

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
April 18, 2016

SUBJECT: S.B. 867 – Maddy Emergency Medical Services Fund

RECOMMENDED MOTION: That the Board of Supervisors:
Support Bill S.B. 867 (Roth)

BACKGROUND:

Summary

S.B. 867: The Emergency Medical Services fund was created (SB 12, Maddy, 1987) to provide supplemental financing for local emergency services. This bill was amended in 1988 (SB 612, Maddy) to create a penalty assessment of \$2 per \$10 levied on applicable fines, penalties, and forfeitures (Penal Code 76000). It was again amended in 2006 (SB 1773, Alarcon) to add another penalty assessment of \$2 per \$10 and modified to require 15% of the funds collected pursuant to that provision to be used to provide funding for pediatric trauma centers (Richie Fund). Current legislation is set to expire on January 1 2017. This bill would extend the operative date of these provisions until January 1, 2027.



Brian Nestande
Deputy County Executive Officer

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE
BY: 

County Executive Office Signature
George A. Johnson

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: _____ District: All Agenda Number: _____

BACKGROUND:

Summary (continued)

Each county may establish an EMS Fund, upon the adoption of a resolution by the Board of Supervisors. 49 counties have established Maddy funds pursuant to Health and Safety Code Section 1797.98a. **Riverside County adopted a resolution for the Maddy Fund in 1988 and again in 2007.** The Maddy EMS Fund is administered by each county, except when a county elects to have the state administer its medically indigent services program and then they may also elect to have its EMS fund administered by the state.

Maddy revenues are generated from court fines, penalties and forfeitures for various criminal offenses and motor vehicle violations. Also, a portion of fees are collected from violators attending traffic school. For those counties implementing both the old and new penalty assessments, the total penalty assessment is \$4 per \$10 of fines and forfeitures. Courts then collect the penalty assessments and forward them to the County. **Riverside County receives approximately \$5 million per year for the fund.**

Counties may use the initial 10% of these revenues for EMS fund administration. In counties that have implemented the “old” Maddy EMS Fund (PC 76000), the remaining 90% is allocated to:

- 58% Physicians Services Account - payments made to physicians who care for patients who have no insurance coverage or are otherwise unable to pay for the emergency room visit;
- 25% Hospital Services Account - payments made to hospitals for the provision of emergency care to the homeless, uninsured, or undocumented for trauma and medical care services;
- 17% Discretionary Account - payments made for other EMS purposes, determined by each county.

Physicians can receive reimbursement for up to 50% of their claims, whereas hospital and optional costs can be reimbursed up to 100%.

In counties where the “new” Alarcon funding (PC 76000.5) has been implemented, after the 10% administration component is allocated, then the next 15% of the funding are set aside for pediatric emergency care, this fund is called the Richie’s Fund. The remaining 75% of the “new” Alarcon funding is then distributed as noted above.

Impact on Residents and Businesses

The action presented would affect residents of Riverside County through its support of County safety net providers especially in the form of pediatric trauma care.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 867

Introduced by Senator Roth

January 11, 2016

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 emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 867, as amended, Roth. Emergency medical services.

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services. Existing law, until January 1, 2017, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2017, requires 15% of the funds collected pursuant to that provision to be used to provide funding for pediatric trauma centers.

This bill would extend the operative date of these provisions ~~indefinitely~~ until January 1, 2027.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

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

1 76000.5. (a) (1) Except as otherwise provided in this section,
2 for purposes of supporting emergency medical services pursuant
3 to Chapter 2.5 (commencing with Section 1797.98a) of Division
4 2.5 of the Health and Safety Code, in addition to the penalties set
5 forth in Section 76000, the county board of supervisors may elect
6 to levy an additional penalty in the amount of two dollars (\$2) for
7 every ten dollars (\$10), or part of ten dollars (\$10), upon every
8 fine, penalty, or forfeiture imposed and collected by the courts for
9 all criminal offenses, including violations of Division 9
10 (commencing with Section 23000) of the Business and Professions
11 Code relating to the control of alcoholic beverages, and all offenses
12 involving a violation of the Vehicle Code or a local ordinance
13 adopted pursuant to the Vehicle Code. This penalty shall be
14 collected together with and in the same manner as the amounts
15 established by Section 1464 of the Penal Code.

