DATE

The Honorable Jim Wood

Chair, Assembly Health Committee

1020 N Street, Suite 390

Sacramento, CA 95814

**Re: SB 443 (Hertzberg): Emergency medical services (EMS): prehospital EMS**

 **As Amended June 16, 2022 – OPPOSE**

 **Set for Hearing on June 28, 2022 – Assembly Health Committee**

Dear Assembly Member Wood:

*YOUR ORGANIZATION NAME* must regretfully OPPOSE SB 443, authored by Senator Hertzberg. The author and the sponsors contend this measure will clarify the intent of SB 438/Hertzberg, which clarified the operation of public safety answering points (PSAPs), including 9-1-1 Emergency Medical Services (EMS) dispatch centers.

In 1980, California created a framework for a two-tiered system of EMS governance through both the EMS Authority and local emergency medical services agencies with the passage of the EMS Act. Each local EMS agency is required by law to have a licensed physician as their designated EMS medical director “to provide medical control and to assure medical accountability throughout the planning, implementation and evaluation of the EMS system” [§ Health & Safety Code 1797.202]. Furthermore, the EMS Act envisioned those EMS city or fire district providers, operating prior to 1980, would eventually transition to the new unified system. Instead, in practice, cities, fire districts, and counties have been locked in litigation about the limits of “.201 Rights” – Section 1797.201 of the Health and Safety Code.

Additionally, each LEMSA is required by law to have a licensed physician as their designated EMS medical director “to provide medical control and to assure medical accountability throughout the planning, implementation and evaluation of the EMS system” [§ Health & Safety Code 1797.202].

SB 443 seeks to undermine litigation that has affirmed county regulatory oversight for their local emergency medical services systems. The California Supreme Court, in the case of County of San Bernardino v. City of San Bernardino (1997 15.Cal. 4th 909), explained that “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.”

This measure seeks to remove established county and state medical oversight of local fire departments and other emergency medical services. The measure risks patient safety and care by creating a fragmented and inequitable system where EMS providers may operate without the accountability and safety of local medical oversight and state accountability. This bill will impact all patients and EMS systems across the state, whether they live in rural, urban or suburban counties in California.

SB 443 also seeks to abrogate other court cases regarding county medical control and local fire district .201 rights including cases between the City of Oxnard v. County of Ventura and S. San Joaquin County Fire Authority, et.al, v. San Joaquin EMS Agency, et.al. Again, neither case seeks to clarify the intent of SB 438, which was about the dispatch of EMS services. Rather, both court cases ruled against cities and fire districts attempting to undermine county medical control through their “.201 rights.”

Should SB 443 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 shatters our local 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 can and will occur without LEMSA and EMSA oversight.

Our *insert organization’s name* is opposed to any move to erode county medical control and strongly oppose efforts to eliminate county oversight of patient safety. Medical control, overseen by a medical doctor within a transparent local and state process, joins different EMS providers, both public and private, within a jurisdiction into one unified system by ensuring providers adhere to the same medical and response standards. SB 443 would dismantle this necessary oversight and impact emergency medical services in all 58 counties.

For the reasons stated above, we oppose SB 443 and respectfully request your NO vote.

Sincerely,

*YOUR NAME*

cc: The Honorable Robert Hertzberg, Member, California State Senate

 Members, Assembly Health Committee
 Lara Flynn, Principal Consultant, Assembly Health Committee

 Gino Folchi, Consultant, Assembly Republican Caucus