

3975

2013-2014 Regular Sessions

I N   S E N A T E

March 1, 2013

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Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the good samaritan ambulance act of 2013

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

1     Section 1. This act shall be known and may be cited as "the good  
2     samaritan ambulance act of 2013".

3     S 2. Section 3001 of the public health law is amended by adding a new  
4     subdivision 22 to read as follows:

5     22. "OPERATE" MEANS WITH RESPECT TO AN AMBULANCE RECEIVING PATIENTS.

6     S 3. Subdivision 1 of section 3010 of the public health law, as  
7     amended by chapter 588 of the laws of 1993, is amended to read as  
8     follows:

9     1. Every ambulance service certificate or statement of registration  
10    issued under this article shall specify the primary territory within  
11    which the ambulance service shall be permitted to operate. An ambulance  
12    service shall receive patients only within the primary territory speci-  
13    fied on its ambulance service certificate or statement of registration,  
14    except: (a) when receiving a patient which it initially transported to a  
15    facility or location outside its primary territory; (b) as required for  
16    the fulfillment of a mutual aid agreement authorized by the regional  
17    council; (c) upon express approval of the department and the appropriate  
18    regional emergency medical services council for a maximum of sixty days  
19    if necessary to meet an emergency need; provided that in order to  
20    continue such operation beyond the sixty day maximum period necessary to  
21    meet an emergency need, the ambulance service must satisfy the require-  
22    ments of this article, regarding determination of public need and spec-  
23    ification of the primary territory on the ambulance service certificate  
24    or statement of registration; [or] (d) an ambulance service or advanced  
25    life support first response service organization formed to serve the

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

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1 need for the provision of emergency medical services in accordance with  
2 the religious convictions of a religious denomination may serve such  
3 needs in an area adjacent to such primary territory and, while respond-  
4 ing to a call for such service, the needs of other residents of such  
5 area at the emergency scene; (E) ANY AGENCY RECEIVING A REPORT OF A LIFE  
6 THREATENING MEDICAL EMERGENCY REQUIRING EMERGENCY MEDICAL SERVICES THAT  
7 IN GOOD FAITH CONCLUDES, ON THE BASIS OF INFORMATION AVAILABLE AT THE  
8 TIME, THAT THE AGENCY HAVING PRIMARY RESPONSIBILITY FOR THE TERRITORY  
9 WILL BE DELAYED, AND SUCH DELAY MAY UNNECESSARILY ESCALATE OR EXACERBATE  
10 THE EMERGENCY, SHALL NOT BE SUBJECT TO ANY SANCTION FOR OPERATING  
11 OUTSIDE ITS PRIMARY TERRITORY, PROVIDED, THAT, IT: ATTEMPTS TO NOTIFY  
12 THE AGENCY HAVING PRIMARY RESPONSIBILITY FOR THAT TERRITORY OF THE EMER-  
13 GENCY AND OF ITS RESPONSE; HAS THE RESOURCES AVAILABLE TO RESPOND TO THE  
14 EMERGENCY; AND IS NOT CANCELLED EITHER IN ROUTE OR ON THE SCENE BY AN  
15 AGENCY OR DISPATCHER HAVING PRIMARY RESPONSIBILITY FOR THE TERRITORY; OR  
16 (F) IF AN AGENCY HAVING PRIMARY RESPONSIBILITY FOR A TERRITORY AVAILS  
17 ITSELF OF THE RESOURCES, EQUIPMENT, OR PERSONNEL OF AN AGENCY RESPONDING  
18 TO AN EMERGENCY OUTSIDE THE RESPONDING AGENCY'S PRIMARY TERRITORY, THEN  
19 THE AGENCY HAVING PRIMARY RESPONSIBILITY FOR THE TERRITORY WILL BE  
20 DEEMED TO HAVE MADE A REQUEST FOR MUTUAL AID PURSUANT TO A MUTUAL AID  
21 AGREEMENT AND THE AGENCY RESPONDING OUTSIDE OF ITS PRIMARY TERRITORY  
22 WILL NOT BE THE SUBJECT OF ANY ADMINISTRATIVE SANCTION FOR OPERATING  
23 OUTSIDE ITS PRIMARY TERRITORY; PROVIDED THAT (G) NOTHING CONTAINED IN  
24 THIS SUBDIVISION SHALL IMPOSE A LEGAL DUTY ON ANY AGENCY TO RESPOND  
25 OUTSIDE OF ITS PRIMARY TERRITORY AND ANY SUCH RESPONSE SHALL BE SOLELY  
26 AT THE DISCRETION OF THE AGENCY. Any ambulance service seeking to oper-  
27 ate in more than one region shall make application to each appropriate  
28 regional council. Whenever an application is made simultaneously to more  
29 than one regional council, the applications submitted to the regional  
30 councils shall be identical, or copies of each application shall be  
31 submitted to all the regional councils involved.

32 S 4. This act shall take effect on the sixtieth day after it shall  
33 have become a law; provided, however, that effective immediately, the  
34 addition, amendment and/or repeal of any rule or regulation necessary  
35 for the implementation of this act on its effective date are authorized  
36 and directed to be made and completed on or before such effective date.