

STATE OF NEW YORK

9164

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. KELLES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the consolidated assistance program for EMS departments which creates a sustainable state financing mechanism for emergency medical services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 3018 to read as follows:

3 § 3018. Consolidated assistance program for EMS departments. 1. For
4 the purposes of this section, the term "funding level" shall mean the
5 average amount of funding received over the previous two years, calcu-
6 lated for each emergency medical service department or contract with
7 other municipal departments, volunteer departments, or non-profits for
8 the provision of emergency medical services within their jurisdiction.

9 2. Notwithstanding any other provisions of this chapter or any other
10 law, and subject to an appropriation made therefor and in accordance
11 with the provisions of this section and with the rules and regulations
12 promulgated by the commissioner in connection therewith, the consol-
13 idated assistance program for emergency medical service departments is
14 hereby established for the purpose of making payments to municipalities
15 which operate emergency medical service departments, or contract with
16 other municipal departments, volunteer departments, or non-profits for
17 the provision of emergency medical services within their jurisdiction
18 and which do not contract, directly or indirectly, with for-profit enti-
19 ties for emergency medical services. The commissioner shall promulgate
20 all necessary rules and regulations to carry out the program so that an
21 equitable distribution of aid shall be made to such municipalities.

22 3. On or before the twenty-fifth day of April, June, September and
23 November, there shall be distributed and paid to municipalities an
24 amount equal to the moneys appropriated for the purposes of this section
25 divided by the number of payment dates in that state fiscal year. Such
26 amounts shall be distributed and paid pursuant to this section.

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

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1 4. Amounts shall be distributed to municipalities under the consol-
2 idated assistance program for EMS departments in relative shares based
3 on rules and regulations promulgated by the commissioner, which shall
4 consider for each municipality:

5 (a) its population and population density, prioritizing less densely
6 populated areas where financial strain for providing service is great-
7 est;

8 (b) emergency medical services call volume and call type;

9 (c) the percentage of its annual budget which goes to providing emer-
10 gency medical services; and

11 (d) any other factor the commissioner deems relevant.

12 5. On the first day of the third month following the end of its fiscal
13 year, each municipality which has received five thousand dollars or more
14 in total funds paid pursuant to this section during the preceding fiscal
15 year shall certify to the commissioner, pursuant to rules and regu-
16 lations promulgated by the commissioner in relation thereto, that the
17 expenditure by such municipality in such fiscal year of nonstate funds
18 raised by the municipality for the operation of or contracting for emer-
19 gency medical services was not reduced below the level of the average of
20 the previous two years. Provided, however, that in calculating the
21 expenditures and revenues of the municipality to determine the local
22 maintenance of effort for the fiscal year being certified and the
23 expenditure level of the average of the previous two years, munici-
24 palties shall not be required to include the amount of revenues and
25 expenditures for operation of or contracting for emergency medical
26 services necessitated by any unforeseen event for which the municipality
27 was officially declared a disaster area. Where a reduction in such
28 spending or non-use has occurred, the distributions above the funding
29 level to such municipality in the then-current state fiscal year shall
30 be reduced by an amount equivalent to the amount of such reduction or
31 non-use, except that no reduction to the funding level shall be taken
32 for an amount caused by any unforeseen event for which the municipality
33 was officially declared a disaster area. Municipalities not required to
34 certify under this section may continue such non-certifying status, with
35 the approval of the commissioner, if the apportionment to such munici-
36 pality is increased to more than five thousand dollars but less than
37 seven thousand dollars in any local fiscal year. For the purposes of
38 this section, a municipality shall mean a county, city, town or village
39 or two or more such jurisdictions acting jointly.

40 6. For any city, town, or village which consolidates or merges with
41 another municipality, the resulting successor government shall file with
42 the office of the state comptroller a certificate of any such consol-
43 idation, merger and any accompanying dissolution. If the amount which
44 would otherwise be apportioned to the individual governments exceeds the
45 amount which is payable to the successor government pursuant to this
46 section, such successor government shall receive no less in consolidated
47 assistance program for EMS department apportionments than the predeces-
48 sor governments would have received in the aggregate had the merger or
49 consolidation not occurred.

50 § 2. This act shall take effect immediately.