

FALL 2018

# Siren

A PUBLICATION OF THE CALIFORNIA AMBULANCE ASSOCIATION





### CAA Vision

Assure delivery of excellent pre-hospital care to the people of California by promoting recognized industry best practices.

### CAA Mission

Serve as the voice and resource on behalf of emergency and non-emergency ambulance services to promote effective and fiscally responsible EMS systems and standards.

### CAA Leadership

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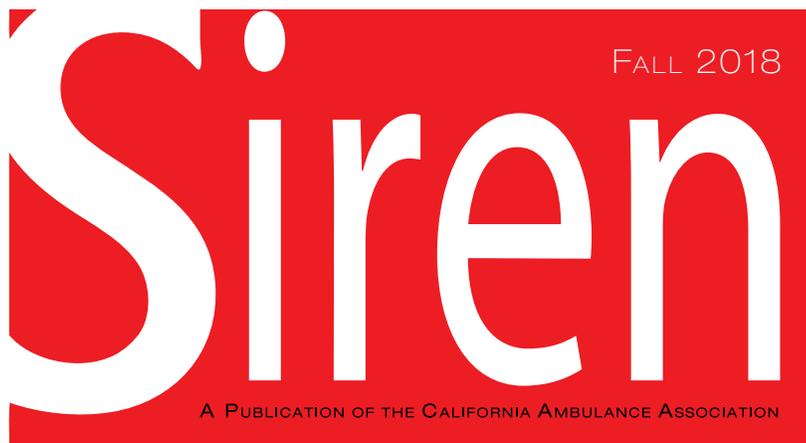
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## Editorial Information

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Circulation among California's private ambulance providers, elected officials and EMSA administrators.

## President's *Message*

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**Alan McNany** | *President*

### **Be Active ... Be Rewarded**

**B**e Active ... Be Rewarded. That is my quote for the day, and how true it is. As a member of the CAA for over 17 years, the most rewarding part is the networking and fellowship of other CAA members. It is amazing how fellow members share their operational wisdom and knowledge that can apply to your organization. Whether you are a rural provider or operate in a metropolitan area, you will always find another CAA provider with similar demographics.

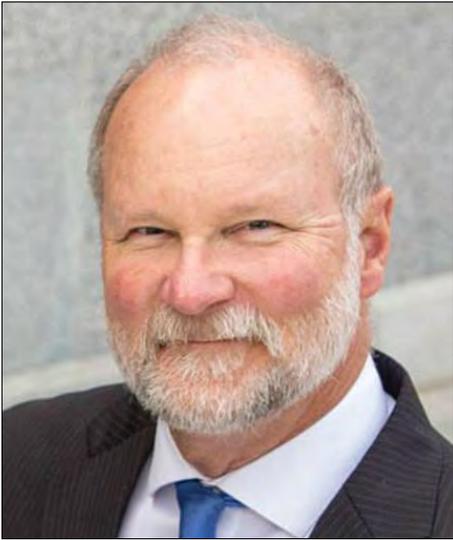
As many of you are aware if you do not keep up, you may be left behind. With the fast-changing pace in EMS and employment laws, you must constantly look outside the box. Being active in the CAA will keep you up to date on all the latest issues. This is where networking with your fellow providers can be most effective. I look back at the advice and knowledge that Harvey Hall and James McNeal, Jr. gave me over the years and it will never be forgotten. My organization has grown and become stronger because of those two gentlemen.

Another area to be active is in writing your legislator. The CAA sends out Member Alerts from time to time and provides an easy template for you to write your legislator when we need to encourage their vote on a pending bill. This process has been extremely successful, and I thank all the members that continue to support our mission in improving the EMS system in California. Today we have a Board of Directors with many years of experience that work for you ... The member!

If you are not actively participating at CAA events, you will lose valuable benefits. So, I urge you to be active. Join a committee, participate in CAA events, write you legislator and start to Be Active and Be Rewarded! \*  
\*



## Executive Director's Report



**Ross Elliott** | Executive Director

### A Viable Solution to the Rest Break Dilemma – Prop 11

**F**or ambulance company owners, ensuring that employees receive adequate and legally entitled meal and rest periods is a top priority. Ambulance companies want a safe and healthy work environment for their employees; a place where employees can thrive, succeed, and grow. Employees that are rested and alert are better able to provide excellent, error-free service. It is in the best interest of the patient, owner and employee for each EMT and paramedic to be at the top of their game every single day.

California law requires employers to provide employees with a ten-minute rest period approximately every four hours. If a break is missed due to the demands of the job, then the employee is compensated an additional hour's pay for that day. Unfortunately, the issue has become much more complex of late because of a California Supreme Court decision in the *Augustus v. ABM Security Services* case. The court ruled that private security guard employers must relieve their employees of all duties during their 10-minute rest break and that they must be completely unreachable, meaning all communications devices, including cell phones, radios and pagers must be turned off.

Although the Augustus case is only applicable to private security guards, who are under a different wage order in the California Labor Code than EMTs and paramedics, trial lawyers have attempted to

apply the decision to the private ambulance industry and even extend it to 30-minute meal breaks. This could dramatically change the way we have done business and end the longstanding practice of paying EMTs and paramedics to remain reachable during their work breaks. Even worse, it could seriously impact public safety in California because the crew would be out-of-service and unavailable during meal and rest breaks.

Such a circumstance is unusual for EMS systems. The whole point of having an emergency response system is that EMS resources are available *at all times* to immediately respond to an emergency. Sometimes, the difference between life and death can be measured in minutes. A rapid intervention by an EMT or paramedic can and does make a difference for certain medical emergencies. Being unable to communicate with an ambulance crew while on their break, especially when they are the closest resource to an emergency, is counter-intuitive and flies in the face of decades of norms for EMS operations.

Proposition 11, which will appear on the general election ballot in November is a viable solution to this problem. Approval of Proposition 11 will essentially maintain the status quo for the private ambulance industry, allowing us to continue paying EMTs and paramedics to be reachable

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# Executive Director's Report

during work breaks just as we have for the past several decades. It allows us to continue operating under these same standards that other emergency personnel - like police officers and firefighters – operate under. Proposition 11 ensures that the closest ambulance can be immediately dispatched to an emergency and that 911 care will not be delayed or prevented from responding.

