



EMS FUND

SUMMARY OF THE ISSUE

The “Maddy Emergency Medical Services (EMS) Fund” is a funding mechanism that generates revenue to partially compensate health care providers for otherwise uncompensated emergency medical services through the assessment of penalties on motor vehicle and criminal fines and forfeitures. Existing law authorizes each county to establish an emergency medical services fund for partial reimbursement of costs related to emergency medical services.

The Maddy EMS Fund in Santa Barbara County currently generates funding through AB 412 (Williams) which is specific to Santa Barbara County, and SB 236 (Padilla), which is a statewide bill. Both bills include provisions to sunset on January 1, 2014.

SB 191 (Padilla) has been introduced to remove the sunset provision for SB 236. This would make this funding mechanism available to all counties into perpetuity.

MADDY FUND HISTORY

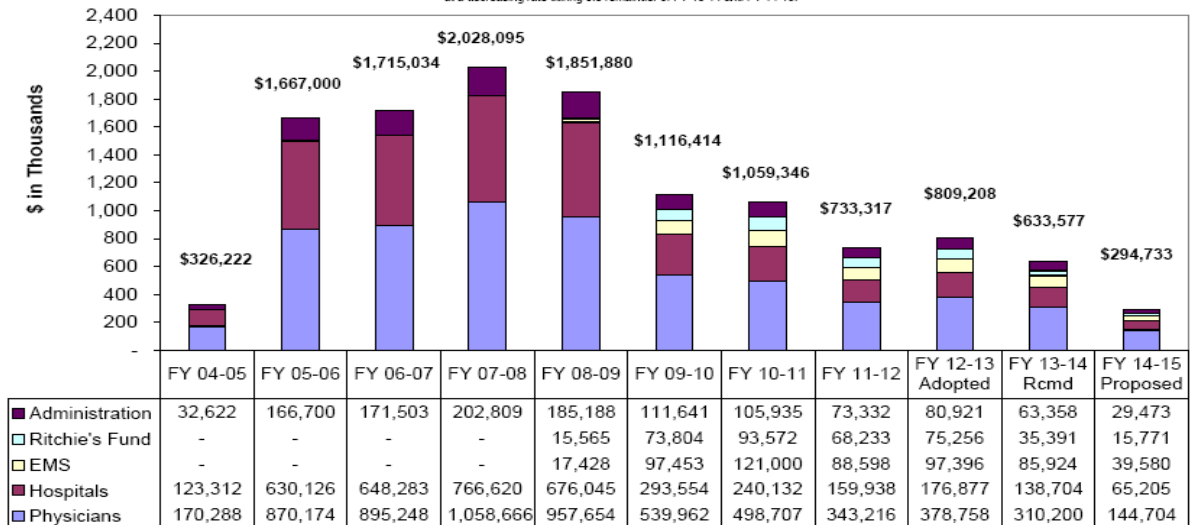
The chart below shows the various sources of funding to the Maddy EMS Fund and how the funds were distributed since FY 2004-05.

Maddy/Nava/Padilla/Williams Fund Revenue Summary

Fiscal Year 2004-05 thru 2014-15 Proposed

SOURCE: Financial Information Network (FIN)

Note: Padilla and Williams sunset on 1/1/2014, due to timing of collection by courts, revenue is expected to be collected at a decreasing rate during the remainder of FY 13-14 and FY 14-15.



As of FY 2012-13 an estimated total of \$11,306,516 is expected to be generated to support emergency medical and trauma care services in Santa Barbara County. Physicians total \$5,712,673, hospitals \$3,714,887, Ritchie’s Fund (designated for pediatric trauma care) \$326,430, and the County Emergency Medical Service Agency \$421,875.

For fiscal year 12-13, \$809,208 in revenue is anticipated to be generated for the Maddy EMS Fund in Santa Barbara County. The source of these funds is as follows: \$194,210 from Maddy residuals, \$113,289 from AB 412 (Williams) and \$501,709 from SB 236 (Padilla).

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SIGNIFICANT DEVELOPMENTS

Senate Bill 191 (Padilla) introduced on February 7, 2013 would remove the sunset date and authorize county boards of supervisors to continue to levy an additional penalty for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses and requires 15% of the funds collected pursuant to that provision be used to provide funding for pediatric trauma centers.

AB 412 will sunset in January 2014 as legislation to remove the sunset will not be pursued. The emergency physicians and other physicians groups explored this legislative option and determined there would not be support for continuing this provision for Santa Barbara County¹.

