



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

A-78

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: CEO  
Department No.: 012  
For Agenda Of: 9/2/08  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

ADDENDUM

**TO:** Board of Supervisors  
**FROM:** Department Michael F. Brown, County Executive Officer  
Director(s)  
Contact Info: Terri Maus Nisich, Assistant CEO 568.3412 *Maus*  
**SUBJECT:** Assembly Bill 1900, Maddy EMS Fund

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** Public Health Department

As to form: Yes

**Recommended Actions:**

Receive and file a written report regarding Assembly Bill 1900 pertaining to the Maddy EMS Fund.

**Summary Text:**

The term "Maddy Emergency Medical Services (EMS) Fund" refers to a funding mechanism that generates approximately \$1.9 million a year through the assessment of penalties on motor vehicle and criminal fines and forfeitures to partially compensate health care providers within Santa Barbara County for otherwise uncompensated emergency medical services. Specifically, the County is legally allowed to collect an additional \$5 per every \$10 of base fines on criminal violations and \$2.50 for every parking violation for the Maddy EMS Fund. However, the County's Maddy EMS Fund is set to expire on January 1, 2009. On September 25, 2007, the Board of Supervisors authorized a measure (Measure S) to be placed on the February 5, 2008 election ballot to fund the Maddy Emergency Medical Services and Trauma Care System via a parcel tax. Measure S failed to garner the 2/3 majority vote by the electorate with only 46% of the voters approving the ballot measure.

Assemblymember Nava subsequently introduced legislation known as Assembly Bill (AB) 1900 to assist the County and the medical community in retaining a portion of the Maddy EMS Fund revenues while a long-term financing source could be developed. AB 1900 extends the sunset date to January 1, 2011. AB 1900 is currently considered enrolled as it passed in the Assembly on August 15, 2008 and is awaiting signature by the Governor. *Should this bill be signed by the Governor and chaptered, it is the clear understanding of the Legislature and the Governor that the County would not pursue another legislative bill to further extend or remove the sunset date of the Maddy EMS Fund.*

**Background:**

History of the Maddy Fund in Santa Barbara County: In November 1991, the Santa Barbara County Board of Supervisors passed Resolution #91-682 that allocated all funds collected under Government Code 76000 to the Courthouse Construction Fund and Criminal Justice Facilities Construction Fund rather than to a Maddy EMS Fund. These funds are required to be used for this purpose until 2022.

Since 1991, a number of factors contributed to substantially increasing the need for a Maddy EMS Fund in Santa Barbara County, including the closure of two hospitals, a seismic retrofit requirement placed on hospitals, the declining reimbursement rate of government insurance programs and the increasing number of uninsured. Further, research indicated that Santa Barbara County was the only county in the State with a Level II Trauma Center that did not receive Maddy EMS Funds.

In 2004, Senate Bill 635 was enacted that allowed Santa Barbara County to collect additional penalties (\$5 per every \$10 of base fines) for criminal violations under Government Code Section 76000 and \$2.50 for every parking violation in the County for a Maddy EMS Fund from January 1, 2005 through December 31, 2006. In September 2006, Assembly Bill 2265 was enacted that extended the sunset date of the Maddy EMS Fund from January 1, 2007 to January 1, 2009. Assembly Bill 2265 (section 42007.5(b)) also stated "that the County of Santa Barbara shall place an appropriate proposed tax ordinance as a county measure on the ballot for or before the November 2008 election that will ensure the collection of sufficient funds to fully support the trauma center." The County placed a parcel tax measure on the February 5, 2008 election ballot to fund emergency medical and trauma care services, although the measure failed. Assembly Bill 1900, should it pass, would extend the sunset date until January 1, 2011 and require the Board of Supervisors to report to the Legislature whether, and to what extent that, any actions are taken by the County to implement alternative local sources of financing. Any future legislative attempts to further extend or remove the sunset date would not be well-received by members of the Legislature or the Governor's Office.