Additionally, Proposition 11 requires ambulance companies to provide FEMA-level disaster response training and mental health benefits to its employees. Neither of these are required by law today, but many ambulance companies provide these benefits anyway. If Proposition 11 is approved, such benefits will be required at all ambulance companies.

All licensed ambulances in California, regardless of the company's business model, can be used in emergencies and disasters. It is important for a non-emergency ambulance



business to be ready and prepared to respond during a major disaster, because most assuredly they will be dispatched and relied upon in a large-scale incident. Consequently, it makes sense to have annual readiness training. Further, PTSD can be a problem in the EMS industry. Crews witness pain and suffering, sometimes in gruesome circumstances. Providing the mental health support for those in need to cope with these experiences is very important.

Proposition 11 will ensure that ambulance responses are not delayed because the crew is on its break; just the way it has always been in EMS. Additionally, the employee perks required by Proposition 11, although costly, are important and will strengthen ambulance operations across California.

For more information on Prop 11 and to sign up as a coalition member, visit: [www.YESon11.org](http://www.YESon11.org). \*



## CAA Membership is a Business Essential

The business environment, the healthcare sector and the EMS industry are evolving at an ever-increasing pace. At the CAA we are dedicated to providing members with the essential tools, information, resources, and solutions to help your organization grow and prosper. And, the CAA's collective efforts on statewide legislative and regulatory issues are not possible without strong membership support and engagement.

### Take your place in California's statewide ambulance leadership

Membership not only saves you money on CAA events and resources, but also keeps you up to date on trends, innovations, and regulatory changes through:

- Leadership on statewide legislative and regulatory issues
- Targeted conferences & educational programs
- Member-only updates and alerts
- Member-only discounts & access to expert resources
- Opportunities to exchange ideas with your colleagues statewide



### Join the California Ambulance Association

Go to [www.the-caa.org/membership](http://www.the-caa.org/membership) for a membership application.



**Chris Micheli** | Legislative Advocate

## 11 Measures Will Be on November's Ballot

California's voters will face 11 measures on the November 2018 General Election ballot. These ballot measures require a simple majority vote for passage and this general election ballot facing the statewide electorate includes measures placed there by the Legislature, as well as those placed through signature-gathering efforts.

The following is a list of the measures to be voted upon by the statewide electorate on November 6:

### Legislatively Placed Measures (3):

**SB 3 (Chapter 365, Statutes of 2017), Beall. Veterans and Affordable Housing Bond Act of 2018. This measure is Proposition 1.**

This bill would enact the Veterans and Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law. Of the proceeds from the sale of these bonds, \$3,000,000,000 would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided, and \$1,000,000,000 would be used to provide additional funding for the

above-described program for farm, home, and mobile home purchase assistance for veterans, as provided.

**AB 1827 (Chapter 41, Statutes of 2018), Committee on Budget. No Place Like Home Act of 2018. This measure is Proposition 2.**

This bill would enact the No Place Like Home Act of 2018 and provide for submission of that act to the voters at the November 6, 2018, statewide general election. The bill would specify that the service contracts between the authority and the department may be single-year or multiyear contracts and provide for payments to the department from amounts on deposit in the Supportive Housing Program Subaccount. The bill would include any appropriation or transfer to the No Place Like Home Fund from the General Fund or other funds as moneys required to be paid into the No Place Like Home Fund. The bill would declare that the voters ratify as being consistent with and in furtherance of the MHSAs and approve for purposes of specified provisions of the California Constitution relating to debt, specified statutes related to the No Place Like Home Program and related financial provisions. The bill would also authorize the Legislature to appropriate for transfer moneys in the Mental Health

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# Legislative Update

Continued from page 4

Services Fund to the Supportive Housing Program Subaccount, subject to specified conditions, and continuously appropriate those moneys for further transfer to the No Place Like Home Fund to be used for purposes of the No Place Like Home Program. The bill would provide that any amount appropriated and deposited in the No Place Like Home Fund pursuant to these provisions would reduce the amount of authorized but unissued bonds that the California Health Facilities Financing Authority may issue, as described above, by a corresponding amount. The bill would authorize the Legislature to amend the No Place Like Home Act of 2018 by a  $\frac{2}{3}$  vote, so long as the amendment is consistent with and furthers the intent of the act.

**AB 807 (Chapter 60, Statutes of 2018), Chu. Daylight saving time. This measure is Proposition 7.**

This bill would repeal the Daylight-Saving Time Act and would require the standard time within the state to be that of the 5<sup>th</sup> zone designated by federal law as Pacific standard time. The bill would require the advancement of this time by one hour during the daylight-saving time period commencing at 2 am on the 2<sup>nd</sup> Sunday of March of each year and ending at 2 am on the first Sunday of November of each year and would authorize the Legislature to amend these provisions by a  $\frac{2}{3}$  vote to change the dates and times of the daylight-saving time period, consistent with federal law. The bill would also authorize the Legislature to amend these provisions by a  $\frac{2}{3}$  vote to provide for the application of year-round daylight-saving time when authorized by federal law.

## Initiative Measures (8):

**Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage. Initiative Statute. This measure is Proposition 3.**

Authorizes \$8.877 billion in state general obligation bonds for various infrastructure projects: \$3.03 billion for safe drinking water and water quality, \$2.895 billion for watershed and fisheries improvements, \$940 million for habitat protection, \$855 million for improved water conveyance, \$685 million for groundwater sustainability/storage, and \$472 million for surface water storage/dam repairs. Appropriates money from General Fund to pay off bonds. Requires certain projects to provide matching funds from non-state sources; gives priority to disadvantaged communities.

**Changes Requirements for Certain Property Owners to Transfer Their Property Tax Base to Replacement Property. Initiative Constitutional Amendment and Statute. This measure is Proposition 5.**

Removes the following current requirements for homeowners who are over 55 years old or severely disabled to transfer their property tax base to a replacement residence: that replacement property be of equal or lesser value, replacement residence be in specific county, and the transfer occur only once. Removes similar replacement-value and location requirements on transfers for contaminated or disaster-destroyed property. Requires adjustments to the replacement property's tax base, based on the new property's value.

**Authorizes State Regulation of Kidney Dialysis Clinics. Limits Charges for Patient Care. Initiative Statute. This measure is Proposition 8.**

Limits amounts outpatient kidney dialysis clinics may charge for patient care and imposes penalties for excessive charges. Requires annual reporting to the state regarding clinic costs, patient charges, and revenue. Prohibits clinics from discriminating against patients based on the source of payment for care.

