

# STATE OF NEW YORK

9164--A

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. KELLES, SANTABARBARA, SIMON, THIELE, ENGLEBRIGHT, LUPARDO, LAWLER -- read once and referred 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 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, including volunteer  
8 ambulances which are based in volunteer fire departments, or non-profits  
9 for the provision of emergency medical services within their jurisdic-  
10 tion.

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

26 3. On or before the twenty-fifth day of April, June, September and  
27 November, there shall be distributed and paid to municipalities an  
28 amount equal to the moneys appropriated for the purposes of this section

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

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1 divided by the number of payment dates in that state fiscal year. Such  
2 amounts shall be distributed and paid pursuant to this section.

3 4. Amounts shall be distributed to municipalities under the consol-  
4 idated assistance program for EMS departments in relative shares based  
5 on rules and regulations promulgated by the commissioner, in consulta-  
6 tion with the New York state emergency medical services council, which  
7 shall consider for each municipality:

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

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

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

14 (d) any other factor the commissioner, in consultation with the New  
15 York state emergency medical services council, deems relevant.

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

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

54 § 2. This act shall take effect immediately.