



CAL/ACEP ADVOCACY: FOUR DECADES OF SUCCESS

BELOW IS A LISTING OF SIGNIFICANT ADVOCACY EFFORTS THAT CAL/ACEP HAS SPONSORED, STRONGLY SUPPORTED OR HELPED TO DEFEAT, AS NOTED.

<i>Decade</i>	<i>Legislation</i>	<i>Description</i>
1970s	State Budget Act of 1976 CAL/ACEP Supported	<i>Resorted half of the 40% cut in emergency physician-Medi-Cal reimbursement.</i>
	AB 1301 (Fazio) Chapter 130 Statutes of 1978 CAL/ACEP Sponsored	<i>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.</i>
1980s	SB 125 (Garamendi) Chapter 1260 Statutes of 1980 CAL/ACEP Sponsored	<i>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 CAL/ACEP and emergency physicians.</i>
	SB 534 (Maddy) Chapter 1067 Statutes of 1983 CAL/ACEP Sponsored	<i>Established the trauma network as part of the EMS Act.</i>
	SB 12 (Maddy) Chapter 1240 Statutes of 1987 CAL/ACEP Sponsored	<i>Created the Emergency Medical Services Fund to reimburse emergency physicians for indigent care, funded by a \$1 penalty assessment per \$10 of traffic fines.</i>
	SB 612 (Roos) Chapter 170 Statutes of 1988 CAL/ACEP Sponsored	<i>Doubled EMS Fund by doubling the penalty assessment from \$1 to \$2 per \$10 of traffic fines.</i>
	AB 75 (Isenberg) Chapter 1331 Statutes of 1989 CAL/ACEP Sponsored	<i>Added cigarette tax monies (Proposition 99) to EMS Fund.</i>
1990s	Proposition 134 (1990) Initiative Failed CAL/ACEP Supported	<i>Would have levied a five cent surtax on each drink sold in California, co-sponsored by CAL/ACEP.</i>
	AB 7 (Floyd) Chapter 32 Statutes of 1991 CAL/ACEP Supported	<i>Implemented the motorcycle helmet law, requiring all motorcycle riders to wear helmets.</i>
	AB 508 (Speier) Chapter 936 Statutes of 1993 CAL/ACEP Sponsored	<i>Required safety and security training for emergency department personnel, specifically as it relates to emergency department violence.</i>



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1990s (cont.)

AB 1832 (Bergeson)
Chapter 614
Statutes of 1994
CAL/ACEP Supported
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.

SB 2003 (Costa)
Chapter 716
Statutes of 1996
CAL/ACEP Sponsored
Clarified legal status of interim (5150) holds on mentally ill patients in the emergency room; provided immunity to physicians who place such holds.

State Budget Act of 1997
CAL/ACEP Supported
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.

AB 2021 (Poochigian)
Chapter 58
Statutes of 1998
CAL/ACEP Sponsored
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.

AB 2586 (Ortiz)
Defeated
Assembly Floor 31-18
CAL/ACEP Opposed
Would have authorized a city or fire district to establish exclusive operating areas for emergency medical services.

AB 682 (Morrow)
Chapter 1015
Statutes of 1998
CAL/ACEP Supported
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.

SB 623 (Speier)
Chapter 679
Statutes of 1999
CAL/ACEP Sponsored
Restored lost Maddy EMS Fund revenues from traffic school violations, which was uncovered by a CAL/ACEP-sponsored state audit.

SB 349 (Figueroa)
Chapter 544
Statutes of 1999
CAL/ACEP Supported
Redefined emergency medical services and care to include screening, examination and evaluation for psychiatric emergency medical conditions.

SB 363 (Figueroa)
Chapter 183
Statutes of 1999
CAL/ACEP Supported
Required auto insurers to cover the cost of replacing child safety seats that were in use by a child during an auto accident.

2000s

Tobacco Funds Initiative (2000)
Initiative Not Qualified
CAL/ACEP Sponsored
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



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		<i>process, provided alternate funding, in the form of a 40% Medi-Cal reimbursement increase and SB 2132.</i>
2000s (cont.)	SB 2132 (Dunn) Chapter 826 Statutes of 2000 CAL/ACEP Sponsored	<i>Appropriated \$24.8 Million of cigarette tax monies from Proposition 99 to the Maddy EMS Fund; placed in the budget after CAL/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 CAL/ACEP abandoned an initiative.</i>
	Orange County Measure H (2000) Measure Passed 65% to 35% CAL/ACEP Supported	<i>Allocated 23% of tobacco settlement funds to emergency physicians and departments in Orange County; largely influenced by CAL/ACEP's proposed initiative.</i>
	AB 1455 (Scott) Chapter 827 Statutes 2000 CAL/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 CAL/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 CAL/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 CAL/ACEP efforts.</i>
	SB 1881 (Scott) Defeated Died in Committee on Insurance CAL/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 CAL/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>
	DMHC Regulations (2003) Defeated CAL/ACEP Co-	<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</i>



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2000s (cont.)	Sponsored	<i>non-payments and underpayments made by HMOs; under pressure from CAL/ACEP and CMA, the Gould standard was instituted as the determinant standard.</i>
	AB 2389 (Koretz) Defeated Died in Committee on Appropriations CAL/ACEP Opposed	<i>Would have required emergency physicians to contract with HMOs.</i>
	SB 1569 (Dunn) Vetoed by Governor Arnold Schwarzenegger CAL/ACEP Supported	<i>Would have clarified the law allowing physicians to sue HMOs.</i>
	SB 635 (Dunn) Chapter 524 Statutes of 2004 CAL/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% CAL/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 CAL/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 CAL/ACEP Sponsored	<i>Would have allowed physicians who are contracted with a health plan to bill the plan directly for non-payments/underpayments made by a subcontracting entity, such as an independent practice association or medical group.</i>
	SB 1773 (Alarcón) Chapter 841 Statutes of 2006 CAL/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 CAL/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	<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</i>



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CAL/ACEP Sponsored	<i>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 CAL/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 398 (Yee) Defeated Died in Committee on Judiciary CAL/ACEP Opposed	<i>Would have prohibited balance billing by non-contracted providers of emergency care.</i>
SB 981 (Perata) Vetoed by Governor Arnold Schwarzenegger CAL/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 CAL/ACEP Sponsored	<i>Would have mandated safety standards for child ATV riders and required child riders to take a safety training course.</i>
SB 1236 (Padilla) Chapter 60 Statutes of 2008 CAL/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>

OTHER CAL/ACEP ADVOCACY ACCOMPLISHMENTS

- **Reimbursement**
 - Successful on-going advocacy for allocation of \$24.8 Million in Proposition 99 monies to the Maddy EMS Fund. (2000 – Present)
 - 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 and motorcycle helmet laws.
 - Successful on-going advocacy against helmet law repeals.
 - Advocacy on behalf of several handgun and ammunition micro-stamping legislation.



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

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