**Establishes New Standards for Confinement of Certain Farm Animals; Bans Sale of Certain Non-Complying Products. Initiative Statute. This measure is Proposition 12.**

Establishes new minimum space requirements for confining veal calves, breeding pigs, and egg-laying hens; requires egg-laying hens be raised in cage-free environment after December 31, 2021. Prohibits certain commercial sales of specified meat and egg products from animals confined in non-complying manner. Defines sales violations as unfair competition. Creates good faith defense for sellers relying upon written certification by suppliers that meat or animal products comply with new confinement standards.

**Eliminates Recently Enacted Road Repair and Transportation Funding by Repealing Revenues Dedicated for those Purposes. Requires any Measure to Enact Certain Vehicle Fuel Taxes and Vehicle Fees be Submitted to and Approved by the Electorate. Initiative Constitutional Amendment. This measure is Proposition 6.**

Repeals a 2017 transportation law's tax and fee provisions that pay for repairs and improvements to local roads, state highways, and public transportation. Requires the Legislature to submit any measure enacting specified taxes or fees on gas or diesel fuel, or on the privilege to

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# Legislative Update

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operate a vehicle on public highways, to the electorate for approval.

**Expands Local Governments’ Authority to Enact Rent Control on Residential Property. Initiative Statute. This measure is Proposition 10.**

Repeals state law that currently restricts the scope of rent-control policies that cities and other local jurisdictions may impose. Allows policies that would limit the rental rates that residential-property owners may charge for new tenants, new construction, and single-family homes. In accordance with California law, provides that rent-control policies may not violate landlords’ right to a fair financial return on their rental property.

**Requires Private-Sector Emergency Ambulance Employees to Remain on Call During Work Breaks. Changes Other Conditions of Employment. Initiative Statute. This measure is Proposition 11.**

Makes the labor law that entitles hourly employees to take work (meal and rest) breaks without being on call inapplicable to private-sector emergency ambulance employees. Regulates timing of meal breaks for these employees. Exempts employers from potential liability for violations of existing law regarding work

breaks. Requires employers to pay for employees to be trained regarding certain emergency incidents, violence prevention, and mental health and wellness. Requires employers to provide employees with certain mental-health services.

**Authorizes Bonds Funding Construction at Hospitals Providing Children’s Health Care. Initiative Statute. This measure is Proposition 4.**

Authorizes \$1.5 billion in bonds, to be repaid from state’s General Fund, to fund grants for construction, expansion, renovation, and equipping of qualifying children’s hospitals. Designates 72 percent of funds to qualifying private nonprofit hospitals providing comprehensive services to high volumes of children eligible for governmental programs and children with special health needs eligible for the California Children’s Services program, 18 percent of funds to University of California general acute care children’s hospitals, and 10 percent of funds to public and private nonprofit hospitals providing services to children eligible for the California Children’s Services program.

Note that Prop. 9, which would have dealt with the division of California into Three Separate States (a proposed Initiative

Statute) was removed by the California Supreme Court by an order issued on July 18. While it could be placed again before the voters, the measure will not be voted upon on November 6. ✨

*Chris Micheli is an attorney and legislative advocate for the Sacramento governmental relations firm of Aprea & Micheli, Inc.*



The California Ambulance Association is now welcoming non-members to subscribe to the *Siren* magazine. Published quarterly, the *Siren* is a comprehensive source of information on issues that are important to the ambulance industry. Contents include feature articles, association educational and networking events, legislative updates and analysis, member news and much more.



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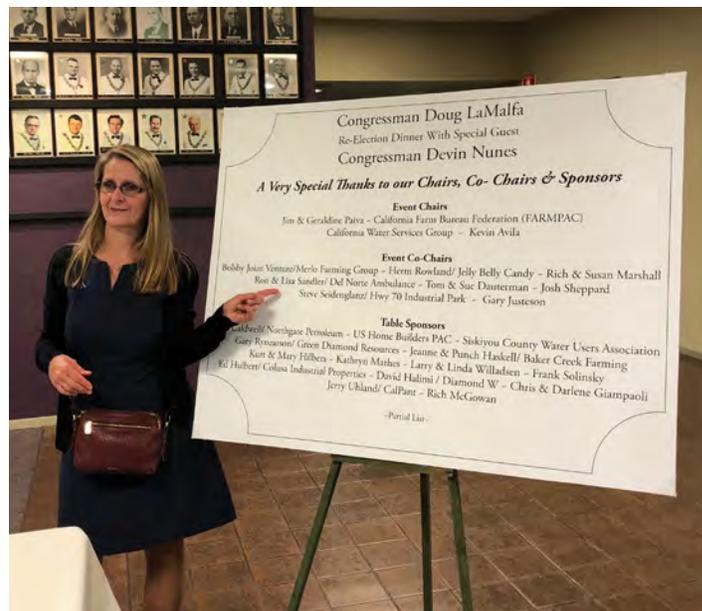
## MEMBERS IN ACTION

### Del Norte Ambulance Maintaining Relationship with Congressman

A fund-raiser was held for Congressman Doug LaMalfa on July 30 in Chico. Del Norte Ambulance showed their support for the congressman by purchasing a table and VIP access. The VIP access came with an opportunity to

sit down with LaMalfa and Congressman Devin Nunes to informally discuss issues. Del Norte Ambulance owner Ron Sandler and his wife Terry hosted their long-time friends Calvin and Susan Elliott and CAA's Ross Elliott (not related to the other Elliotts)

as Del Norte's table guests. Events like this are important; they help to keep the lines of communication open with our elected officials and they help to keep ambulance issues and concerns front and center. ✨



From left: Congressman Devin Nunes, Calvin Elliott, Susan Elliott, Del Norte Ambulance owner Ron Sandler, Terry Sandler, and Congressman Doug LaMalfa.

Terry Sandler pretending to be Vanna White, documenting the event and pointing out the typo of her name!



# 2018 CAA Elections Slate of Candidates

CAA Active members have received their official ballots for the 2018-2019 California Ambulance Association elections. Active members are eligible to vote for candidates seeking election as Officers of the Association, Directors of the Board and members of the Ethics & Professionalism Committee.

