

TITLE 22. SOCIAL SECURITY
DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES
EMERGENCY MEDICAL SERVICES AUTHORITY

NOTICE IS HEREBY GIVEN that the Emergency Medical Services Authority (EMSA) is proposing to take the action described in the Informative Digest. Written comments, including those sent by mail, facsimile, or e-mail to addresses listed under Contact Person in this Notice, must be received by EMSA at its office by November 7, 2022. The Board has not scheduled a public hearing on this proposed action. However, the EMSA will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. EMSA may thereafter adopt the proposal substantially as described below or may modify the proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: The Health and Safety Code Section 1797.107 authorizes EMSA to adopt the proposed regulations, which would implement, interpret, clarify, or make specific Section 1797.112 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (Health and Safety Code Division 2.5) created EMSA and outlined its authorities, duties, and responsibilities. Included in the act are the authority and procedures for promulgating regulation (Health and Safety Code section 1797.107), Health and Safety Code section 1797.112 creates the EMS personnel fund (Fund) along with requirement of the fund, which is maintained by EMSA.

AB 450 (Statutes of 2021, Ch. 450) created a board of appeals and amended Health and Safety Code section 1797.112 to have the Fund pay for the cost and expenses of this new board. However, the only form of income for the Fund is the licensing fees collected for Paramedics. To keep the Fund from becoming insolvent and violating provisions of the statute, the licensing fees must be increased. Additionally, the statute provides that paramedics whose licenses are subject to disciplinary actions have the right to appeal to a board drawn, in majority part, from their peers.

These regulations seek to address this issue. The proposal provides for an increase of \$65 for all Paramedic licensing fees and changes the applications form to reflect the new amount.

Specifically, the regulatory proposal is as follows:

1. Amend section 100164 of Division 9 of Title 22 of the California Code of Regulations

Alters the revision dates of the various applications to reflect the new application with the change to the required fee.

2. Amend section 100167 of Division 9 of Title 22 of the California Code of Regulations

Alters the revision dates of the various applications to reflect the new application with the change to the required fee.

3. Amend section 100172 of Division 9 of Title 22 of the California Code of Regulations

Alters the required fee for each application type.

Anticipated Benefits of the Proposed Regulations:

These regulations will allow for the fee change to keep the Fund from becoming insolvent in violation of statutory requirement. Specifically, Health and Safety Code section 1797.112 states,

“(a) The Emergency Medical Services Personnel Fund is hereby created in the State Treasury, the funds in which are to be held in trust for the benefit of the authority’s testing and personnel licensure program, for the duties and activities of the Paramedic Disciplinary Review Board pursuant to Article 2.5 (commencing with Section 1797.125) of this chapter, and for the purpose of making reimbursements to entities for the performance of functions for which fees are collected pursuant to Section 1797.172, for expenditure upon appropriation by the Legislature.

(b) The authority may transfer unused portions of the Emergency Medical Services Personnel Fund to the Surplus Money Investment Fund. Funds transferred to the Surplus Money Investment Fund shall be placed in a separate trust account, and shall be available for transfer to the Emergency Medical Services Personnel Fund, together with interest earned, when requested by the authority.

(c) The authority shall maintain a reserve balance in the Emergency Medical Services Personnel Fund of 5 percent. Any increase in the fees deposited in the Emergency Medical Services Personnel Fund shall be effective upon a determination by the authority that additional moneys are required to fund expenditures of the personnel licensure program, including, but not limited to, reimbursements to entities set forth in subdivision (a).”

Also, the statute provides that paramedics whose licenses are subject to disciplinary actions have the right to appeal to a board drawn, in majority part, from their peers.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, EMSA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

Audit Renewal Paramedic License Application, (California Graduate), Form #AR-01, revised 05/2021-03/2022

Renewal Paramedic License Application, (California Graduate), Form #RL-01, revised 05/202103/2022

Initial Challenge Paramedic License Application, Form #CL-01A, revised 05/202103/2022

Initial In-State Paramedic License Application, (California Graduate), Form #L-01, revised 05/202103/2022

Initial Out-of-State Paramedic License Application, Form #L-01A, revised 05/202103/2022

Reinstatement Paramedic License Application, (Lapsed 1 Year or More), Form #RLL-01B, revised 05/202103/2022

Reinstatement Paramedic License Application, (Lapsed Less Than 1 Year), Form #RLL-01A, revised 05/202103/2022

DISCLOSURES REGARDING THE PROPOSED ACTION

Cost or savings to any state agency: EMSA is not aware of any significant cost impacts that a state agency would incur in reasonable compliance with the proposed action. Paramedic licenses are held by individuals, not agencies.

Cost or savings in federal funding to the state: None

Local mandate: None

Nondiscretionary costs or savings to local agencies: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17500-17630: None

Cost impact on a representative private person or business: EMSA is not aware of any costs impacts that a business would necessarily incur in reasonable compliance with the proposed action. There is a cost to private persons as this raises the fee for a Paramedic license in California by \$65. A license is good for two years; thus this will impact licensees every other year.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None

Significant effect on housing costs: None

Effect on small businesses: The proposed regulations will not affect small businesses. Licenses are held by individuals, not businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Economic Impact Assessment:

The Authority concludes that it is: (1) unlikely that the proposal will eliminate any jobs or LEMSAs; (2) unlikely the proposal will create any new jobs; (3) unlikely the proposal will create new businesses or any new LEMSAs; (4) unlikely the proposal will eliminate any existing businesses in California or existing LEMSAs; and (5) unlikely the regulations will result in the expansion businesses currently doing business within the state or expansion of LEMSAs currently operating in the state.

This is also unlikely to benefit the public health and welfare, worker safety, or the environment.

CONSIDERATION OF ALTERNATIVES

EMSA must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the scheduled hearing.

INITIAL STATEMENT OF REASONS, TEXT OF THE PROPOSAL, FINAL STATEMENT OF REASONS, AND RULEMAKING FILE

Copies of the proposed text, any document incorporated by reference, and the initial statement of reasons by contacting the person named below.

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

A copy of the final statement of reasons can be obtained once it has been completed, by making a request to the contact person named below or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text are available on the EMSA website at https://emsa.ca.gov/public_comment/

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

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The backup contact person is:

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