

Assembly Bill No. 389

CHAPTER 460

An act to add Sections 1797.230 and 1797.231 to the Health and Safety Code, relating to emergency medical services.

[Approved by Governor October 4, 2021. Filed with Secretary
of State October 4, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 389, Grayson. Ambulance services.

The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, among other things, authorizes a county to develop an emergency medical services program, and requires a county developing such a program to designate a local EMS agency that is required to be the county health department, an agency established and operated by the county, an entity with which the county contracts for the purposes of local emergency medical services administration, or a particular type of joint powers agency. The act authorizes a local EMS agency to create one or more exclusive operating areas in the development of a local plan, if a competitive process is utilized to select the provider of the services pursuant to the plan, except as specified.

This bill would specify that a county is authorized to contract for emergency ambulance services with a fire agency, as defined, that will provide those services, in whole or in part, through a written subcontract with a private ambulance service. The bill would further specify that a fire agency is authorized to enter into a written subcontract with a private ambulance service for these purposes. The bill would prohibit, on and after January 1, 2022, a county from entering into or renewing these contracts unless the county board of supervisors has adopted, by ordinance or resolution, a written policy setting forth issues to be considered for inclusion in the county contract for emergency ambulance services and the fire agency adopts a written policy that requires the written subcontract to be awarded pursuant to a competitive bidding process, as specified. The bill would specify certain issues that may be included in those written policies, including, for the county contract with the fire agency, employment retention requirements for the employees of the incumbent ambulance service, and, for the fire agency subcontract, whether the written request for proposals or other similar written request for bids adequately describes criteria to evaluate a bidder's demonstrated ability and commitment to providing cost-efficient and high-quality services. The bill would also require the county contract to demonstrate how the county contract will provide for the payment of comparable wages and benefits to all ambulance service employees that are generally consistent with those provided to ambulance

service employees in the same geographic region and to demonstrate that the staffing levels for ambulance service employees will be comparable to the staffing levels under the county's previous contract. The bill would require a contracting fire agency to provide the ambulance service provider with reasonable advance written notice of any operational changes under the written subcontract and to use best efforts to address concerns raised by the ambulance service provider employees regarding those operational changes.

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

SECTION 1. Section 1797.230 is added to the Health and Safety Code, to read:

1797.230. (a) (1) A county may contract for emergency ambulance services with a fire agency that will provide those services, in whole or in part, through a written subcontract with a private ambulance service.

(2) This subdivision is declaratory of existing law regarding a county's powers and authority to contract for emergency ambulance services.

(b) For purposes of this section, "fire agency" means a fire protection district, including a fire protection district that is governed by the county's board of supervisors, a joint powers agency created for the provision of fire protection services, a city, a special district that provides fire protection services, or a local agency authorized by statute to provide fire protection services.

(c) On and after January 1, 2022, a county shall not enter into or renew a contract for emergency ambulance services unless the county board of supervisors has adopted, by ordinance or resolution, a written policy setting forth issues to be considered for inclusion in the county contract for emergency ambulance services, which may include, but are not limited to, all of the following:

(1) Employment retention requirements for the employees of the incumbent ambulance service.

(2) Demonstrated experience serving similar populations and geographic areas.

(3) Diversity and equity efforts addressing the unique needs of vulnerable and underserved populations of the service area.

(4) Financial requirements, including requiring a private ambulance service provider to show proof of insurance and bonding.

(5) A description of the ambulance service provider's public information and education activities and community involvement.

(d) If a county contracts for emergency ambulance services as described in this section, the county contract shall demonstrate how the county contract will provide for the payment of comparable wages and benefits to all ambulance service employees that are generally consistent with those provided to ambulance service employees in the same geographic region. The county contract shall also demonstrate that the staffing levels for

ambulance service employees will be comparable to the staffing levels under the county's previous contract.

(e) The requirements of this section are within the exclusive jurisdiction of the county's board of supervisors.