PUBLIC BENEFIT/IMPACT

SB 191 will remove the sunset provision and allow counties to continue to utilize the Maddy EMS Fund to provide partial reimbursement to physicians and hospitals for the costs of providing non-compensated emergency medical and trauma care services. In addition the funds support pediatric trauma care and the EMS Agency's required oversight of the emergency medical care system.

COST TO THE GOVERNMENT

There would be no increased cost to State or local government as a result of the passage of this bill. Passage of this bill would keep current funding that comes to SB County from SB 236 in place into the future.

ACTION AND STRATEGY FOR CONSIDERATION

- Consider a support position for SB 191 that will generate approximately \$500,000 for the Maddy EMS Fund for Santa Barbara County.
- Continue to assess future funding opportunities and the impacts of Healthcare Reform 2014.

CONTACT

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¹ At the time of the last extension the legislature stated: "The intent of Legislation in passing AB 412 as another extension on this penalty assessment is that the County of Santa Barbara secures a permanent local funding mechanism to ensure the continuation of trauma care in the region before the repeal of Section 76104.1 of the Government Code."

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SENATE BILL**No. 191****Introduced by Senator Padilla**

February 7, 2013

An act to amend Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 191, as introduced, Padilla. Emergency medical services.

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services. Existing law, until January 1, 2014, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2014, requires 15% of the funds collected pursuant to that provision be used to provide funding for pediatric trauma centers.

This bill would extend the operative date of these provisions indefinitely. The bill would also make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 76000.5 of the Government Code is
- 2 amended to read:
- 3 76000.5. (a) (1) Except as otherwise provided in this section,
- 4 for purposes of supporting emergency medical services pursuant

1 to Chapter 2.5 (commencing with Section 1797.98a) of Division
2 2.5 of the Health and Safety Code, in addition to the penalties set
3 forth in Section 76000, the county board of supervisors may elect
4 to levy an additional penalty in the amount of two dollars (\$2) for
5 every ten dollars (\$10), or part of ten dollars (\$10), upon every
6 fine, penalty, or forfeiture imposed and collected by the courts for
7 all criminal offenses, including violations of Division 9
8 (commencing with Section 23000) of the Business and Professions
9 Code relating to the control of alcoholic beverages, and all offenses
10 involving a violation of the Vehicle Code or a local ordinance
11 adopted pursuant to the Vehicle Code. This penalty shall be
12 collected together with and in the same manner as the amounts
13 established by Section 1464 of the Penal Code.

14 (2) This additional penalty does not apply to the following:

15 (A) A restitution fine.

16 (B) A penalty authorized by Section 1464 of the Penal Code or
17 this chapter.

18 (C) A parking offense subject to Article 3 (commencing with
19 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

20 (D) The state surcharge authorized by Section 1465.7 of the
21 Penal Code.

22 (b) Funds shall be collected pursuant to subdivision (a) only if
23 the county board of supervisors provides that the increased
24 penalties do not offset or reduce the funding of other programs
25 from other sources, but that these additional revenues result in
26 increased funding to those programs.

27 (c) Moneys collected pursuant to subdivision (a) shall be taken
28 from fines and forfeitures deposited with the county treasurer prior
29 to any division pursuant to Section 1463 of the Penal Code.

30 (d) Funds collected pursuant to this section shall be deposited
31 into the Maddy Emergency Medical Services (EMS) Fund
32 established pursuant to Section 1797.98a of the Health and Safety
33 Code.

34 ~~(e) This section shall remain in effect only until January 1, 2014,~~
35 ~~and as of that date is repealed, unless a later enacted statute, that~~
36 ~~is enacted before January 1, 2014, deletes or extends that date.~~

37 SEC. 2. Section 1797.98a of the Health and Safety Code is
38 amended to read:

39 1797.98a. (a) The fund provided for in this chapter shall be
40 known as the Maddy Emergency Medical Services (EMS) Fund.

1 (b) (1) Each county may establish an emergency medical
2 services fund, upon the adoption of a resolution by the board of
3 supervisors. The moneys in the fund shall be available for the
4 reimbursements required by this chapter. The fund shall be
5 administered by each county, except that a county electing to have
6 the state administer its medically indigent services program may
7 also elect to have its emergency medical services fund administered
8 by the state.

9 (2) Costs of administering the fund shall be reimbursed by the
10 fund in an amount that does not exceed the actual administrative
11 costs or 10 percent of the amount of the fund, whichever amount
12 is lower.

