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## BOARD OF SUPERVISORS



# SOLANO COUNTY

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

Dear Assembly Member Wood,

On behalf of the Solano County Board of Supervisors, I write to inform you of our unanimous opposition to Senate Bill 443, authored by Senator Hertzberg. The author and sponsors assert this measure is intended to clarify the intent of SB 438 (Hertzberg, Chapter 389, Statutes of 2019), the subject of which was the operation of public safety answering points (PSAPs), including 9-1-1 Emergency Medical Services (EMS) dispatch centers. During negotiations on SB 438, county organizations including the California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County representatives of California (RCRC), and the County Health Executives Association of California (CHEAC) were assured that the measure was not intended to undermine local emergency medical services agency (LEMSA) medical control.

SB 443 seeks to undermine and circumvent litigation that has affirmed county control over their local emergency medical services systems. SB 443 proposes to abrogate, the California Supreme Court, in the case of County of San Bernardino v. City of San Bernardino (1997 15.Cal [15.cal]. 4th 909). SB 443 also seeks to abrogate other court cases filed on the basis of medical control and .201 rights including cases between the City of Oxnard v. County of Ventura and S. San Joaquin County Fire Authority, et.al [et.al], v. San Joaquin EMS Agency, et.al [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 LEMSA medical control through their so-called “.201 rights.”

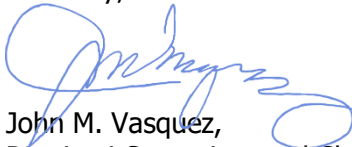
The EMS system of today that provides equitable access and delivery of high-quality care is the intentional result of the implementation of the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS Act). The EMS Act created a comprehensive two-tiered system governing virtually every aspect of prehospital emergency medical services. The Legislature’s desire to achieve coordination and integration in place of what had previously been a haphazard and inequitable arrangement is evident throughout the EMS Act. At the state level, the Emergency Medical Services Authority (EMSA) performs a number of different functions relating to the coordination of EMS throughout the state. The second tier of governance under the EMS Act is occupied by the LEMSA. The LEMSA is the neutral agent of the county charged with planning, implementing, and evaluating an emergency medical services system “consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures” (§ 1797.204).

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.

Sincerely,



John M. Vasquez,  
District 4 Supervisor and Chair  
Solano County Board of Supervisors

**CC:** Honorable Bill Dodd, Member, California State Senate  
Honorable Tim Grayson, Member, California State Assembly  
Honorable Cecilia Aguiar-Curry, Member, California State Assembly  
Honorable Lori Wilson, Member, California State Assembly  
Members, Assembly Health Committee  
Solano County Board of Supervisors  
Rural County Representatives of California  
California State Association of Counties  
Karen Lange, Legislative Advocate