

March 1, 2024

**EMSAAC Position Statement on
Health & Safety Code Sections 1797.230 and 1797.231**

An essential component of California's two-tiered system of emergency medical service system (EMS) governance is the regulatory oversight provided by each local EMS agency (LEMSA). The breadth of this responsibility is outlined in Health and Safety Code 1797.204, which states each LEMSA "...shall plan, implement, and evaluate the emergency medical services system..." The planning and implementation of ambulance transport by the LEMSA is further supported by Health and Safety Code 1797.224, which states, "A local EMS agency may create one or more exclusive operating areas in the development of a local plan..." When challenged in 2021 in *City of Oxnard v. County of Ventura*, the court reaffirmed that jurisdictions within a county can't develop an exclusive operating area for ambulances independent of the LEMSA's established process (as outlined in HSC 1797.224).

Recent legislation, HSC 1797.230 and 1797.231, have reaffirmed existing law, not modified or altered it. These two statutes, in brief, allow a county to contract with a fire agency to provide ambulance service via subcontract with a private (non-government) ambulance provider. Both statutes are very clear to state: "*This section shall not supersede Section 1797.201 and shall not alter, modify, abridge, diminish, or enlarge the requirements for creating, establishing, or maintaining an exclusive operating area under Section 1797.224.*" This means that while a county may contract with a fire agency for ambulance service via a subcontract, it can only be done if the LEMSA authorizes the exclusive provision of ambulance service through 1797.224 or if the fire agency has privileges through 1797.201.

In closing, 1797.230 and 1797.231 do not provide a legal pathway for local jurisdictions to contract with a private ambulance provider independently of an approved LEMSA process.

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