#### **Performance Measure:**

Since January 2005, the Maddy EMS Fund has distributed \$2.4 million to physicians and \$1.7 million to hospitals throughout the County to partially compensate providers for the uncompensated delivery of emergency medical and trauma care services. One such provider includes Santa Barbara Cottage Hospital, which is the only Level II Trauma Center between Los Angeles and San Jose. In 2007, there were 130,922 emergency room visits, of which 15,349 visits were considered to be "out of county."

#### **Fiscal and Facilities Impacts:**

Budgeted: Select\_Budgeted

#### **Fiscal Analysis:**

Narrative: According to Assembly Bill 1900, only vehicle violations related to alcohol or drugs would be subject to the Maddy EMS Fund penalty assessment. It is estimated that these types of fines would generate about \$600,000. In addition, the Board of Supervisors could elect to levy an additional penalty of \$2 for every \$10, or part of \$10, upon fines and forfeitures for criminal offenses related to the control of alcoholic beverages and all offense related to violations of the Vehicle Code pursuant to the recently chaptered Senate Bill 1236. It is estimated that this funding source would generate about \$540,000. Together these two legislative bills would enable the County to generate approximately \$1.1 million a year to continue to partially compensate health care providers within Santa Barbara County for otherwise uncompensated emergency medical services. However, these bills have expiration dates of 2011 and 2014 respectively; therefore, the County should continue to examine other funding scenarios to replace these funding streams.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

**Attachments:**

1. Assembly Bill 1900
2. Senate Bill 1236

**Authored by:**

Sharon Friedrichsen, Assistant to the CEO, 568.3107

**CC:**

Dr. Elliott Schulman, Director/Health Officer, Public Health Department  
Michele Mickiewicz, Deputy Director, Public Health Department  
Nancy Lapolla, Director, EMS Agency, Public Health Department  
Jim Deboo, Chief of Staff, Assemblymember Pedro Nava  
Monica Miller, Governmental Advocate, Inc.

**Assembly Bill No. 1900**

\_\_\_\_\_  
Passed the Assembly August 15, 2008

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_  
Passed the Senate August 11, 2008

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_  
This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 76104.1 of the Government Code, and to amend Section 42007.5 of the Vehicle Code, relating to penalty assessments.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1900, Nava. Penalty assessments: Santa Barbara County Level II Trauma Center.

Existing law generally provides, for purposes of supporting emergency medical services in Santa Barbara County, that a specified penalty shall be imposed on every fine, penalty, or forfeiture collected for all criminal offenses, including, except as specified, all offenses involving a violation of the Vehicle Code, and shall be specially distributed, as specified. These provisions are scheduled to be repealed on January 1, 2009.

This bill would extend the repeal dates of the above provisions until January 1, 2011. The bill would provide that the above penalty assessment shall not be applicable to offenses involving a violation of the Vehicle Code, except for specified offenses involving alcohol or drugs, and would delete the above distribution procedure. The bill would make conforming changes to a related provision. The bill would make specified findings and declarations, including that, for specified reasons, the special legislation contained in the act is necessarily applicable only to Santa Barbara County. By extending the above penalty assessment provisions indefinitely, and by revising the offenses subject to the penalty assessment and the current penalty assessment distribution procedure, this bill would impose new duties on local officials relating to the imposition of penalty assessments, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) This is the third time that the County of Santa Barbara has sought extraordinary assistance from the Legislature in obtaining Maddy Emergency Medical Services funding.

(b) The county is the only county in the state that is receiving this unique funding.

(c) It is the intent of the Legislature in passing another extension on this penalty assessment that the County of Santa Barbara secure a permanent local funding mechanism to ensure the continuation of trauma care in the region before the repeal of Section 76104.1 of the Government Code.

