

(c) The term of the members of the Commission shall be three calendar years, commencing January 1 of the year of appointment, provided that the initial terms of the members shall be staggered.

(d) The members of the Commission shall receive no compensation for their services to the Commission, but shall be reimbursed for their actual and necessary travel and other expenses incurred in the discharge of their duties.

(e) The Commission shall select a chairperson from its members, and shall meet at least quarterly on the call of the Director, the Chairperson, or two members of the Commission.

(f) The Commission shall advise the Director on all aspects of the Emergency and Trauma Physician Services Accounts, including both the Emergency and Trauma Physician Unpaid Claims Account and the Emergency and Trauma Physician Uninsured Account.

(g) A majority of both the emergency physician members and the on-call physician specialist members shall constitute a quorum, and no recommendation or action will be effective in the absence of a majority vote of emergency physician members and a majority vote of on-call physician specialist members.

(h) The Commission shall review and approve the forms, guidelines, and regulations implementing the Emergency and Trauma Physician Uninsured and Unpaid Claims Accounts.

(i) The Commission shall review and approve applications by counties to administer their own Emergency and Trauma Physician Uninsured and Unpaid Claims Accounts.

(j) For each calendar quarter and at the end of each calendar year, the Department of Health Services or, where applicable, the administering agency for each county shall report to the Legislature and the Emergency and Trauma Physician Services Commission on the implementation and status of the Maddy Emergency Medical Services Fund, Emergency and Trauma Physician Unpaid Claims Account and the Emergency and Trauma Physician Uninsured Account. These reports and the underlying data supporting these reports shall be publicly available. These reports shall, for the Department and each county, include, but not be limited to, all of the following:

(1) The total amount of fines and forfeitures collected, the total amount of penalty assessments collected, and the total amount of penalty assessments deposited into the Maddy Emergency Medical Services Fund (“Fund”).

(2) The total amount of funds allocated to each county administering the account from the Emergency and Trauma Physician Unpaid Claims Account (“Unpaid Claims Account”).

(3) The total amount of funds allocated to each county administering the account from the Emergency and Trauma Physician Uninsured Account (“Uninsured Account”).

(4) The Fund and Account balances and the amount of moneys disbursed from the Fund and Accounts to physicians.

(5) For both the Fund and Accounts, the pattern and distribution of claims, including but not limited to the total number of claims submitted by physicians and surgeons in aggregate from each facility.

(6) For both the Fund and the Accounts, the amount of moneys available to be disbursed to physicians, the dollar value of the total allowable claims submitted, and the percentage of such claims which were reimbursed.

(7) A statement of the policies, procedures, and regulatory action taken to implement and run the program under this chapter.

(8) The actual administrative costs of the administering agency incurred in administering the program.

(k)(1) The State Board of Equalization shall, on a quarterly basis, report to the Legislature and the Emergency and Trauma Physician Services Commission and make publicly available, amounts required to be paid to the "911 Emergency and Trauma Care Fund" pursuant to section 41135 of the Revenue and Taxation Code and amounts credited to each of the accounts created within that fund.

(2) The administering agency, upon request, shall make available to any member of the public a listing of physicians and hospitals that have received reimbursement from the Unpaid Claims Account, the Uninsured Account and the Emergency and Trauma Hospital Services Account and the amount of the reimbursement they have received. This listing shall be compiled on a semi-annual basis.

(l) Each administering agency of an account under this chapter shall make all reasonable efforts to notify physicians and surgeons who provide, or are likely to provide, emergency services in each county as to the availability of the accounts and the process by which to submit a claim against the accounts. The administering agency may satisfy this requirement by sending materials that provide information about the fund and the process to submit a claim against the fund to local medical societies, hospitals, emergency rooms, or other organizations, including materials that are prepared to be posted in visible locations.

(m) The Department may issue forms, guidelines or regulations to implement this chapter pursuant to Chapter 3.5 of Part I of Division 3 of the Government Code (commencing with section 11340).

Section 1797.98b of Chapter 2.5 of Division 2.5 of the Health and Safety Code is added to read:

§1797.98b(a) For purposes of this Chapter, the Department shall be the administering agency unless delegated to a county pursuant to subdivision (c).

(b) The Department shall be reimbursed from the state Emergency and Trauma Physician Uninsured and Unpaid Claims Accounts for its actual costs of administration not to exceed 4% of the moneys credited to these accounts during the fiscal year, unless a different percentage is approved by the Emergency and Trauma Physician Services Commission as necessary for the efficient administration of the accounts.

(c) The Department may delegate to a county, upon application, the administration of its own County Emergency and Trauma Physician Uninsured and Unpaid Claims Accounts. The Department shall establish terms and conditions for the delegation of a county to administer the accounts, which shall include, but not be limited to all of the following:

(1) The county Board of Supervisors shall request, by resolution, to be the administering agency and shall have established accounts within the Maddy Emergency Medical Services Fund;

(2) The resolution shall specify any delegation of this authority proposed by the county Board of Supervisors, and shall specify who will serve as the administering officer;

(3) The county is of sufficient size to justify such delegation as cost effective;

(4) The county has demonstrated its commitment to maintaining a stable and high quality emergency medical services system. An example of such commitment is a county's augmentation of funding for emergency medical services;

(5) The county will accept both paper and electronic claims;

(6) Administration by the county is supported by local physician organizations;

(7) The costs of administration will not exceed 4% of the money credited to these accounts during the fiscal year, or the amount authorized by the Emergency and Trauma Physician Services Commission as necessary for the efficient administration of the accounts;

(8) The Department may approve an application by a county for a period not more than three years. A county may thereafter reapply for delegation;

(9) The Department shall give great weight to the recommendations of the Emergency and Trauma Physician Services Commission during the application and review process and the Commission shall have final authority to approve applications pursuant to section 1797.98a(i).

(d) If a county is delegated by the Department to be the administering agency, claims for emergency medical services provided at facilities within that county may only be submitted to that county, and may not be submitted to the Department.

(e) If a county is delegated by the Department to be the administering agency, the Department shall do all of the following:

(1) authorize a county to keep moneys deposited into that county's Emergency and Trauma Physician Unpaid Claims Account for reimbursements pursuant to this chapter,

(2) each calendar quarter, transfer to the County Emergency and Trauma Physician Services Unpaid Claims Account in that county funds deposited into the state Emergency and Trauma Physician Services Unpaid Claims Account pursuant to sections 16950 and 16950.2 of the Welfare and Institutions Code and allocated to that county by the Department based on the total population of that county to the total population of the state,