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

17 (A) A restitution fine.

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

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

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

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

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

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

36 (e) *This section shall remain in effect until January 1, 2027.*

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

39 1797.98a. (a) The fund provided for in this chapter shall be
40 known as the Maddy Emergency Medical Services (EMS) Fund.

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

9 (2) Costs of administering the fund shall be reimbursed by the
10 fund in an amount that does not exceed the actual administrative
11 costs or 10 percent of the amount of the fund, whichever amount
12 is lower.

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

15 (4) Each administering agency may maintain a reserve of up to
16 15 percent of the amount in the portions of the fund reimbursable
17 to physicians and surgeons, pursuant to subparagraph (A) of, and
18 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
19 administering agency may maintain a reserve of any amount in
20 the portion of the fund that is distributed for other emergency
21 medical services purposes as determined by each county, pursuant
22 to subparagraph (C) of paragraph (5).

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

29 (A) Fifty-eight percent of the balance of the fund shall be
30 distributed to physicians and surgeons for emergency services
31 provided by all physicians and surgeons, except those physicians
32 and surgeons employed by county hospitals, in general acute care
33 hospitals that provide basic, comprehensive, or standby emergency
34 services pursuant to paragraph (3) or (5) of subdivision (f) of
35 Section 1797.98e up to the time the patient is stabilized.

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

39 (C) Seventeen percent of the fund shall be distributed for other
40 emergency medical services purposes as determined by each

1 county, including, but not limited to, the funding of regional poison
2 control centers. Funding may be used for purchasing equipment
3 and for capital projects only to the extent that these expenditures
4 support the provision of emergency services and are consistent
5 with the intent of this chapter.

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

9 (d) Any physician and surgeon may be reimbursed for up to 50
10 percent of the amount claimed pursuant to subdivision (a) of
11 Section 1797.98c for the initial cycle of reimbursements made by
12 the administering agency in a given year, pursuant to Section
13 1797.98e. All funds remaining at the end of the fiscal year in excess
14 of any reserve held and rolled over to the next year pursuant to
15 paragraph (4) of subdivision (b) shall be distributed proportionally,
16 based on the dollar amount of claims submitted and paid to all
17 physicians and surgeons who submitted qualifying claims during
18 that year.

19 (e) Of the money deposited into the fund pursuant to Section
20 76000.5 of the Government Code, 15 percent shall be utilized to
21 provide funding for all pediatric trauma centers throughout the
22 county, both publicly and privately owned and operated. The
23 expenditure of money shall be limited to reimbursement to
24 physicians and surgeons, and to hospitals for patients who do not
25 make payment for emergency care services in hospitals up to the
26 point of stabilization, or to hospitals for expanding the services
27 provided to pediatric trauma patients at trauma centers and other
28 hospitals providing care to pediatric trauma patients, or at pediatric
29 trauma centers, including the purchase of equipment. Local
30 emergency medical services (EMS) agencies may conduct a needs
31 assessment of pediatric trauma services in the county to allocate
32 these expenditures. Counties that do not maintain a pediatric trauma
33 center shall utilize the money deposited into the fund pursuant to
34 Section 76000.5 of the Government Code to improve access to,
35 and coordination of, pediatric trauma and emergency services in
36 the county, with preference for funding given to hospitals that
37 specialize in services to children, and physicians and surgeons
38 who provide emergency care for children. Funds spent for the
39 purposes of this ~~section~~, *section* shall be known as Richie's Fund.
40 *This subdivision shall remain in effect until January 1, 2027.*

1 (f) Costs of administering money deposited into the fund
2 pursuant to Section 76000.5 of the Government Code shall be
3 reimbursed from the money collected in an amount that does not
4 exceed the actual administrative costs or 10 percent of the money
5 collected, whichever amount is lower. *This subdivision shall remain*
6 *in effect until January 1, 2027.*

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2 **RESOLUTION NO. 2007-012**