In accordance with the bylaws, elections are conducted by mail only NO LATER than August 27, 2018 with any ties being broken by the Active membership in attendance at the Annual Membership Meeting that will be held on September 26, 2018 at Harvey's Resort in Lake Tahoe. This gives every active member the opportunity to exercise their right to vote whether or not they are present at the Annual Membership Meeting.

We encourage you to review the enclosed statements prior to making your decision. \*

Following are nominees for election to serve the CAA during its 2018-2019 operating year. Candidates were formally ratified by the Board of Directors on August 22, 2018. Results will be announced during the Annual Meeting of the Membership which will be held on September 26, 2018 at Harvey's Resort in Lake Tahoe. \*

**Thank you for your time and participation in the CAA!**

## California Ambulance Association 2018-2019 CAA Elections — SLATE OF CANDIDATES —

### NOMINEES FOR THE BOARD OF DIRECTORS (three positions, two-year terms):

<input type="radio"/>	Ed Guzman*	Sierra Ambulance Service, Inc.	Oakhurst, CA
<input type="radio"/>	Rob Smith	Riggs Ambulance Service	Merced, CA
<input type="radio"/>	Eb Muncy	Desert Ambulance Service, Inc.	Barstow, CA

### NOMINEES FOR OFFICER POSITIONS (one-year term for each position):

#### PRESIDENT:

<input type="radio"/>	Alan McNany	American Legion Post #108 Ambulance	Sutter Creek, CA
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#### VICE PRESIDENT:

<input type="radio"/>	Todd Valeri	American Ambulance	Fresno, CA
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#### SECRETARY/TREASURER:

<input type="radio"/>	Ed Guzman*	Sierra Ambulance Service, Inc.	Oakhurst, CA
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\* Must be elected to the Board of Directors to be qualified to hold the position of officer of the Board of Directors.

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# CAA Elections

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— Alan McNary —

American Legion Post #108 Ambulance  
Sutter Creek, CA

Candidate for President  
(One-Year Term)

I have a passion for the EMS industry and have over 28 years of experience in the ambulance industry. Through my years I have progressed from EMT to Paramedic, Field Supervisor, Operations Manager, Vice President and now currently President & CEO for American Legion Post No. 108 Ambulance Service. My knowledge and expertise in the rural ambulance sector is invaluable. I will always continue to advocate for improving patient care, provide safe work environments for employees and better reimbursement from government payors. I have been active with the CAA for 17 years and have served on the Board of Directors for the past 10 years with last year serving as President. I respectfully request your vote for position of President. \*



— Todd Valeri —

American Ambulance  
Fresno, CA

Candidate for Vice-President  
(One-Year Term)

I want to support you and your business as Chairman of the California Ambulance Association. I don't have all the answers to the issues we face, but I promise to work hard to do what I can to help and protect the private ambulance industry in California.

All ambulance providers in this state know we face many new challenges. We must work as a collaborative body to improve and adjust our services and get our concerns addressed. I pledge to work closely with the CAA members, Executive Director and Board of Directors to achieve those goals.

I have worked in EMS for 35 years. At American Ambulance, I have worked at nearly every level in the organization and am now the President/CEO with over 700 employees operating more than 100 ambulances on the ground and in the air. We provide the full continuum of ambulance services from BLS to Critical Care Air Ambulance, and serve a mixture of urban and rural communities. Given the diversity of the services we offer, odds are, I'm awake at night losing sleep over the same issues you are. I have a good understanding of your perspective and I want to help.

For years, my focus had been our business and our region. Eventually, I realized the importance and the need for people to step-up and support our shared interests through the CAA. I have been involved as a Board Member, Ethics and Professionalism Committee Member, Legislative Committee Member and CAAPAC Chair. It would be an honor to be the CAA Chairman and I promise to give my full effort and attention to the job. \*



— Edward Guzman\* —

Sierra Ambulance Service, Inc.  
Oakhurst, CA

Candidate for Secretary/Treasurer  
(One-Year Term)

Candidate for Board of Directors  
(Two-Year Term)

It has been my honor to serve the CAA as a director for the last six years. I have been an active CAA member since 1998 and am the general manager/executive director of Sierra Ambulance Service. Sierra is a 501c3 non-profit organization serving eastern Madera County. I have been with Sierra since 1991 and have been the manager since 1997. Prior to my experience here in Oakhurst at Sierra Ambulance, I worked in San Diego City and County for Medevac Ambulance and later for Hartson.

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# CAA Elections

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I have been a private ambulance guy since my first EMT job with Rand Brooks and Professional Ambulance in 1977. I am a proud product of L.A. Unified, East Los Angeles College and Cal State Fresno. I have been a licensed paramedic since 1981. I have enjoyed being a part of the CAA leadership team. They are a talented and committed group. As all of you know, we face great challenges ahead as we balance quality service with declining reimbursements and increasing costs of operation. I look forward to working with our board of directors and the entire CAA membership in confronting these obstacles. I believe our organization has the talent, the drive and the commitment to meet these challenges. \*

\* Must be elected to the Board of Directors to serve as Secretary-Treasurer.



— Eb Muncy —

Desert Ambulance Service, Inc.  
Barstow, CA

Candidate for Board of Directors  
(Two-Year Term)

I am the owner of Desert Ambulance Service. I am a second generation owner. In 1997, my wife, Nellie, and I purchased the business from my father. We operate the business as a small “mom and pop” operation. I have worked in the ambulance industry for more than 40 years. I have done every

job to run an ambulance company, from working as an EMT, vehicle maintenance, to dispatching, to billing, to accounts receivable and payable, to management. I graduated in 1997 from Western State University, College of Law with a degree in Juris Doctor. In 1988 I passed the California State Bar. I practice law, with emphasis on Business Law (transaction and litigation), Real Estate Law, Trust and Conservatorship. I am a member of the Labor Law Section of the State Bar. I served on the Barstow City Council from 1994 through 2000. I served as Mayor Pro-Tem, Chairman to the Barstow Redevelopment Agency, and Vice Chairman of the Mojave Air Quality Management District. I am currently on the Board of Directors of the CAA, holding the position of Chairperson. Previously I served as Vice-Chairperson, Secretary-Treasurer and served on the Ethics and Professional Committee and as Chairperson of the Legislative & Agency Relations Committee. I am seeking the position of Chairperson and re-election to the position of Director. I hope that you will support me in this endeavor. \*



— Rob Smith —

Riggs Ambulance Service / SEMSA  
Merced, CA

Candidate for Board of Directors  
(Two-Year Term)

As a current member of the CAA Legislative Affairs Committee, I have a strong belief in the Mission of the CAA: to champion the cause of our states Ambulance Providers.

