

**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

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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**C.E.O. RECOMMENDATION:** **APPROVE**  
BY:   
\_\_\_\_\_  
County Executive Office Signature **George A. Johnson**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Jeffries, Washington, Benoit and Ashley  
**Nays:** None  
**Absent:** Tavaglione  
**Date:** April 26, 2016  
**xc:** E.O.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
\_\_\_\_\_  
Deputy

**Prev. Agn. Ref.:** \_\_\_\_\_ **District:** All **Agenda Number:** \_\_\_\_\_

**3-4**

Departmental Concurrence

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

**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

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Introduced by Senator Roth

January 11, 2016

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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

21 JAN 04 2007

22 BY B. T. Miller

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