13 (3) All interest earned on moneys in the fund shall be deposited
14 in the fund for disbursement as specified in this section.

15 (4) Each administering agency may maintain a reserve of up to
16 15 percent of the amount in the portions of the fund reimbursable
17 to physicians and surgeons, pursuant to subparagraph (A) of, and
18 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
19 administering agency may maintain a reserve of any amount in
20 the portion of the fund that is distributed for other emergency
21 medical services purposes as determined by each county, pursuant
22 to subparagraph (C) of paragraph (5).

23 (5) The amount in the fund, reduced by the amount for
24 administration and the reserve, shall be utilized to reimburse
25 physicians and surgeons and hospitals for patients who do not
26 make payment for emergency medical services and for other
27 emergency medical services purposes as determined by each county
28 according to the following schedule:

29 (A) Fifty-eight percent of the balance of the fund shall be
30 distributed to physicians and surgeons for emergency services
31 provided by all physicians and surgeons, except those physicians
32 and surgeons employed by county hospitals, in general acute care
33 hospitals that provide basic, comprehensive, or standby emergency
34 services pursuant to paragraph (3) or (5) of subdivision (f) of
35 Section 1797.98e up to the time the patient is stabilized.

36 (B) Twenty-five percent of the fund shall be distributed only to
37 hospitals providing disproportionate trauma and emergency medical
38 care services.

39 (C) Seventeen percent of the fund shall be distributed for other
40 emergency medical services purposes as determined by each

1 county, including, but not limited to, the funding of regional poison
2 control centers. Funding may be used for purchasing equipment
3 and for capital projects only to the extent that these expenditures
4 support the provision of emergency services and are consistent
5 with the intent of this chapter.

6 (c) The source of the moneys in the fund shall be the penalty
7 assessment made for this purpose, as provided in Section 76000
8 of the Government Code.

9 (d) Any physician and surgeon may be reimbursed for up to 50
10 percent of the amount claimed pursuant to subdivision (a) of
11 Section 1797.98c for the initial cycle of reimbursements made by
12 the administering agency in a given year, pursuant to Section
13 1797.98e. All funds remaining at the end of the fiscal year in excess
14 of any reserve held and rolled over to the next year pursuant to
15 paragraph (4) of subdivision (b) shall be distributed proportionally,
16 based on the dollar amount of claims submitted and paid to all
17 physicians and surgeons who submitted qualifying claims during
18 that year.

19 (e) Of the money deposited into the fund pursuant to Section
20 76000.5 of the Government Code, 15 percent shall be utilized to
21 provide funding for all pediatric trauma centers throughout the
22 county, both publicly and privately owned and operated. The
23 expenditure of money shall be limited to reimbursement to
24 physicians and surgeons, and to hospitals for patients who do not
25 make payment for emergency care services in hospitals up to the
26 point of stabilization, or to hospitals for expanding the services
27 provided to pediatric trauma patients at trauma centers and other
28 hospitals providing care to pediatric trauma patients, or at pediatric
29 trauma centers, including the purchase of equipment. Local
30 emergency medical services (EMS) agencies may conduct a needs
31 assessment of pediatric trauma services in the county to allocate
32 these expenditures. Counties that do not maintain a pediatric trauma
33 center shall utilize the money deposited into the fund pursuant to
34 Section 76000.5 of the Government Code to improve access to,
35 and coordination of, pediatric trauma and emergency services in
36 the county, with preference for funding given to hospitals that
37 specialize in services to children, and physicians and surgeons
38 who provide emergency care for children. Funds spent for the
39 purposes of this section, shall be known as Richie's Fund. ~~This~~
40 ~~subdivision shall remain in effect only until January 1, 2014, and~~

1 ~~shall have no force or effect on or after that date, unless a later~~
2 ~~enacted statute, that is chaptered before January 1, 2014, deletes~~
3 ~~or extends that date.~~

4 (f) Costs of administering money deposited into the fund
5 pursuant to Section 76000.5 of the Government Code shall be
6 reimbursed from the money collected in an amount that does not
7 exceed the actual administrative costs or 10 percent of the money
8 collected, whichever amount is lower. ~~This subdivision shall remain~~
9 ~~in effect only until January 1, 2014, and shall have no force or~~
10 ~~effect on or after that date, unless a later enacted statute, that is~~
11 ~~chaptered before January 1, 2014, deletes or extends that date.~~