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April 5, 2024

The Honorable Freddie Rodriguez
Chair, Assembly Committee on Emergency Management
1020 N Street, Room 360B
Sacramento, CA 95814

RE: AB 2973 (Hart), Revisions to Local EMS Agency Plans - OPPOSE

Dear Assembly Member Rodriguez,

I am writing on behalf of the Kern County Board of Supervisors to express our strong opposition to AB 2973 (Hart), which would undermine the California EMS Act by eliminating the competitive process for exclusive ambulance contracts.

Specifically, these changes would eliminate competitive bidding for exclusive ambulance contracts so that California fire agencies and local governments could potentially access Medicaid funding and generate reimbursement rates nine times higher than what private providers currently receive, effectively raising the cost of EMS services.

In 2022 the Santa Barbara County Fire Department (SBCFD) was defeated by a private provider in a competitive bidding process initiated by the County's local EMS agency (LEMSA), and in accordance with the California EMS Act, for an exclusive ambulance contract. The independent review committee determined that the services SBFD offered in its bid were inferior to the competing incumbent private provider, and not in the best interests of the community or patients as is required by the California EMS Act. This decision was further solidified when two subsequent appeals initiated by SBCFD determined the selection of the private provider was valid and in the best interests of patient care.

Ultimately, the Santa Barbara County Board of Supervisors overruled their own LEMSAs and the independent committee, and issued the exclusive contract to their own fire department via a county permit in violation of the EMS Act. This resulted in the private provider filing suit and securing an injunction against the County's actions. The California Attorney General filed an amicus brief in support of the private provider's position arguing that Santa Barbara County's actions were illegal

and reaffirmed that the absence of competition may inevitably lead to higher costs for emergency services, as well as operational inefficiencies that ultimately diminish the quality of care and the equitable access to care.

The author's position that AB 2973 is declaratory of existing law is completely contradicted by decades of case law and the State's own Attorney General. Despite the author's claims that this legislation clarifies ambiguity in existing law, the revisions AB 2973 makes to Health & Safety Code Section 1797.234(b) and (c), sidesteps well-established public contracting requirements and completely undermines the intent of the EMS Act, which is to ensure political pressure does not override equitable access to emergency services and quality patient care.

The changes proposed under this bill are also contrary to the holding in *County of Butte v. Emergency Medical Services Authority* (2010) 187 Cal.App.4th 1175, which holds that if the county chooses to delegate its responsibility to provide ambulance services to a LEMSA, it cannot reserve some of the authority for itself. This case further states that the EMS Act authorizes a county to designate a single LEMSA, not two that will share statutory power and duties of the EMS Act.

There is no ambiguity or uncertainty in the decades of case law that have clearly established the requirements of the EMS Act, or the competitive requirements required when issuing exclusivity for ambulance services. At its core, AB 2973 is an attempt to eliminate the competitive process designed to protect patients and undermine the EMS Act, which could have profound consequences for patient care and set a bad precedent for local jurisdictions across California.

For all of the reasons stated above, the Kern County Board of Supervisors strongly opposes this legislation and respectfully requests that you vote **NO on AB 2973**.

Sincerely,



David Couch, Chairman
Kern County Board of Supervisors

cc: Honorable Members, Assembly Committee on Emergency Management
Honorable Members, Kern Legislative Delegation
California State Association of Counties
Kern County Public Health Department
Shaw Yoder Antwih Schmelzer & Lange