

TO: The Honorable Senator Anthony Portantino, Chair
Senate Appropriations Committee

FROM: Nossaman LLP on behalf of the Monterey County Board of Supervisors

DATE: August 8, 2023

RE: **AB 1168 (Bennett): Emergency medical services (EMS): prehospital EMS- OPPOSE**

The County of Monterey opposes AB 1168, authored by Assembly Member Steve Bennett. AB 1168 seeks to overturn statutory and case law that has repeatedly affirmed county responsibility for the administration of emergency medical services and the flexibility to design systems to equitably serve residents throughout their jurisdiction.

AB 1168 seeks to annul unsuccessful legal action that attempted to argue an agency's .201 authorities – that is, the regulation that allows agencies which have continuously served a defined area since the 1980 Emergency Medical Services (EMS) Act to continue serving that area as the sole provider. And it does so in the two following ways.

Deeming of Section 1797.201 Entities: AB 1168 would allow virtually any city or fire agency to deem themselves a .201 entity in perpetuity. As underscored in several court cases, the EMS Act intended Section 1797.201 to be transitional for cities and fire agencies that were providing EMS services on June 1, 1980, to do so until they ceded the provision of those EMS services to the county through agreements. AB 1168 now allows any city or fire agency that has entered into an agreement with a county to now be “deemed” to retain its .201 authorities under three circumstances 1) those entering an agreement with a county (both previously and in perpetuity), 2) those who entered a joint exercise of powers agreement, and 3) those that contract with a county outside its jurisdiction for EMS services. This disrupts existing agreements and services areas by allowing cities and fire agencies to enter and leave existing agreements at will.

Complicated Ambulance Contracting Process: AB 1168 also creates a complicated and unnecessary process for counties to navigate to ensure EMS services throughout the entire jurisdiction. Cities and fire agencies, now deemed .201 entities, if they choose to leave an existing EMS service area, would now have to be provided the opportunity to provide continued services and if they decline, counties would have the option to reestablish services in four ways: 1) create a separate county department, 2) assign EMS service responsibility to our county fire department, 3) contract with other cities, districts, and/or other local agencies in our jurisdiction, or 4) contract with a private ambulance company. The measure does allow a county to determine the economic viability of providing services set forth by this process; however, AB 1168 requires a city or fire agency to provide EMS services to the entire EMS operating area. This bill would disrupt established agreements and services with the potential outcome of having to mandate an entity that may not be best suited or interested in serving the entire operating area.

This measure reverses years of litigation and agreements between cities and counties regarding the provision of emergency medical services and causes a great deal of uncertainty for counties who are the responsible local government entity for providing equitable emergency medical services for all of their residents. AB 1168 would allow cities and fire districts to opt out of longstanding agreements with counties who would then be obliged to open up already complicated ambulance contracting processes. Our county diligently works to ensure the equitable provision of EMS services to all of our residents and this measure needlessly fractures the systems we have in place today.

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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.

For these reasons, the County of Monterey opposes AB 1168. Should you have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,



Ashley Walker
Nossaman LLP

CC: Honorable Steve Bennett, California State Assembly, Author
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Hon. Dawn Addis, 30th Assembly District
Hon. John Laird, 17th Senate District
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