SEC. 2. Section 76104.1 of the Government Code is amended to read:

76104.1. (a) (1) Except as otherwise provided in this section, and notwithstanding any other law, for purposes of supporting emergency medical services pursuant to Chapter 2.5 (commencing with Section 1797.98a) of Division 2.5 of the Health and Safety Code, in Santa Barbara County, a penalty in the amount of five dollars (\$5) for every ten dollars (\$10), or part of ten dollars (\$10), shall be imposed on every fine, penalty, or forfeiture collected for all criminal offenses. This penalty assessment shall not apply to offenses involving a violation of the Vehicle Code, except for violations of Sections 23103.5, 23136, 23140, 23152, and 23153. This penalty assessment shall be collected together with and in the same manner as the amount established by Section 1464 of the Penal Code.

(2) The penalty imposed by this section does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(b) The moneys collected pursuant to this section shall be held by the county treasurer in the same manner, and shall be payable

for the same purposes, described in subdivision (e) of Section 76104.

(c) This section shall be implemented only if the Santa Barbara County Board of Supervisors adopts a resolution stating that implementation of this section is necessary to the county for purposes of providing payment for emergency medical services.

(d) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 3. Section 42007.5 of the Vehicle Code is amended to read:

42007.5. (a) Notwithstanding paragraph (2) of subdivision (b) of Section 42007, in Santa Barbara County, upon the establishment of a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, the amount that would have been collected pursuant to Section 76104.1 of the Government Code shall be deposited in the Maddy Emergency Medical Services Fund established by the county pursuant to Section 1797.98a of the Health and Safety Code.

(b) The Board of Supervisors of the County of Santa Barbara shall report to the Legislature whether, and to the extent that, any actions are taken by the County of Santa Barbara to implement alternative local sources of funding.

(c) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 4. The Legislature finds and declares that due to unique circumstances regarding emergency medical services in the County of Santa Barbara, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Sections 2 and 3 of this act is necessarily applicable only to the County of Santa Barbara.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.





Approved \_\_\_\_\_, 2008

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*Governor*

**Senate Bill No. 1236**

**CHAPTER 60**

An act to amend Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to county penalties.

[Approved by Governor July 3, 2008. Filed with Secretary of State July 3, 2008.]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1236, Padilla. Fines and forfeitures.

Existing law, until January 1, 2009, authorizes a county board of supervisors to elect to levy an additional penalty in the amount of \$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified.

Existing law, until January 1, 2009, requires 15% of the funds collected pursuant to that additional penalty to be expended for pediatric trauma centers.

This bill would extend the repeal date of these provisions until January 1, 2014.

*The people of the State of California do enact as follows:*

SECTION 1. Section 76000.5 of the Government Code is amended to read:

76000.5. (a) (1) Except as otherwise provided elsewhere in this section, for purposes of supporting emergency medical services pursuant to Chapter 2.5 (commencing with Section 1797.98a) of Division 2.5 of the Health and Safety Code, in addition to the penalties set forth in Section 76000, the county board of supervisors may elect to levy an additional penalty in the amount of two dollars (\$2) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including violations of Division 9 (commencing with Section 23000) of the Business and Professions Code relating to the control of alcoholic beverages, and all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. This penalty shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code.

(2) This additional penalty does not apply to the following:

- (A) Any restitution fine.
- (B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(b) Funds shall be collected pursuant to subdivision (a) only if the county board of supervisors provides that the increased penalties do not offset or reduce the funding of other programs from other sources, but that these additional revenues result in increased funding to those programs.

(c) Money collected pursuant to subdivision (a) shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(d) Funds collected pursuant to this section shall be deposited into the Maddy Emergency Medical Services (EMS) Fund established pursuant to Section 1797.98a of the Health and Safety Code.

(e) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 2. Section 1797.98a of the Health and Safety Code is amended to read:

1797.98a. (a) The fund provided for in this chapter shall be known as the Maddy Emergency Medical Services (EMS) Fund.