Having seen the miles of RED Tape in Sacramento, I have developed an even stronger drive to insure that our collective voices are heard. No, provider of Ambulance Services, be-it ALS, BLS, CCT, Emergency or Non-Emergency should ever have to stand alone as an Island.

I welcome the opportunity to serve on the CAA Board of Directors. \*



## Convention *Info*



# 70<sup>TH</sup> Annual Convention & Reimbursement Conference

## September 25-28, 2018 • Lake Tahoe, NV

**T**he California Ambulance Association's Annual Convention & Reimbursement Conference will be held September 25-28, 2018 at Harvey's Resort in Lake Tahoe, Nevada. This year marks the 70<sup>th</sup> anniversary of this event! Beginning shortly after the end of WWII, in 1948, the annual convention continues to be an important and valuable gathering of California's ambulance leaders and EMS managers.

Given the historic nature of this gathering, it is fitting that this year's venue is

Harveys Lake Tahoe. According to their promotional materials, "Opening in 1944, Harveys has a rich tradition of hospitality that you'll discover around every corner with chic, modern décor in our 740 Lake Tahoe hotel rooms and suites, and in the service provided by our dedicated team. As the first gaming resort built in Lake Tahoe, Harveys continues to set the standard for personal service, incredible location, welcoming atmosphere and unsurpassed amenities that make every business function a pleasure."

The Convention will feature two full days of classes, workshops, and information sessions as well as the CAA Marketplace, where attendees get the opportunity to meet vendors and see and learn about the latest innovations in EMS products and services. The CAA Marketplace will feature table top displays on Wednesday, September 26, 2018 from 7:30 am – 5:00 pm and on Thursday, September 27, 2018 from 7:30 am – 1:15 pm. The CAA Marketplace will serve as

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**Harveys Lake Tahoe**

# Convention *Info*

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the central convening area for convention delegates.

Featured speakers this year are known nationwide for their knowledge, their reputation, their impacts on EMS, and their entertaining presentation skills, including: Doug Wolfberg, A.J. Heightman, Matt Zavadsky, and Mike Taigman.



Douglas Wolfberg is a founding partner of Page, Wolfberg & Wirth (PWW), and one of the best known EMS attorneys and consultants in the United States.

Widely regarded as the nation's leading EMS law firm, PWW represents private, public and non-profit EMS organizations, as well as billing companies, software manufacturers and others that serve the nation's ambulance industry. Doug answered his first ambulance call in 1978 and has been involved in EMS ever since. Doug became an EMT at age 16, and worked as an EMS provider in numerous volunteer and paid systems over the decades. Doug also served as an EMS educator and instructor for many years. Doug is known as an engaging and humorous public speaker at EMS conferences throughout the United States and is a prolific author.



A.J. Heightman, MPA, EMT P, is the Editor-in-chief of JEMS, is a former EMS director in Pennsylvania and EMS operations director at an ambulance company in

Allentown, PA. He has researched and specialized in MCI management training

for 30 years. Additionally, he was a founding member of the National EMS Museum. He holds a bachelor's degree in sociology/criminology and a master's degree in public administration.



Matt Zavadsky, MS-HSA, NREMT, is the public affairs director at MedStar Mobile Healthcare, the exclusive emergency and nonemergency

provider for Fort Worth and 14 other cities in North Texas and the recipient of the EMS World/NAEMT 2013 Paid EMS System of the Year. Matt has helped guide the implementation of several innovative programs with healthcare partners that have transformed MedStar fully into a mobile integrated healthcare provider, including high utilizer, CHF readmission reduction, observational admission reduction, hospice revocation avoidance and 9-1-1 nurse triage programs. He has 34 years' experience in EMS and holds a master's degree in Health Service Administration with a graduate certificate in Health Care Data Management.



Mike Taigman has more than four decades' experience in EMS. Mike has focused the majority of his career on helping make things better. As a street paramedic in

Denver he honed his clinical skills caring for patients and helping new paramedics learn to provide solid clinical care with kindness and compassion. As a popular conference educator, author of more than 600 articles in professional journals, and a multi decade

Associate Professor in the graduate program in Emergency Health Services Management at the University of Maryland Baltimore County he's focused on helping professionals save more lives, reduce suffering, and be more effective leaders. Mike has consulted with EMS, Fire, and Public Health organizations in 48 of the 50 states, most of the Canadian Provinces, Israel, Palestine, Australia, and throughout Europe. He holds a Master's Degree in Organizational Systems and is the Facilitator for the EMS Agenda 2050 project.

On September 25, the day before the opening of the formal Convention there are three major events. First is the traditional golf tournament, which many love and enjoy. Edgewood Tahoe – "Play where the greats have played, roam where history's best have roamed," is the venue for the golf tournament. "Nestled at the water's edge on Lake Tahoe's south shore, Edgewood Tahoe is a cherished gathering place that welcomes all to enjoy its unique brand of scenic natural beauty and genuine hospitality."

September 25<sup>th</sup>'s second pre-convention event is a one-day course to become a Certified Ambulance Documentation Specialist (CADS). Taught by the National Academy of Ambulance Compliance (NAAC) the CADS certification is the first offered by NAAC that is specifically geared for EMTs, paramedics and other EMS field practitioners. It is also appropriate for EMS QA/QI personnel, supervisors/managers, compliance officers, billers and anyone else involved in EMS clinical care or any aspect of the ambulance service revenue cycle. Having providers at your agency with the CADS credential shows a true commitment to quality care and top-notch documentation by your agency. The CADS certification is a lifetime certification with no annual recertification requirements.

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# Convention *Info*

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**Edgewood Tahoe**

Well worth the investment for a lifetime of better documentation.



Finally, the third event on September 25 is the evening Welcome Reception at the Hard Rock Casino’s outdoor patio. Two years ago we enjoyed this venue to open that Convention, and we are on our way back! It is a casual venue, yet beautiful in its simplicity and comfort. The welcome reception is a great way to reconnect with friends and colleagues, and we hope that everyone attending the Convention will be a part of this “must-attend” social event.

