

## Legislative Update:

From our CAL/AAEM Official Representative  
on the CAL/ACEP Governmental Affairs Committee (GAC)

The CAL/ACEP GAC has been recently discussing 34 bills pending in the state legislature that will affect emergency medicine (EM) in California. The most important pieces of legislation pending are SB 254 (Dunn) and SB 117 (Speier).

■ SB 254 came before the Senate Health Committee on March 21 and passed unanimously. This bill will reorganize the state's emergency departments (EDs) under the state's Emergency Medical Services Agency and provides \$300,000,000 in funding to restore the safety net. The most important language in the bill designates EM as an essential public service.

■ SB 117 (Speier) was discussed at the same time; it provides an additional tool for the Department of Managed Health Care to ensure payment from managed care insurers to emergency and on-call specialists. There was a heated floor fight at the recent CMA House of Delegates over these and other bills.

■ CMA support for SB 254 and SB 117 was barely saved. SB 117 is very much opposed by big medical groups because it could dramatically reduce their capitation rates and increase ED use by their patients. HMOs also see SB117 as sending their patients to EDs. Dr. Loren Johnson, CAL/ACEP President-Elect, in conjunction with Steve Thompson (CMA) skillfully managed to overturn these groups and to save the Dunn bill.

Many other pieces of legislation affecting EM are pending. They include:

### □ Bills we support:

- AB 852 (Maldonado) requires 3 – point restraints in school activity buses.
- AB 1600 (Keeley) is sponsored by the CMA and involves arbitration for health care providers when they have disputes with insurers.
- SB 687 (Battin) involves MediCal claims submission. This bill eliminates the 1-year time limit from date of acknowledgement of the claim to file an appeal of denials.
- SB 486 (Ackerman) gives tax credits for physicians and attorneys who provide indigent/charity care through charitable organizations.
- SB 35 (Escutia) has to do with tobacco settlement fund allocations.
- AB 32 (Richman) involves the Cal-Health program, and is an attempt to get insurance for the uninsured.
- AB 35 (Escutia) and SB 184 (Dunn) both earmark tobacco settlement funds for health care. Sen. Dunn has dropped SB 184 to support AB 35.
- SB 785 (Ortiz) expands the Healthy Families program.
- SB 568 (Morrow) requires 3-point restraints in school buses, effective January 1. This bill changes time of implementation to 24 months after the bill passes.
- SB 652 (Torlakson) increases the penalty for transferring firearms to minors if they are used in crimes or suicides.

- AB 35 (Shelley) and SB 52 (Scott) already approved by the CAL/ACEP and CAL/AAEM boards.
- AB 740 (Runner) would take \$29,000,000 in DISH funds to pay EDs for uncompensated care. This is like taking money out of the Maddy fund to pay for trauma centers.
- AB 778 (Romero) would allocate funds to create a statewide trauma registry with the money going to Local Emergency Medical Services Agencies. It would require LEMSAs to develop a trauma plan and coordinate these into a statewide system. Tight control by physicians will be required if this is to work.
- AB 39 (Thompson) approves tax credits for small businesses to buy health insurance for employees. This should help relieve some of the burden of the number of uninsured in California.

### □ Bill we are watching:

- AB 1527 (Frommer) takes tobacco settlement money and puts it into health care.
  - AB 686 (Hertzberg/Thompson) provides for trauma center funding, but has no funds yet attached. This bill will probably merge with the Dunn bill, SB 254. One concern is that it may reduce funding for EDs to provide funding for the trauma centers.
  - AB 687 (Thompson/Hertzberg) is a proposal for using part of the state driver penalty fund into a separate EMS fund, possibly for AB 686.
  - AB 650 (Leach) is a re-visitation of the domestic violence examination issue.
  - AB 163 (Florez) carves out some of the tobacco settlement money to pay for school nurses.
  - AB 919 (Romero) is our bill, with Kaiser, regarding exemptions for overtime.
  - SB 1030 (Brulte) involves abandonment of newborns in our EDs. They provide funds (to DHS) to mount an ad campaign to inform the public of the new laws allowing this practice, and require hospitals to report such incidents.
- AB 1321 (Aroner) is an attempt to put the Health Utilities Boards together and regulate rates by the state.
- AB 1317 (Liu) addresses domestic violence. This bill is in the process of change.
  - SB 42 (Speier) changes the implementation time of the child safety restraint bill passed last year. That law moves the ages from 4 to 6 and weight of the child from 40 to 60 lbs. This bill makes this legislation effective sooner.
  - AB 566 (Koretz) is an assault weapons buy-back program. It allows amnesty for illegal guns and pays anyone who turns in one of these weapons \$100.
  - SB 939 (Soto) creates a board to oversee safety in schools, e.g. violence prevention and gang suppression, and provides funds for collaborative efforts. This would be a state board, advisory to DHS, and would host an annual conference on violence prevention. We will approve of it *if* it includes an emergency physician and a pediatrician on the board, which otherwise would be composed of state appointees and employees.

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- AB 1219 (Frommer) requires built-in safeties on hand-guns. The safeties can be mechanical or electronic and must spontaneously deactivate over time, so they cannot be left switched off indefinitely.
  - SB 447 (Vasconcellos) creates yet another EMSA coordinating council to advise the governor. EMSA's rules already allow them to do this if they wish; this would force them to do it. The board would be made up entirely of state administrators, and would not include physicians on the council. We will support it if amended to include physicians.
- Bills we may or will oppose:**
- SB 487 (Karnette) probably creates instant EMTALA violations by posting charges in ED waiting rooms.
  - SB 851 (Oller) circumvents the EMS system by expanding the EMT- I scope of practice in the field. This bill would allow this practice to continue. A study was recently undertaken to determine the efficacy of this in a rural setting, and no advantage was found.
  - SB 1057 (Morrow) seen as a "backdoor" way to repeal the motorcycle helmet law by eliminating the requirement to wear helmets for adults 18 and over.
- Other Bills:**
- AB 39 (Thompson) approves tax credits for small businesses to buy health insurance for their employees. This should help relieve some of the burden of the number of uninsured in California.

This is the legislative agenda that is being addressed by the CAL/ ACEP Governmental Affairs Committee. You can check on the status of these bills at any time by going to the state legal counsel's website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Unfortunately, the emergency medical services safety net is not the only infrastructure collapsing in California. The power crisis will take billions from the state that could be better spent, and the outlook for funding of our agenda is grim. That is why it is so important to have as many EPs as possible involved in the political process. We have until the end of May, when the "May Revise" of the Governor's proposed budget is completed, to have an impact on that process.

If you are interested in learning more, becoming involved, or have questions, comments or cheap shots, please e-mail me at [pcwindham@elite.net](mailto:pcwindham@elite.net).

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