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June 5, 2024

The Honorable Richard Roth
Chair, Senate Health Committee
1021 O Street, Room 3310
Sacramento, CA 95814

RE: AB 1168 (Bennett), Restructured Emergency Medical Service responsibilities – OPPOSE

Dear Senator Roth,

I am writing on behalf of the Kern County Board of Supervisors to express our serious concerns with AB 1168 (Bennett), which seeks to overturn an extensive statutory and case law record that has repeatedly affirmed county responsibility for the administration of emergency medical services (EMS) and the flexibility to design systems to equitably serve residents throughout their jurisdiction.

With the passage of the Emergency Medical Services Act in 1980, California created a framework for a two-tiered system of EMS governance through both the state Emergency Medical Services Authority (EMSA) and local emergency medical services agencies (LEMSAs). Counties are required by the EMS Act to create a local EMS system that is timely, safe, and equitable for all residents. To do so, counties honor .201 authorities and contract with both public and private agencies to ensure coverage of underserved areas throughout geographically diverse areas.

AB 1168 seeks to abrogate unsuccessful legal action that attempted to argue an agency's .201 authorities – that is, the regulation that allows eligible city and fire districts which have continuously served a defined area since the 1980 EMS Act to administer EMS including providing their own or contracted non-exclusive ambulance service. In the case of the City of Oxnard v. County of Ventura, the court determined that their case “would disrupt the status quo, impermissibly broaden Health and Safety Code section 1797.201’s exception in a fashion that would swallow the EMS Act itself, fragment the long-integrated emergency medical system, and undermine the purposes of the EMS Act.”

AB 1168, as noted, opens the door to undo years of litigation and agreements between cities and counties regarding the provision of emergency medical services and as drafted 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. Unfortunately, this bill would create a system

where there will be haves and have nots – well-resourced cities or districts will be able to provide robust services whereas disadvantaged communities, with a less robust tax base, will have a patchwork of providers – the very problem the EMS Act, passed over 40 years ago, intended to resolve.

Furthermore, we support the current EMSA work to promulgate clear and collaborative regulations to address these important EMS system design matters (specifically, CCR, Title 22, Chapter 1 – previously referred to as ‘Chapter 13’ regulations).

Our Board is deeply alarmed by AB 1168 and the effort by the bill’s sponsors to dismantle state statute, regulations, and an extensive body of case law regarding the local oversight and provision of emergency medical services in California. This bill creates fragmented and inequitable EMS medical services statewide. For these reasons, the Kern County Board of Supervisors strongly opposes this legislation and respectfully requests that you vote **NO on AB 1168**.

Sincerely,

A handwritten signature in black ink, appearing to read 'DC', is positioned above the typed name of the signatory.

David Couch, Chairman
Kern County Board of Supervisors

cc: The Honorable Steve Bennett, Member, California State Assembly
Honorable Members, Senate Health Committee
Honorable Members, Kern Legislative Delegation
Vince Marchand, Principal Consultant, Senate Health Committee
Tim Conaghan, Policy Consultant, Senate Republican Caucus
Joe Parra, Policy Consultant, Senate Republican Caucus
Angela Pontes, Deputy Legislative Secretary, Office of Governor Newsom
Samantha Lui, Deputy Secretary, Legislative Affairs, CalHHS
Brendan McCarthy, Deputy Secretary for Program and Fiscal Affairs, CalHHS
Julie Souliere, Assistant Secretary, Office of Program and Fiscal Affairs, CalHHS
California State Association of Counties
Kern County Public Health Department
Shaw Yoder Antwih Schmelzer & Lange