive medical control authority over the entirety of the EMS system in order fulfill the central promise of the EMS Act – the delivery of equitable and quality emergency medical services.

Chapter 5 of the EMS Act provides that "The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS

agency. This medical control shall be maintained in accordance with standards for medical control established by the authority [i.e., the state authority].” Moreover, Section 1797.220 of the EMS Act is clear that “The local EMS agency, using state minimum standards, shall establish policies and procedures approved by the medical director of the local EMS agency to assure medical control of the EMS system.” When challenged, the courts have consistently affirmed that medical control is broad and expansive, encompassing matters directly related to regulating the quality of emergency medical services.

SB 443 would permit local municipal agencies to act outside of the medical control of the LEMSA medical director in the response and delivery of prehospital emergency care. Cities and districts would have the ability to separate themselves from the county’s organized EMS system and its oversight, thereby impeding the county’s ability to assure the coordination, integration, and availability of services countywide. Rural and/or lower income areas of the county could consequently experience reduced or limited services. Accordingly, SB 443 is antithetical to the equitable provision of emergency medical care for all people. SB 443 would also risk patient safety as it would remove the LEMSA medical director’s authority to provide impartial medical direction and oversight, which assures a patient-centric system. LEMSA medical directors are highly qualified and experienced EMS physicians, who are tasked to oversee EMS systems of care. In practical terms, this bill makes it possible for a public safety agency to administratively determine whether or not to operate within the clinical system of care.

SB 443 is an attempt to broadly erode the authority of EMSA and the LEMSAs, with specific intent to weaken the ability of the county’s physician EMS medical director to maintain medical control and to ensure standardization of the EMS system. The organized EMS system established under the EMS Act provides for coordination, integration, equity, and evidence-based practice in the delivery of high-quality emergency medical services. The result will likely be widespread fragmentation of the organized, efficient, and effective EMS system of today and reversion to the disjointed state that existed prior to the implementation of the EMS Act.

It is for these reasons that we strongly oppose SB 443 and respectfully urge your ‘NO’ vote on the measure. EMSAAC represents the 33 local emergency medical services (EMS) agency administrators representing all of California’s 58 counties. The mission of the Emergency Medical Directors Association of California, Inc. (EMDAC) is to provide leadership and expert guidance in the medical oversight, direction and coordination of Emergency Medical Services for the people of the State of California.

If you should have any questions, please contact EMSAAC’s President Travis Kusman at (650) 304-4837 or tkusman@smcgov.org.

Sincerely,

As signed by

Travis Kusman, MPH, NRP
EMSAAC President

As signed by

Nichole Bosson, MD, MPH, NRP
EMDAC President

cc: The Honorable Robert Hertzberg
Honorable Members, Assembly Health Committee
Lara Flynn, Principal Consultant, Assembly Health Committee
Gino Folchi, Consultant, Assembly Republican Caucus