

CALIFORNIA ACEP Advocacy: Five Decades of Success

Below is a listing of significant advocacy efforts that CALIFORNIA ACEP has sponsored, strongly supported or helped to defeat, as noted.

Decade	Legislation	Description
1970s	State Budget Act of 1976 CALIFORNIA ACEP Supported	Resorted half of the 40% cut in emergency physician-Medi-Cal reimbursement.
	AB 1301 (Fazio) Chapter 130 Statutes of 1978 CALIFORNIA ACEP Sponsored	Enacted major malpractice legislation mandating that only a practicing emergency physician may be used as an expert witness in malpractice suits brought against emergency physicians. Instituted "Good Samaritan" status to citizens who assist in emergency situations while providing a gross negligence standard to CPR training programs.
1980s	SB 125 (Garamendi) Chapter 1260 Statutes of 1980 CALIFORNIA ACEP Sponsored	Created the statewide Emergency Medical Services (EMS) system with a strong EMS Commission, which included veto power over proposed regulations with commission seats designated for CALIFORNIA ACEP and emergency physicians.
	SB 534 (Maddy) Chapter 1067 Statutes of 1983 CALIFORNIA ACEP Sponsored	Established the trauma network as part of the EMS Act.
	SB 12 (Maddy) Chapter 1240 Statutes of 1987 CALIFORNIA ACEP Sponsored	Created the Emergency Medical Services Fund to reimburse emergency physicians for indigent care, funded by a \$1 penalty assessment per \$10 of traffic fines.
	SB 612 (Roos) Chapter 170 Statutes of 1988 CALIFORNIA ACEP Sponsored	Doubled EMS Fund by doubling the penalty assessment from \$1 to \$2 per \$10 of traffic fines.
	AB 75 (Isenberg) Chapter 1331 Statutes of 1989 CALIFORNIA ACEP Sponsored	Added cigarette tax monies (Proposition 99) to EMS Fund.
1990s	Proposition 134 (1990) Initiative Failed CALIFORNIA ACEP Supported	Would have levied a five cent surtax on each drink sold in California, co-sponsored by CALIFORNIA ACEP.

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	AB 7 (Floyd) Chapter 32 Statutes of 1991 CALIFORNIA ACEP Supported	<i>Implemented the motorcycle helmet law, requiring all motorcycle riders to wear helmets.</i>
	AB 508 (Speier) Chapter 936 Statutes of 1993 CALIFORNIA ACEP Sponsored	<i>Required safety and security training for emergency department personnel, specifically as it relates to emergency department violence.</i>
	AB 1832 (Bergeson) Chapter 614 Statutes of 1994 CALIFORNIA ACEP Supported	<i>Required HMOs to pay for screening exams and emergency medical care; required 24-hour access if pre-authorization of services is required; prohibited retroactive denial of previously authorized post-stabilization care and treatment.</i>
	SB 2003 (Costa) Chapter 716 Statutes of 1996 CALIFORNIA ACEP Sponsored	<i>Clarified legal status of interim (5150) holds on mentally ill patients in the emergency room; provided immunity to physicians who place such holds.</i>
	State Budget Act of 1997 CALIFORNIA ACEP Supported	<i>Eliminated the 20% reduction in Medi-Cal reimbursement for emergency physicians. Provided an increase of \$13.6 Million per year for emergency and on-call physicians.</i>
1990s (cont.)	AB 2021 (Poochigian) Chapter 58 Statutes of 1998 CALIFORNIA ACEP Sponsored	<i>Renamed the EMS Fund as the Maddy EMS Fund in honor of State Senator Kenneth L. Maddy, whose legislation created the EMS Fund in 1987.</i>
	AB 2586 (Ortiz) Defeated Assembly Floor 31-18 CALIFORNIA ACEP Opposed	<i>Would have authorized a city or fire district to establish exclusive operating areas for emergency medical services.</i>

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	AB 682 (Morrow) Chapter 1015 Statutes of 1998 CALIFORNIA ACEP Supported	<i>Extended AB 1832 (Bergeson) protections to include HMOs that contract with hospital emergency departments; defined "stabilization" to be in the opinion of the attending physician.</i>
	SB 623 (Speier) Chapter 679 Statutes of 1999 CALIFORNIA ACEP Sponsored	<i>Restored lost Maddy EMS Fund revenues from traffic school violations, which was uncovered by a CALIFORNIA ACEP-sponsored state audit.</i>
	SB 349 (Figueroa) Chapter 544 Statutes of 1999 CALIFORNIA ACEP Supported	<i>Redefined emergency medical services and care to include screening, examination and evaluation for psychiatric emergency medical conditions.</i>
	SB 363 (Figueroa) Chapter 183 Statutes of 1999 CALIFORNIA ACEP Supported	<i>Required auto insurers to cover the cost of replacing child safety seats that were in use by a child during an auto accident.</i>
2000s	Tobacco Funds Initiative (2000) Initiative Not Qualified CALIFORNIA ACEP Sponsored	<i>Would have dedicated a portion of tobacco settlement funds to be used for health care, including payments to physicians who provide care in emergency departments; was abandoned at signature-gathering stage when Governor Gray Davis, through the budget process, provided alternate funding, in the form of a 40% Medi-Cal reimbursement increase and SB 2132.</i>
	SB 2132 (Dunn) Chapter 826 Statutes of 2000 CALIFORNIA ACEP Sponsored	<i>Appropriated \$24.8 Million of cigarette tax monies from Proposition 99 to the Maddy EMS Fund; placed in the budget after CALIFORNIA ACEP abandoned an initiative.</i>
	State Budget Act of 2000	<i>Increased Medi-Cal reimbursement rates by 40% for emergency medicine and on-call physicians based in the emergency department; placed in the budget after CALIFORNIA ACEP abandoned an initiative.</i>