(f) This section shall not supersede Section 1797.201 and shall not alter, modify, abridge, diminish, or enlarge the requirements for creating, establishing, or maintaining an exclusive operating area under Section 1797.224.

SEC. 2. Section 1797.231 is added to the Health and Safety Code, to read:

1797.231. (a) (1) A fire agency, as defined in subdivision (b) of Section 1797.230, may enter into a written subcontract with a private ambulance service for the purpose of contracting with a county as described in paragraph (1) of subdivision (a) of Section 1797.230.

(2) This subdivision is declaratory of existing law regarding a fire agency's powers and authority to subcontract for emergency ambulance services.

(b) On or after January 1, 2022, a county may not enter into or renew a contract for emergency ambulance services with a fire agency, as defined in subdivision (b) of Section 1797.230, that includes a written subcontract with a private ambulance service, unless the fire agency adopts a written policy that requires the written subcontract to be awarded pursuant to a competitive bidding process consistent with Section 20812 of the Public Contract Code. The written policy shall set forth issues to be considered during the fire agency's competitive bidding process, which may include, but are not limited to, all of the following:

(1) Whether safeguards are in place to prevent an entity submitting a bid, including an officer, employee, agent, representative, or other official of the entity, from participating in the deliberations of the fire agency in awarding the subcontract.

(2) Whether consideration for awarding the written subcontract is given only to bidders who submit complete applications in response to a written request for proposals, written request for qualifications, or other similar written request for bids. The written request shall not be prepared in whole or in part by any entity submitting a bid in the competitive bidding process, including an entity's officers, employees, agents, representatives, or officials.

(3) Whether the written request described in paragraph (2) adequately describes criteria to evaluate a bidder's demonstrated ability and commitment to providing cost-efficient and high-quality services, which may include, but are not limited to, the following:

(A) Experience and history providing emergency ambulance services in a safe and efficient manner.

(B) Managerial experience and qualifications of key personnel.

(C) Effectiveness of operational processes and assets, including quality of ambulance fleet and equipment, dispatch, customer service, and working conditions of ambulance personnel.

(D) Performance monitoring and quality control.

(E) Reasonable service rates and charges.

(F) Financial stability to maintain an uninterrupted and consistent level of service.

(c) (1) A fire agency that enters into a written subcontract with a private ambulance service as described in subdivision (a), shall provide the ambulance service provider with reasonable advance written notice of any operational changes under the written subcontract between the fire agency and the ambulance service provider.

(2) The fire agency shall, in a timely fashion, use best efforts to address concerns raised by the ambulance service provider employees regarding any operational changes under the written subcontract and shall communicate its written responses to those concerns to the ambulance service provider.

(d) A bidding ambulance service participating in a fire agency's competitive bidding process pursuant to this section shall demonstrate in its response to a written request for proposals, written request for qualifications, or other similar written request for bids that its ambulance service employees are provided with all of the following:

(1) Comparable wages, benefits, and staffing generally consistent with those provided to ambulance service employees in the same geographic region.

(2) Specific mechanisms to ensure adequate and open communication with the contracting fire agency in order to facilitate immediate notice to the recognized employee organization or official representative of the ambulance service provider's employees whenever operational changes are proposed and noticed by the contracting fire agency, as required by subdivision (c), and are likely to have a material impact on the employees' wages, hours, or other terms and conditions of employment.

(3) Effective access to the contracting fire agency by the recognized employee organization or official representative of the employees to directly provide input on operational changes, as described in paragraph (2), and, if requested by the recognized employee organization or official representative of the employees, facilitation of immediate access to the fire agency to allow the employees to set forth specific concerns about the operational changes.

(e) This section does not limit a fire agency's authority to enter into agreements with other public entities, including agreements to provide for ambulance services.

(f) The requirements of this section are within the exclusive jurisdiction of the governing body of the fire agency.

(g) This section does not supersede Section 1797.201 and shall not alter, modify, abridge, diminish, or enlarge the requirements for creating, establishing, or maintaining an exclusive operating area under Section 1797.224.