This year’s Convention features many more speakers and has lots more events and topics than can be listed in this article. The 70<sup>th</sup> year promises to be the best one yet. Plan to attend, and get moving on reservations and registration – you don’t want to miss out on this event. 🌸





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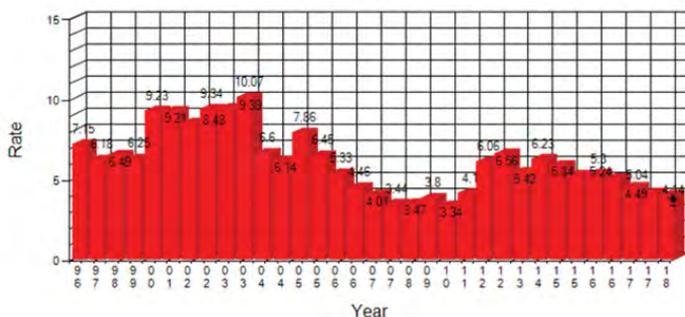
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# Workers Comp “Pure Premium Rates” Down 10% for Medical Transportation Companies

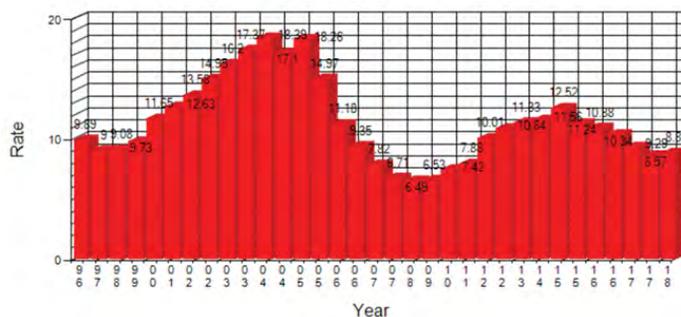
Jonathan G. Black | Der Manuel Insurance

As of July 1st, 2018, the California insurance commissioner approved a substantial rate cut for the both “ambulance services” and “bus, shuttle van, or limousine” class codes. The new “pure premium rate” for class code 7382 (wheelchair) will be **\$7.89 per \$100 of payroll, which is down from \$8.80 – a 10.34% decrease!** The new “pure premium rate” for class code 7332 (ambulance) will be **\$3.59 per \$100 of payroll, which is down from \$4.00 – a 10.25% decrease!** This is great news for medical transportation companies and reflects positive performance for the industry.

Class Code 7332  
Pure Premium Rate



Class Code 7382  
Pure Premium Rate



## So what is the “pure premium rate” and how is it calculated?

Every year, all insurance carriers operating in California submit loss and payroll data to the Workers Compensation Insurance Rating Bureau (WCIRB). Due to the vast amount of data accumulated and analyzed, the WCIRB is a unique organization capable of producing a very accurate assessment of how each industry is performing. The WCIRB studies each industry, and then posts advisory “pure premium rates” that are then reviewed and approved by the California Department of Insurance. According to the WCIRB website, “these rates reflect the amount of losses an insurer can expect to pay in benefits due to workplace injuries as well as the cost for adjusting and settling workers’ compensation claims.”

## Sound familiar?

That’s the same data you can find on most loss run and payroll reports. But instead of reviewing just one company’s data, they see every policyholder in the state, and the law of large numbers makes its impact.

## So what’s missing from the equation?

Profits, commissions, expenses, taxes, and dividends. As you would expect, these are very important areas for an insurance carrier to think about when working to be profitable year over year.

## Anything else worth knowing?

There is lag time. All the data used to calculate new rates is from the year prior and beyond, and does not account for any trends developing currently.

## So why is this important for an insured?

The pure premium rates are the best indicator we have to see how the industry as a whole is performing. **Yes, carriers will set their own rates and underwrite each account based on its own operations, claims history, risk management, location, competition, etc,** but actual pricing trends typically follow in line with how pure premium rates perform.

## Is it appropriate to look at the pure premium rate and assume your Workers Comp rates will match those?

Unfortunately, no. There is much more that goes into pricing Workers Compensation

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than reviewing pure premium rates. Some company's rates can actually be lower than the pure premium rates, others similar, and many are higher.

## So who actually determines pricing?

The underwriter. In recent discussions with one of my underwriters, they likened their job to "legalized gambling." That thought

stuck with me, and is essentially what they do every year. They take everything they know about an account, and quote a premium that is low enough to earn the business and bind coverage, but high enough to allow for underwriting profit. They do this over and over again with all their accounts, with the goal of having a profitable book of business. That is how they are evaluated.

## So why is this important for an insured?

The insured wants to demonstrate the cleanest, safest, and most predictable operation for an underwriter. Effort in this area is absolutely critical. Optimistically, this will motivate the underwriter to determine they can still be profitable and **gamble on your performance** with a low amount of premium.

If you have questions about pure premium rates or the impact of this update on your company, please contact Lyn FauntLeRoy or myself. \*



Jonathan G. Black is a veteran Army captain, graduate of the United States Military Academy at West Point, and is passionate about working with service oriented companies. Medical transportation was an immediate fit when he started in the insurance business, and has been a rewarding industry to work in. Mr. Black is a husband, father, patriot, and avid fitness enthusiast.

## CAA Committees

- Annual Conference Committee – Chair Jimmy Pierson, Medic Ambulance Service, Inc.
- CAAPAC Committee – Chair Todd Valeri, American Ambulance
- Data, Operations, and Quality (DOQ) Committee – Chair Steve Melander, American Ambulance
- Education Committee – Chair Jimmy McNeal, Schaefer Ambulance Service, Inc.
- Membership Development & Services Committee – Chair Edward Guzman, Sierra Ambulance Service
- Payer Issues Committee – Chair Donna Hankins, American Ambulance
- Legislative & Agency Relations Committee – Chair Carol Meyer, McCormick Ambulance Service
- Nominating Committee – Chair Frank Kelton, San Luis Ambulance Service
- California EMS Commission – CAA's Representative Jaison Chand, City Ambulance of Eureka, Inc.
- SB 523 Implementation Ad Hoc Committee – Chair Steve Grau, Royal Ambulance, Inc.

