

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
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Agenda Number:
Prepared on: 5/06/03
Department Name: Public Health
Department No.: 041
Agenda Date: May 27, 2003
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Roger E. Heroux, Director
Public Health Department

STAFF Nancy Lapolla, MPH, 681-5274

SUBJECT: Establishment of a Maddy Emergency Medical Services Fund in Santa Barbara County

Recommendation(s):

That the Board of Supervisors:

Direct the Emergency Medical Services (EMS) Agency staff to work with other interested parties to sponsor legislation that would establish a source of funding for a Maddy EMS Fund in Santa Barbara County.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with:

Goal No. II: A Safe and Healthy Community in Which to Live, Work, and Visit

Goal No VII: A Community that Fosters the Safety and Well-Being of Families and Children

Executive Summary and Discussion:

Under California Codes, Health and Safety Code, Section 1797.98, a "Maddy Emergency Medical Services Fund" may be established by each county upon adoption by the Board of Supervisors. Revenue for this fund comes from fines and forfeitures collected under Government Code 76000. Distribution of this revenue is limited to one or more of the following funds: Courthouse Construction Fund, Criminal Justice Facilities Construction Fund, County Automated Fingerprint Identification Fund, Forensic Laboratory Fund, County Emergency Medical Services Fund, DNA Identification Fund.

Under Resolution No. 91-682 of the Board of Supervisors, November 26, 1991, all monies collected under Government Code 76000 are distributed evenly between the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund. Under Government Code 76105, this distribution "shall continue

through and including the 20th year after the initial year for which the additional penalty is collected.” At the time of this resolution, it was decided to forego the creation of a Maddy Emergency Medical Services Fund.

There is now an urgent need for the establishment of a Maddy Emergency Medical Services (EMS) Fund in the County of Santa Barbara. This fund is utilized in 46 other counties in California to reimburse physicians and hospitals for the uncompensated care trauma and emergency patients receive and for other emergency medical services as determined by each county. Government Code 76105 locks in the distribution of funds to the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund for 20 years. The only way to provide funding for a Maddy EMS Fund in Santa Barbara County, therefore, is to raise the penalties and deposit the difference into a Maddy EMS Fund.

In a 1999 report on county emergency medical funds, a legal opinion from the Office of Legislative Counsel stated, “...the Legislature intended penalty assessments on motor vehicle and criminal fines and forfeitures to be the source of funding for the counties’ EMS funds. In this way, the segment of the population with some responsibility in creating emergencies bears a degree of the costs of emergency medical services.”

There is a tremendous disparity between Santa Barbara County and the eleven other counties that do not have Maddy Funds. Of these, Santa Barbara is the most populous. The second most populous county without a Maddy Fund is Shasta County, with a population less than half that of Santa Barbara. Shasta County and Santa Barbara County are the only counties without a Maddy Fund that have Trauma Centers. However, Shasta County has only a single Level IV Trauma Center, the lowest designation of Trauma Centers, whereas Santa Barbara County has a Level II Trauma Center (Santa Barbara Cottage Hospital) and a Level IV Trauma Center (Goleta Valley Cottage Hospital). Additionally, Marian Medical Center is in the process of applying to become a Level III Trauma Center.

As reimbursement rates continue to drop and the number of patients utilizing Emergency Departments in the County of Santa Barbara continues to rise, more and more pressure is being brought to bear on the system. As a result, physicians are less willing to expose themselves to the liability of treating patients for whom they will not be compensated. There has been a decrease in the number of physician specialists in Santa Barbara in the past five years, which has negatively impacted the ability of the hospitals to care for critically ill and trauma patients. Ultimately, if this trend continues, the ability of our trauma centers to care for trauma patients is in jeopardy.

Emergency Departments and Trauma Centers represent the front line in healthcare on a daily basis and in times of disaster and bioterrorism events especially. California voters have repeatedly demonstrated their support for the need to maintain these facilities. The recent passage of Measure B, with 73% of the vote in Los Angeles is testament to this fact. Measure B will provide \$168 million a year to fund emergency and trauma care in Los Angeles County by raising property taxes.

In 2002, recognizing the need for a Maddy EMS Fund, the Board of Supervisors of Tulare County opted to divert funds that had previously been allocated to the County Automated Fingerprint Identification Fund and use that source to establish a Maddy EMS Fund. Unfortunately, that option is not available in Santa Barbara County.

An interested group of local emergency physicians have drafted legislation for what is essentially a district bill that would allow Santa Barbara County to add additional penalties to those provided for under

Government Code 76000, and use that funding to create a Maddy EMS Fund. This legislation does not change the distribution structure of the fund, as mandated by California Codes, Health and Safety Code, Section 1797.98, which allocates up to 10% of the fund for reimbursement of administration costs. Of the remainder, 58% shall be distributed to physicians and surgeons for emergency services provided, 25% shall be distributed to hospitals providing disproportionate trauma and emergency medical care, and 17% shall be distributed for “other emergency medical services purposes, as determined by each county.”

Should your Board adopt this recommendation, and we are successful in procuring legislation, which would allow Santa Barbara County to provide funding by increase of the penalties, fines and forfeitures collected under Government Code 76000, we would bring back to your Board a recommendation to adopt a resolution to establish a Maddy EMS Fund in Santa Barbara County.

Mandates and Service Levels:

Approval of this recommendation will not result in any change in mandates or service levels.

Fiscal and Facilities Impacts:

There is no General Fund, Public Health Department (PHD) Special Revenue Fund, or facility impact associated with this proposal. There are expenses involved in the administration of the fund; however, the County may retain 10% of the fund for the cost of administration. In the event that we are successful in establishing a Maddy Fund, hospitals and physicians will receive partial compensation for currently uncompensated emergency and trauma patient services provided and the EMS Agency will be allocated a discretionary amount equal to 17% of the fund with which to support the local EMS system.

Special Instructions:

Please call Eliana Guerra at 681-5274, when a minute order is available for pick up.