



September 5, 2018

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: AB 3115 (Gipson) – Community Paramedicine or Triage to Alternate Destination Act – REQUEST FOR VETO

Dear Governor Brown:

The California State Association of Counties (CSAC) regrettably OPPOSES AB 3115 by Assembly Member Mike Gipson as enrolled on August 31, 2018. This measure was created in the last days of the legislative session, received no policy committee review, and contains multiple changes to the operations of the state and local emergency medical services (EMS) system.

Counties are primarily concerned with the potential negative impacts on local control and oversight as a result of AB 3115 and respectfully urge you to veto this measure.

AB 3115 is a combination of two measures that failed to move forward earlier in the legislative session (AB 1795 also by Assembly Member Gipson and SB 944 by Senator Hertzberg). Counties were supportive of AB 1795, which would have allowed our members to continue alternate destination pilot programs designed to divert patients from emergency departments to facilities that could provide a more appropriate level of care, such as diverting intoxicated patients to clinically supervised sobering centers or patients experiencing a behavioral health crisis directly to psychiatric facilities.

While SB 944 also sought to extend the community paramedicine and alternate destination pilots, it also incorporated several worrisome provisions, including the development of new requirements for both existing and new alternate destination programs and a provision requiring counties to give public agencies, such as city fire departments, the first right of refusal to operate such programs. The Assembly Appropriations Committee did not move SB 944 forward due to \$400,000 in projected one-time state costs and ongoing annual state costs of \$300,000.

Now AB 3115 contains the majority of SB 944's language, along with several alarming new provisions to alter the composition of local emergency medical care committees and permanently revise the state Emergency Medical Services Commission (EMS Commission). Our members are specifically concerned about the issues enumerated below:

Local Committees. Existing law authorizes county Local Emergency Medical Services Authorities (LEMSAs) to establish volunteer local emergency medical care committees to review compliance and performance within the local EMS system. These committees do not provide medical guidance, as each county's local EMS Medical Director retains ultimate medical control of the local EMS system under Health and Safety code § 1797.220, which states, *"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."*

By requiring specific members for local emergency medical care committees, along with forcing the formation of such a committee in a county that chooses to create a community paramedicine or alternate destination program, AB 3115 infringes on established medical oversight and local control of our EMS systems.

Infringement on County Authority to Choose Providers. An additional infringement on local control of the local EMS system is found in AB 3115's §1841(e)(1), which requires the county LEMSA to provide the first right of refusal for operating a community paramedicine or alternate destination program only to public agencies, such as local municipal fire departments. Besides restricting the county's ability and duty to implement the program in the safest and most effective way, this provision is unworkable in a county-wide EMS system in which both public and private entities are overseen by the LEMSA to provide prehospital EMS transportation services.

The local effect of §1841(e)(1) could result in a "patchwork" of alternate destination services within a single county, whereby only the residents of a city in which the local public fire agency is chosen to implement alternate destination protocols benefit from this service, while other residents served by private ambulance companies are not. This is counter to the premise of local EMS systems, which are required to ensure quality and timely EMS services to all residents within its jurisdiction by developing a county-wide EMS plan with all qualified partners in the county.

EMS Commission Changes. AB 3115 also seeks to add two additional members to the current state EMS Commission, and adds additional requirements regarding who or which entities must be consulted for Commission appointees. And while AB 3115 would only authorize community paramedicine and alternate destination programs for five years, the bill's proposed Commission changes will permanently alter the composition of that statewide body.

In conclusion, counties continue to strongly support community paramedicine and alternate destination pilots, many of which may also help our members in their efforts to combat homelessness by improving the health and behavioral health of residents and provide the right level of services to the right individuals at the right time. Local control of these programs by the LEMSA is critical to meeting the unique needs of each community.

We understand that all stakeholders are ultimately concerned about patient safety, but AB 3115 is a hastily constructed measure that erodes local control of the EMS system and may give rise to inequities in EMS services within counties. And while we strongly oppose AB 3115, CSAC remains committed to working with the bill's sponsors, the state EMS Agency, and medical and psychiatric professionals to promote safe and effective community paramedicine and alternate destination pilots.

For these reasons, we respectfully request that you veto AB 3115.

Should you have any questions about our request to veto AB 3115, please do not hesitate to contact my staff member Farrah McDaid Ting, CSAC Legislative Representative, at (916) 650-8110 or fmcting@counties.org. Thank you for your consideration of our veto request.

Respectfully,



Graham Knaus
Executive Director

cc: Honorable Mike Gipson, Member, California State Assembly

Honorable Robert Hertzberg, Senator, California State Senate
Donna Campbell, Deputy Legislative Secretary, Office of Governor Brown
Jennifer Lim, Deputy Director of Legislative Affairs, Emergency Medical
Services Authority
Brian Rice, President, California Professional Firefighters
Michelle Gibbons, Executive Director, County Health Executives Association
of California
Betsy Armstrong, Senior Policy Analyst, Emergency Medical Services
Administrators Association of California
Jolena Voorhis, Executive Director, Urban Counties of California
Tracy Rhine, Legislative Advocate, Rural County Representatives of
California
Adriana Ruelas, Legislative Affairs Director, Steinberg Institute