

Date of Hearing: May 20, 2020

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kalra, Chair

AB 2092 (Rodriguez) – As Amended May 4, 2020

SUBJECT: Emergency ambulance employees: safety devices and safeguards

SUMMARY: Requires private emergency medical service ambulance employers to inform their emergency ambulance employees, upon employment and once annually thereafter, of the employee's right to request safety devices and safeguards at the beginning of their shift. Specifically, **this bill:**

- 1) Defines "emergency ambulance employee" as a person who is both:
 - a) An emergency medical technician (EMT), dispatcher, paramedic, or other licensed or certified ambulance transport personnel who contributes to the delivery of ambulance services; and
 - b) Is employed by an emergency ambulance provider.
- 2) Defines "emergency ambulance provider" as an employer that provides ambulance services but does not include a public entity in its capacity as the employer of an emergency ambulance employee.
- 3) Provides that safety devices and safeguards for private EMS employees include, but are not limited to, material or equipment worn by the employee that is intended to provide body protection from ballistic, slashing, and stabbing attacks and bodily orifice protection from flying particles, sparks, bodily fluids, and biohazard splatter.
- 4) Requires emergency ambulance providers to inform their employees, upon initial employment and subsequently on an annual basis, of the employee's right to request safety devices and safeguards at the beginning of the employee's shift.

EXISTING LAW:

- 1) Requires an employer to furnish employment and a place of employment that is safe and healthful for its employees.
- 2) Requires an employer to furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes, which are reasonably adequate to render employment and the place of employment safe and healthful.
- 3) Requires an employer to do everything reasonably necessary to protect the life, safety, and health of employees.

FISCAL EFFECT: Unknown

COMMENTS: Reports suggest that emergency medical services professionals are exposed to great physical stress, which includes physical demands such as lifting patients, working with potentially violent patients, and being exposed to pathogens. These reports further assert that

this stress is so commonplace that some emergency medical service professionals believe they must accept these risks as part of the job. To address the physical stress placed on these employees, some studies recommend widely disseminating safety policies and procedures so that emergency medical service professionals are aware of them.

According to the author, “[t]he frequent occurrences of violence committed against EMTs and paramedics have been ignored for far too long. Each call that an ambulance worker responds to has the potential of escalating into a dangerous situation, often times with that danger coming from the very same patient they are trying to help. This bill provides these first responders adequate safeguards from hazards associated with their occupation and affirms their right to a safe and protected workplace.”

Arguments in Support

The International Association of EMTs and Paramedics (IAEP) argues, in support, “[i]n the last six months alone, our members have responded to three active shooter calls in three separate states including the shooting at Saugus High School. In all three cases, none of the responding EMTs and paramedics had protective gear available on their assigned rigs. They braved clear and present dangers to do their jobs, exposing themselves to bodily harm as well as potential post-traumatic stress injuries (PTSI), in the hopes of saving lives. We strongly believe that with this legislation and constructive negotiations with providers . . . the safety of our members will be greatly improved.”

Arguments in Opposition

The American Medical Response West argues, in opposition, “[t]his bill seeks to require private, but not public, ground and air emergency ambulance providers to issue emergency ambulance employees with ballistic vests and unidentified safety devices or be subject to criminal charges. While this legislation is drafted to appear as simply an advisory of an employee’s existing rights under CalOSHA, it is in fact a new requirement that is predicated on false claims and intended to restrict private 911 ground and air ambulance providers from operating in the state of California.”

Prior Legislation

AB 26 (Rodriguez) of 2019 proposed to require emergency ambulance providers to provide emergency ambulance employees with body armor and safety equipment to wear during the employee’s work shift. This bill was not heard in the Assembly Labor and Employment Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

International Association of EMTs and Paramedics

Oppose

American Medical Response West

Analysis Prepared by: Justin Delacruz / L. & E. /