



COSUMNES FIRE DEPARTMENT

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September 5, 2019
Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

RE: Signature Request for SB 438 (Hertzberg)

Dear Governor Newsom:

Thank you for your commitment to enhancing public safety for all Californians and partnering with the fire service to protect our communities.

I am writing to urge you to **SIGN SB 438**, which addresses a critical public safety issue involving the 9-1-1 dispatch process for emergency medical and pre-hospital transportation services.

Since 1973, every local public agency has been required by the Warren-911-Emergency Assistance Act to establish and operate a 9-1-1 emergency telephone system for emergency medical services (EMS), police and firefighting. Moreover, counties have a duty under state laws to establish “medical control” policies related to the quality of pre-hospital medical care provided by both local fire agencies and private ambulance companies.

Unfortunately, some county EMS administrators have taken an expansive interpretation of “medical control” and believe they can override a city or fire district’s right to respond to medical emergencies within its own borders or allow a private ambulance company to control the EMS dispatch center and refuse to dispatch fire-based units in favor of their own private ambulances.

SB 438 would make it clear that county EMS administrators do not have the authority to prevent a city or fire district unit from being dispatched to respond to a 9-1-1 call in their own jurisdictions or empower a private ambulance company to bypass potentially closer fire-based units or downgrade the severity of medical emergencies so that it can dispatch its own ambulances.

SB 438 makes no changes to statutes governing how county EMS agencies exercise “medical control” over EMS dispatch and patient care. City and fire district agencies would still be required to coordinate their activities and 9-1-1 EMS dispatch policies with county EMS agencies and would not be able to act independently of county EMS medical directors.

SB 438 simply clarifies that when city fire agencies operate under the county's "medical control" they are not giving up their authority to provide EMS services. This clarification is entirely consistent with the California Supreme Court's decision in *San Bernardino*, in which the court ruled that a "county cannot contravene the authority of eligible cities and fire districts to continue the administration of their prehospital EMS without the latter's consent, either through acquiescence or formal agreement."

Amendments to SB 438 ensure that a public safety agency or Joint Powers Authority that currently contract out for dispatch services will be able to maintain this model, subject to the consent or concurrence of local public safety agencies.

It is bad public policy to condone delayed responses to 9-1-1 calls. Sooner or later, delays caused by the county EMS administrator's overly broad interpretation of the scope of "medical control" constitute a danger to a patient's health and safety.

For these reasons, respectfully request you to **SIGN SB 438**.

Sincerely,



Michael W. McLaughlin
Fire Chief
Cosumnes Fire Department