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Orange County Measure H (2000) Measure Passed 65% to 35% CALIFORNIA ACEP Supported	<i>Allocated 23% of tobacco settlement funds to emergency physicians and departments in Orange County; largely influenced by CALIFORNIA ACEP's proposed initiative.</i>
AB 1455 (Scott) Chapter 827 Statutes 2000 CALIFORNIA ACEP Supported	<i>Established a standard of "unfair payment pattern" for claims payment by HMOs, to be enforced by the Department of Managed Health Care (DMHC); led to the regulatory adoption of the Gould standard in determining usual and customary reimbursement.</i>
SB 117 (Speier) Vetoed by Governor Gray Davis CALIFORNIA ACEP Supported	<i>Would have allowed emergency physicians to bill HMOs if their claims were not paid by medical groups within 45 days; would have allowed the DMHC to disqualify a medical group from paying claims if it had a history of poor payment practices.</i>
AB 3006 Committee on Budget Chapter 1164 Statutes of 2002 CALIFORNIA ACEP Co-Sponsored	<i>Amended the State Budget Act to sustain the 40% Medi-Cal reimbursement rate increase for emergency physicians which had been instituted in 2000 through other CALIFORNIA ACEP efforts.</i>
SB 1881 (Scott) Defeated Died in Committee on Insurance CALIFORNIA ACEP Opposed	<i>Would have prevented emergency physicians from recuperating non-payments and underpayments made by HMOs.</i>
SB 807 (Dunn) Vetoed by Governor Gray Davis CALIFORNIA ACEP Sponsored	<i>Would have increased drunk and reckless driving fines by \$200, thereby raising \$50 Million for emergency physicians (75% of monies), and emergency departments (25% of monies).</i>

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DMHC Regulations (2003) Defeated CALIFORNIA ACEP Co-Sponsored	<i>Would have permitted HMOs to pay non-contracted emergency physicians based on payment levels to contracted physicians; would have prevented non-contracted emergency physicians from recuperating non-payments and underpayments made by HMOs; under pressure from CALIFORNIA ACEP and CMA, the Gould standard was instituted as the determinant standard.</i>
AB 2389 (Koretz) Defeated Died in Committee on Appropriations California ACEP Opposed	<i>Would have required emergency physicians to contract with HMOs.</i>
SB 1569 (Dunn) Vetoed by Governor Arnold Schwarzenegger California ACEP Supported	<i>Would have clarified the law allowing physicians to sue HMOs.</i>
SB 635 (Dunn) Chapter 524 Statutes of 2004 California ACEP Sponsored	<i>Established an EMS Fund in Santa Barbara County, which has raised approximately \$1.4 Million annually for emergency physicians and the trauma center.</i>
Proposition 67 (2004) Initiative Failed 72% to 28% CALIFORNIA ACEP Co-Sponsored	<i>Would have raised approximately \$500 Million for emergency physicians and departments through a telephone surcharge.</i>
SB 57 (Alarcón) Vetoed by Governor Arnold Schwarzenegger CALIFORNIA ACEP Sponsored	<i>Would have augmented the Maddy EMS Fund with an additional \$2 for \$10 in penalty assessments from traffic violations.</i>
SB 364 (Perata) Died On File CALIFORNIA ACEP Sponsored	<i>Would have allowed physicians contracted with a health plan to bill the plan directly for non/under-payments made by a subcontracting entity, such as an independent practice association or medical group.</i>

