

7013--A

I N S E N A T E

April 20, 2012

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to permanent certification of advanced life support services or municipal ambulance services by a municipality or fire district

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 7 of section 3008 of the public health law, as
2 added by chapter 510 of the laws of 1997, is amended to read as follows:
3 7. (a) Notwithstanding any other provision of law and subject to the
4 provisions of this article, any municipality within this state, or fire
5 district acting on behalf of any such municipality, and acting through
6 its local legislative body, is hereby authorized and empowered to adopt
7 and amend local laws, ordinances or resolutions to establish and operate
8 advanced life support first responder services or municipal ambulance
9 services within the municipality, upon meeting or exceeding all stand-
10 ards set by the department for appropriate training, staffing and equip-
11 ment, and upon filing with the New York state emergency medical services
12 council, a written request for such authorization. Upon such filing,
13 such municipal advanced life support first responder service or municipi-
14 pal ambulance service shall be deemed to have satisfied any and all
15 requirements for determination of public need for the establishment of
16 additional emergency medical services pursuant to this article [for a
17 period of two years following the date of such filing]. Nothing in this
18 article shall be deemed to exclude the municipal advanced life support
19 first responder service or municipal ambulance service authorized to be
20 established and operated pursuant to this article from complying with
21 any other requirement or provision of this article or any other applica-
22 ble provision of law.
23 (b) [In the case of an application for certification pursuant to this
24 subdivision, for a municipal advanced life support or municipal ambu-
25 lance service, to serve the area within the municipality, where the

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 proposed service meets or exceeds the appropriate training, staffing and
2 equipment standards, there shall be a strong presumption in favor of
3 approving the application.] NOTWITHSTANDING ANY OTHER PROVISION OF THIS
4 ARTICLE, ANY MUNICIPALITY WITHIN THIS STATE, OR FIRE DISTRICT ACTING ON
5 BEHALF OF ANY SUCH MUNICIPALITY, WHICH APPLIES FOR A PERMANENT CERTIF-
6 ICATION PURSUANT TO THIS ARTICLE AT THE CONCLUSION OF THE TWO YEAR PERI-
7 OD UNDER PARAGRAPH (A) OF THIS SUBDIVISION, SHALL NOT BE REQUIRED TO
8 APPLY TO ITS REGIONAL COUNCIL OR THE STATE COUNCIL, AND THE APPLICATION
9 SHALL BE SUBMITTED TO AND APPROVED BY THE COMMISSIONER UNLESS THE
10 COMMISSIONER FINDS THAT THE MUNICIPAL SERVICE HAS FAILED TO MEET THE
11 APPROPRIATE TRAINING, STAFFING AND EQUIPMENT STANDARDS.

12 S 2. This act shall take effect immediately and shall apply to any
13 municipality or fire district that has a temporary determination of
14 public need under paragraph (a) of subdivision 7 of section 3008 of the
15 public health law upon the effective date of this act, and to any appli-
16 cation made by a municipality or fire district pursuant to such section
17 that is pending any administrative or judicial appeal process upon the
18 effective date of this act.