3 **AUTHORIZING ADDITIONAL FUNDING OF THE**
4 **EMERGENCY MEDICAL SERVICES (MADDY) FUND**

5 WHEREAS the Riverside County Board of Supervisors established the Emergency Medical
6 Services (EMS) "MADDY" Fund on January 1, 1988 for the deposit of certain penalty assessments
7 collected pursuant to Section 1465 of the Penal Code, and authorized the specific allocation of all
8 penalty assessment revenues to be distributed among certain funds, including the EMS Fund, on April
9 18, 1995; and,

10 WHEREAS, Government Code Section 76000.5 as added by Chapter 841 of the Statutes of
11 2006 provides that the County may elect to impose an additional penalty of two dollars (\$2) for every
12 ten dollars (\$10) or fraction thereof, upon various fines, penalties and forfeitures collected by the
13 courts for criminal offenses to be used to provide additional funds to the EMS Fund; and,

14 WHEREAS, Health and Safety Code Section 1797.98a as amended by Chapter 841 of the
15 Statutes of 2006 provides that of the money deposited into the EMS Fund pursuant to Section 76000.5
16 of the Government Code, fifteen percent (15%) shall utilized to provide funding for all pediatric
17 trauma centers throughout the County, both publicly and privately owned and operated, provided,
18 however, that counties that do not maintain a pediatric trauma center shall utilize the money deposited
19 into the Fund to improve access to, and coordination of, pediatric trauma and emergency services in
20 the County, with preference given for funding to be given to hospitals that specialize in services to
21 children, and physicians and surgeons who provide emergency care for children; and, that the costs of
22 administering money deposited into the Fund pursuant shall be reimbursed from the money collected,
23 not to exceed ten percent (10%); therefore,

24 BE IT RESOLVED that pursuant to Government Code section 76000.5, on January 1, 2007
25 and thereafter, there shall be levied, in addition to the penalties prescribed by Government Code
26 section 76000.5, an additional penalty assessment of two dollars (\$2) for every ten dollars (\$10) or
27 fraction thereof, which shall be collected, together with and in the same manner as the amounts
28 established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and

1 collected by the courts for criminal offenses, including violations of Division 9 (commencing with
2 Section 23000) of the Business and Professions Code relating to the control of alcoholic beverages,
3 and all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to
4 the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of
5 Chapter 1 of Division 17 of the Vehicle Code. Said additional money collected shall be taken from
6 fines and forfeitures deposited with the County Treasurer prior to any divisions pursuant to Section
7 1463 of the Penal Code.

8 BE IT FURTHER RESOLVED that all such additional assessments collected pursuant to
9 Section 76000.5 of the Government Code shall be transferred to the County Auditor-Controller for
10 deposit and account into the EMS "Maddy" Fund, and payments from the Emergency Medical
11 Services Fund shall, in accordance with the requirements of Health and Safety Code section 1797.98a,
12 et seq., after reimbursement of costs of administering the Fund, which amount shall not exceed ten
13 percent (10%) of the money collected, be distributed as follows:

14 A. Of the total amount collected, reduced by the amount for administration, fifteen percent
15 (15%) shall be to improve access to, and coordination of, pediatric trauma and
16 emergency services in the County, with preference given to funding for hospitals that
17 specialize in services to children, and physicians and surgeons who provide emergency
18 care for children;

19 B. The balance of the remaining eighty-five percent (85%) of the funds collected shall be
20 distributed as follows:

- 21 1. Fifty-eight percent (58%) to physicians and surgeons for emergency medical
22 services provided by all physicians and surgeons in general acute care hospitals
23 that provide basic or comprehensive emergency services up to the time the
24 patient is stabilized.
- 25 2. Twenty-five percent (25%) to hospitals providing disproportionate trauma and
26 emergency medical care services.
- 27 3. Seventeen percent (17%) for other emergency medical services purposes
28 through the Local Emergency Medical Services Agency.

1 BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to transmit to
2 the Treasurer, Auditor-Controller and to the Riverside County Superior Court, a copy of this
3 Resolution

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20 FORM APPROVED
COUNTY COUNSEL

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22 BY B. T. Miller

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