(b) (1) Each county may establish an emergency medical services fund, upon the adoption of a resolution by the board of supervisors. The moneys in the fund shall be available for the reimbursements required by this chapter. The fund shall be administered by each county, except that a county electing to have the state administer its medically indigent services program may also elect to have its emergency medical services fund administered by the state.

(2) Costs of administering the fund shall be reimbursed by the fund, based on the actual administrative costs, not to exceed 10 percent of the amount of the fund.

(3) All interest earned on moneys in the fund shall be deposited in the fund for disbursement as specified in this section.

(4) Each administering agency may maintain a reserve of up to 15 percent of the amount in the portions of the fund reimbursable to physicians and surgeons, pursuant to subparagraph (A) of, and to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each administering agency may maintain a reserve of any amount in the portion of the fund that is distributed for other emergency medical services purposes as determined by each county, pursuant to subparagraph (C) of paragraph (5).

(5) The amount in the fund, reduced by the amount for administration and the reserve, shall be utilized to reimburse physicians and surgeons and hospitals for patients who do not make payment for emergency medical services and for other emergency medical services purposes as determined by each county according to the following schedule:

(A) Fifty-eight percent of the balance of the fund shall be distributed to physicians and surgeons for emergency services provided by all physicians and surgeons, except those physicians and surgeons employed by county

hospitals, in general acute care hospitals that provide basic or comprehensive emergency services up to the time the patient is stabilized.

(B) Twenty-five percent of the fund shall be distributed only to hospitals providing disproportionate trauma and emergency medical care services.

(C) Seventeen percent of the fund shall be distributed for other emergency medical services purposes as determined by each county, including, but not limited to, the funding of regional poison control centers. Funding may be used for purchasing equipment and for capital projects only to the extent that these expenditures support the provision of emergency services and are consistent with the intent of this chapter.

(c) The source of the moneys in the fund shall be the penalty assessment made for this purpose, as provided in Section 76000 of the Government Code.

(d) Any physician and surgeon may be reimbursed for up to 50 percent of the amount claimed pursuant to subdivision (a) of Section 1797.98c for the initial cycle of reimbursements made by the administering agency in a given year, pursuant to Section 1797.98e. All funds remaining at the end of the fiscal year in excess of any reserve held and rolled over to the next year pursuant to paragraph (4) of subdivision (b) shall be distributed proportionally, based on the dollar amount of claims submitted and paid to all physicians and surgeons who submitted qualifying claims during that year.

(e) Of the money deposited into the fund pursuant to Section 76000.5 of the Government Code, 15 percent shall be utilized to provide funding for all pediatric trauma centers throughout the county, both publicly and privately owned and operated. The expenditure of money shall be limited to reimbursement to physicians and surgeons, and to hospitals for patients who do not make payment for emergency care services in hospitals up to the point of stabilization, or to hospitals for expanding the services provided to pediatric trauma patients at trauma centers and other hospitals providing care to pediatric trauma patients, or at pediatric trauma centers, including the purchase of equipment. Local emergency medical services (EMS) agencies may conduct a needs assessment of pediatric trauma services in the county to allocate these expenditures. Counties that do not maintain a pediatric trauma center shall utilize the money deposited into the fund pursuant to Section 76000.5 of the Government Code to improve access to, and coordination of, pediatric trauma and emergency services in the county, with preference for funding given to hospitals that specialize in services to children, and physicians and surgeons who provide emergency care for children. Funds spent for the purposes of this section, shall be known as Richie's Fund. This subdivision shall remain in effect only until January 1, 2014, and shall have no force or effect on or after that date, unless a later enacted statute, that is chaptered before January 1, 2014, deletes or extends that date.

(f) Costs of administering money deposited into the fund pursuant to Section 76000.5 of the Government Code shall be reimbursed from the money collected, not to exceed 10 percent. This subdivision shall remain

in effect only until January 1, 2014, and shall have no force or effect on or after that date, unless a later enacted statute, that is chaptered before January 1, 2014, deletes or extends that date.