Add value to your membership by getting involved in a committee! Notices of committee meetings are now posted on the CAA's website at [www.the-caa.org/mem\\_committees.asp](http://www.the-caa.org/mem_committees.asp) and in the Weekly News and Information Bulletin. The work performed by the committees is of vital importance, and adding your voice/participation makes the CAA stronger and more effective.



# Dynamex Case Should Be Addressed by the Legislature

Chris Micheli | CAA Legislative Advocate

**T**he California Supreme Court issued a decision on April 30, 2018 in *Dynamex Operations West Inc. v. Superior Court* which significantly changed the standard for determining independent contractor versus employee status in California. The California business community is deeply troubled by this court decision and believes that the Legislature needs to urgently consider a bill to address this matter.

As a result of the *Dynamex* case, the California Supreme Court made the independent contractor test tougher under the Wage Orders, but potentially inconsistent with other laws (e.g., workers' compensation, unemployment insurance, taxation). More importantly to the business community, the decision represents overturning nearly 30 years of precedent pursuant to the high court's 1989 decision in *SG Borello & Sons*, which businesses have relied upon for all these years and that provides factors in determining employment status.

With such a seismic shift in the employment laws, it is the elected branch of government that should utilize the legislative process to create any new and far-reaching law, rather than an appellate court decision as was the case in *Dynamex*. If this decision is allowed to stay in effect, it will have the practical impact of eliminating the use of independent contractors in the State of California.

The Legislature should adopt a bill in August when it returns from its summer recess in order to "suspend" the Court's decision for at least a year to allow the Legislature, our elected branch of government, to consider the implications of this case. This will allow the Legislature and Governor, after hearings and due consideration of the implications of

such a drastic change in the law, to determine what is the best approach for all California businesses.

*Dynamex* is a classic example of what law school professors often say that "bad facts make bad law." This decision interpreted Wage Order 12 (concerning the transportation industry) that was issued more than 15 years ago by the now-defunct Industrial Welfare Commission (IWC). At the very least, the Legislature could reinstitute the IWC and have it update the Wage Orders to reflect today's businesses, such as the gig economy.

While the *Borello* test and its corresponding factors were fact-intensive, employers have utilized this standard for nearly three decades. The result of the Court's *Dynamex* decision is that very few individuals will be classified as an independent contractor in this state. Under the ABC test articulated in *Dynamex*, a worker is presumed to be an employee unless the hiring entity establishes each of three factors.

Under this test, the worker must (A) be free from the hiring entity's control and direction over performance of the work, both under the contract and in fact; (B) perform work that is outside the usual course of the hiring entity's business; and (C) be customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed. All of the ABC factors must be established or the presumption that the worker is an employee will stand.

In creating this new test and overturning decades of legal precedent and business practices in this state, the Court's decision raises numerous questions, such as how

will a company's "usual course of business" be defined? Will industry standards play a role in this analysis? How should companies manage compliance in a system that applies different worker classification tests depending on the statute or regulation at issue? Will this case be applied only prospectively or retroactively? Does it apply to other employee versus independent contractor tests, such as those used for workers' compensation, unemployment insurance, and Cal-OSHA?

Massachusetts was the first state to utilize this so-called "ABC Test," but that was done through a statute that had been debated in the Legislature. The key point is that this new and expansive test in California was created by the Court with a limited set of facts before it and not by the Legislature and Governor who would utilize a public process of enacting legislation.

Because this new test places in doubt the sustainability of virtually all independent contractor relationships in California and the decision, if left intact, has the potential to cause substantial economic harm to thousands of workers who desire to be independent contractors and the hundreds of thousands of California citizens who rely upon these workers and the services that they provide.

If the Legislature and Governor do not modify this court decision, it is likely to irreparably damage the business model of a broad swath of industries and billions of venture capital dollars that are increasingly invested in businesses that pair unique technologies and workplace arrangements, and the *Dynamex* decision could also hinder California as a national leader in the innovation economy. ✱



# Obstacles Faced in the Legislative Process

Chris Micheli | CAA Legislative Advocate

As one might contemplate, there are numerous obstacles to overcome during the legislative process in California. These are generally categorized as policy, fiscal and political obstacles that may have to be addressed as a bill travels through the legislative process. In preparation for introducing a bill, this article poses a few questions that a person may want to ask before proceeding with a bill in the California Legislature.

## Legislators' Concerns

When presenting a bill proposal to a legislator as potential author of a bill, generally legislators care about the following key issues:

- What does the bill do and what are the policy arguments for and against the bill?
- What is the fiscal impact, if any, of the bill?
- Who will support the bill?
- Who will oppose the bill?
- How does the bill impact their district?
- How will the Governor view the bill?
- What are the political implications, if any, of the bill?

Assuming a legislator agrees to author the bill, the sponsor or principle supporter(s) of the legislation will need to prepare to address the potential obstacles that the bill will encounter. The following obstacles are reviewed by posing questions that will help guide your resolution of them.

## Policy Obstacles

Naturally, there should be a good policy rationale for the legislation. Unfortunately, the Legislature generally examines a proposed solution, rather than examine the policy problem that is attempted to be addressed and then determining what the

best solution to that problem actually is. At this early point, the bill's proponents need to address these questions:

- In presenting the bill (which contains a solution), has the policy problem been clearly explained?
- Is this bill the best solution to the stated policy problem?
- Are there other viable solutions to address the problem?
- What are the potential policy problem(s) with the other solution(s)?
- Is there sufficient policy justification to make the proposed change in law?
- Is there evidence that the alleged shortcoming in existing law exists?

## Fiscal Obstacles

Assuming the policy implications of the bill are addressed, the fiscal impact is duly considered by the respective Appropriations Committees (i.e., the fiscal committees in the California Legislature). Note that even some policy committees consider the fiscal impact of proposed legislation, such as the Health, Education, and Revenue & Taxation Committees. In fact, the Assembly Revenue & Taxation Committee, for example, has its own "suspense file" similar to that of the Appropriations Committee that is used to hold bills with a fiscal impact until a later date at which point all of the bills can be voted upon.