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SB 1773 (Alarcón) Chapter 841 Statutes of 2006 CALIFORNIA ACEP Sponsored	<i>Augmented the Maddy EMS Fund with an additional \$2 for \$10 in penalty assessments from traffic violations, with 15% of the new monies designated for pediatric trauma centers.</i>
AB 1155 (Huffman) Vetoed by Governor Arnold Schwarzenegger CALIFORNIA ACEP Sponsored	<i>Would have required DMHC to fine a health plan found to have underpaid physicians in an amount at least as much as the underpayment.</i>
AB 2207 (Lieu) Died in Committee on Appropriations CALIFORNIA ACEP Sponsored	<i>Would have required hospitals to assess crowding conditions in EDs using NEDOCS and develop a full-capacity protocol for all stages of crowding. Would have allowed hallway beds in inpatient areas of the hospital as a method to ease ED crowding in severe instances.</i>
AB 3000 (Wolk) Chapter 266 Statutes of 2008 CALIFORNIA ACEP Sponsored	<i>Established a Physicians Order For Life Sustaining Treatment (POLST) - a clear, standardized form that emergency physicians can easily access and read in order to quickly determine a patient's wishes for life sustaining treatment.</i>
SB 389 (Yee) Died in Judiciary Committee CALIFORNIA ACEP Opposed	<i>Would have prohibited balance billing by non-contracted providers of emergency care.</i>
SB 981 (Perata) Vetoed by Governor Arnold Schwarzenegger CALIFORNIA ACEP Sponsored	<i>Would have prohibited balance billing by non-contracted emergency physicians while ensuring prompt and fair payment by HMOs and RBOs.</i>
SB 1228 (Maldonado) Died in Committee on Appropriations CALIFORNIA ACEP Sponsored	<i>Would have mandated safety standards for child ATV riders and required child riders to take a safety training course.</i>

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	Legislation	Description
	SB 1236 (Padilla) Chapter 60 Statutes of 2008 CALIFORNIA ACEP Sponsored	<i>Extended for five years the augmentation of the Maddy EMS Fund with an additional \$2 for \$10 in penalty assessments from traffic violations, with 15% of the new monies designated for pediatric trauma centers.</i>
	AB 911 (Lieu) Vetoed by Governor Arnold Schwarzenegger CALIFORNIA ACEP Sponsored	<i>Would require hospitals to develop and implement a response plan to alleviate the overcrowding based on a real-time calculator that measures how crowded the emergency room is every four hours. Each hospital would develop an individualized plan that allows for flexibility in the design that suits each specific hospital.</i>
	AB 1475 (Solorio) Chapter 537 Statutes of 2009 CALIFORNIA ACEP Sponsored	<i>Would clarify existing law related to how counties are reimbursed for administrative costs when implementing the Maddy Emergency Medical Services (EMS) Fund.</i>
	AB 2153 (Lieu) Died on File CALIFORNIA ACEP Sponsored	<i>Would require every licensed general acute care hospital with an emergency department to develop a full capacity protocol to address the various levels of overcrowding within the emergency department.</i>
	Proposal to Governor's 2011 Budget CALIFORNIA ACEP Defeated	<i>Would have eliminated the Maddy Fund.</i>
2010s	AB 1803 (Mitchell) Chapter 442 Statutes of 2012 CALIFORNIA ACEP Sponsored	<i>Important access to care legislation standardizing the reasonable layperson standard so that Medi-Cal fee-for-service patients are covered when they seek treatment for an emergency.</i>
	AB 58 (Wieckowski) Chapter 547 Statutes of 2013 CALIFORNIA ACEP Sponsored	<i>Continued existing law, otherwise set to expire, that allows a narrow exception to informed consent requirements for clinical trials to proceed in life threatening emergencies.</i>

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SB 191 (Padilla) Chapter 600 Statutes of 2013 CALIFORNIA ACEP Sponsored	<i>Secured \$50 million in funding for the emergency care safety net through 2017. The Maddy Fund is the only source of reimbursement to emergency physicians and call panelists who provide care to the uninsured. In addition, it allocated 15% of the funds collected to "Richie's Fund," the only source of pediatric trauma funding in the State.</i>
SB 809 (DeSaulnier) Chapter 400 Statutes of 2013 CALIFORNIA ACEP Supported	<i>Provided funding for the CURES program, which would have otherwise expired. The CURES program is California's database to give providers information about patients' opioid prescription history. California ACEP advocacy staff worked to remove a requirement of mandatory checking of the system.</i>
DHS Action (2013) Exemption CALIFORNIA ACEP Sponsored	<i>Emergency physicians were exempted from the 10% provider cut for treating patients enrolled in Medi-Cal Managed Care.</i>

OTHER CALIFORNIA ACEP ADVOCACY ACCOMPLISHMENTS

- **Reimbursement**
 - Successful on-going advocacy against measures that would prohibit physicians from recuperating fair payments from health plans.
 - Successful on-going advocacy against unfair, health plan-sponsored regulations proffered by the Department of Managed Health Care.
- **Injury Prevention**
 - Successful advocacy on behalf of seat belt, ski safety and motorcycle helmet laws.
 - Successful on-going advocacy against helmet law repeals.
 - Advocacy on behalf of several handgun and ammunition micro-stamping legislation.

CALIFORNIA ACEP has a long, successful history of advocacy on behalf of emergency physicians and emergency medicine, which has helped to make CALIFORNIA ACEP a recognized and effective advocate in Sacramento. For more information on CALIFORNIA ACEP's Advocacy Program, please contact our Advocates.



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CALIFORNIA ACEP Government Affairs

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