The fiscal considerations always come into play if a bill meets the threshold to be placed on the "Suspense File" of either the Assembly or Senate Appropriations Committee, particularly in times when the State is facing financial difficulties. And the view of the Governor, certainly during the Brown Administration, on the fiscal impact of legislation is crucial. As such,

the following are some of the questions to address:

- Is there any fiscal impact due to the proposed law change?
- If so, how significant is the impact?
- If there is a fiscal impact, is it to state government, local government and/or the private sector?
- If the fiscal impact is significant, is there a funding source or mechanism to "pay" for the cost of the bill?
- Will the Department of Finance support, oppose or be neutral on the proposal based upon the fiscal impact?

## Political Obstacles

Certain entrenched special interests are sometimes the most difficult hurdle to overcome in the legislative process, even if the author and sponsor have resolved the policy and fiscal concerns of the legislation. That is because those who are in a powerful position generally do not want to do anything that does not advance their own interests or that may weaken their position. Some of the questions to pose here include:

- Which group(s) are likely to support the bill? How can they impact the proposed law change?
- Which group(s) are likely to oppose the bill? How can they impact the proposed law change?
- Does a change in law result in hurting one group and/or helping another group?
- Is there grassroots support for either side of the proposal? If so, how significant would that support or opposition be for the bill?
- How has the media portrayed the proposal, if at all?

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# Feature Article

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- Is the majority party in support or opposition to the proposal?
- How does legislative staff view the proposal?
- What is the Administration's view of the law change?
- Does the proposed bill impact one or more state agencies? If so, will the agency support, oppose or be neutral on the proposal?
- Are there possible amendments to the bill to alleviate some or all of the policy and/or fiscal concerns with the proposal?
- Does the proposed bill impact one legislative district, a geographic region, or the entire state?

## Other Obstacles

In a few instances, vote requirements may become an obstacle if the bill requires a super majority vote for passage. For example, does the bill contain an urgency clause? Or does the bill result in anyone paying a higher level of taxes? These bills will require a 2/3 majority vote for passage on both floors of the Legislature. Or does the bill trigger an even higher vote threshold because it amends a particular initiative statute (such as Prop. 99 and its 4/5 majority vote requirement)?

As one would expect, each controversial bill can create its own unique set of obstacles that will need to be addressed. That is why there is not a clear set of rules that apply in

the same way for all pieces of legislation. It is a rare year in the legislative process that one does not learn a new tactic or some method to improve a bill's chances of success the following year. ✨

Chris Micheli is an attorney and legislative advocate for the Sacramento governmental relations firm of Aprea & Micheli, Inc. He can be reached at 916-448-3075 or [cmicheli@apreamicheli.com](mailto:cmicheli@apreamicheli.com). He serves as an Adjunct Professor at McGeorge School of Law.



# Member Spotlight: Mercy Medical Transport

## MERCY

Medical  
Transportation  
Inc.

**M**ercy Medical Transportation has been a proud member of the CAA for nearly 25 years and we would like to thank the association for giving us the opportunity to be featured in *Siren Magazine's* member spotlight section.

Mercy was founded in 1994 by President Rick Roesch and has since become an elite service provider in San Diego and Mariposa counties. The company specializes in ALS, 911 services and primarily serves rural communities. Mercy has the privilege of

servicing the Valley Center Fire Protection District in San Diego County, the Zone 2 Rural and Otay Mesa service area in San Diego County and the entirety of Mariposa County. The company has also forged innovative operating agreements with Native American tribes including the Pala Band of Mission Indians, Rincon Band of Luiseño Indians and Viejas Band of Kumeyaay Indians.

Mercy began our operations in Mariposa County with just three ambulances, and

today we deploy over 20 ambulances daily in Mariposa and San Diego counties and respond to over 1,000 911 calls per month. We attribute our growth and success to superior customer service, a proven record of quality performance and our excellent working partnerships with our public-sector counterparts. Mercy understands that we are a vital piece of each community we serve and that through our collaborations with fire agencies, law enforcement and Native American tribes we can facilitate the highest degree of continuity of care. We always strive to schedule our ambulance crews on identical shifts as the fire agency they respond with, house our ambulance crews at fire stations and conduct joint training with fire agencies, law enforcement and reservation fire departments to enable a seamless and standardized level of care throughout our service areas.

In order to provide excellence in customer service and performance, Mercy truly believes that it all starts with the people our patients and customers first come into contact with and that is our employees. Our crews are our greatest asset and we continue



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# Member Profile

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to ensure the utmost level of job satisfaction through our benefit of stationing with jurisdictional fire departments, competitive compensation and benefit packages, flexible work schedules and an influx of training opportunities. Additionally, Mercy procures the most enhanced equipment and cutting-edge information systems available to the industry to further promote job satisfaction and aid in our caregivers' ability to deliver consistent quality patient care.

Our employees utilize power-lift gurneys to reduce potential spinal injuries and to prevent cumulative trauma injuries for patients and video laryngoscopes to increase successful in the field intubation rates.

Community focus has been and will always be a part of Mercy's DNA. Because the company mainly provides services in rural areas, we are inherently a part of each community. Mercy's President, Roesch,

grew up in Mariposa and has lived in San Diego County with his family since 1978. As such, he considers providing community services and educational programs to be fundamental services. The company regularly supports local high school students through college scholarships, provides 911 educational and Hands-Only CPR programs and donates AEDs and bleeding control kits to community groups such as CERT. Furthermore, Roesch has demonstrated that he will go above and beyond for his community and has said yes to even the most unprecedented of requests. For example, in 2005 he purchased a failed and abandoned grocery store in Greely Hill (Mariposa County) to ensure residents had access to groceries and other essential supplies.

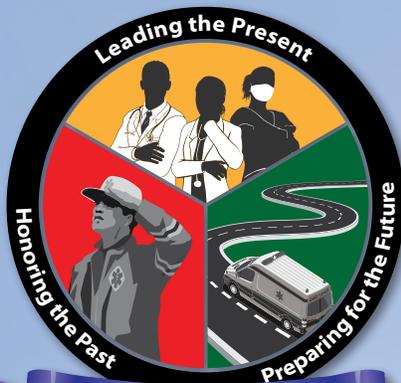
With our continued, sustained growth throughout our 25 years, Mercy looks forward to what the next quarter of a century looks like for our company. We will continue to provide the best possible service for our patients, customers and partner agencies, while meeting the new demands on our industry and keeping up with the most current and cutting-edge technologies to provide the highest level of quality patient care. Mercy also looks forward to a continued membership with the CAA, as the CAA is vital to the interest of all ambulance providers in our state. 🌸





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