S T A T E O F N E W Y O R K

2354

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the public health law and the state finance law, in relation to assuring that the moneys annually deposited in the New York state emergency medical services training account can be fully and verifiably used to assure timely and effective responses by state and regional emergency medical services systems and agencies, emergency departments and services, and trauma systems, centers and stations to medical, traumatic and pediatric emergencies, especially in natural and human-made disasters

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

Section 1. Section 3052 of the public health law, as added by chapter 727 of the laws of 1986, is amended to read as follows:

S 3052. Establishment of a training program for emergency medical services personnel. 1. There is hereby established a training program for emergency medical services personnel SEEKING CERTIFICATION OR RECERTIFICATION PURSUANT TO SECTION THREE THOUSAND TWO OF THIS CHAPTER including, but not limited to, CERTIFIED first responders, emergency medical technicians, advanced emergency medical technicians and emergency vehicle operators, IN EMERGENCY MEDICAL AND TRAUMA CARE, INCLUDING DISASTER PREPAREDNESS, AS DEFINED IN ARTICLE THIRTY-B OF THIS CHAPTER.

2. The commissioner shall provide state aid within the amount appropriated to entities such as local governments, regional emergency medical services councils, EMERGENCY MEDICAL SERVICES PROGRAM AGENCIES and voluntary agencies and organizations to conduct training courses [for], INCLUDING CONTINUING EDUCATION COURSES, LEADING TO CERTIFICATION OR RECERTIFICATION OF emergency medical services personnel and to conduct practical OR OTHER APPROPRIATE examinations for certification OR RECERTIFICATION of such personnel; PROVIDED, HOWEVER, THAT THE CURRICULA FOR SUCH COURSES AND THE EXAMINATIONS FOR CERTIFICATION OR RECERTIF-

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

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ICATION SHALL FIRST HAVE BEEN DULY APPROVED BY THE STATE EMERGENCY MEDICAL SERVICES COUNCIL. The commissioner shall establish a schedule for determining the amount of state aid provided pursuant to this section.

a. Such schedule may include varying rates for distinct geographic areas of the state and for various course TYPES AND sizes, giving special consideration to areas with the most need for additional emergency medical technicians AND ADDITIONAL COURSES IN DISASTER PREPAREDNESS. In determining the need for additional emergency medical technicians, the commissioner shall use measurements such as the average number of emergency medical technicians per ambulance service, the ratio of emergency medical technicians per square mile, the average number of calls per service and the percentage of calls to which an emergency medical technician has responded, provided such data is available to the commissioner. IN DETERMINING THE NEED FOR ADDITIONAL COURSES IN DISASTER PREPAREDNESS, THE COMMISSIONER SHALL USE INFORMATION FROM STATEWIDE AND REGIONAL EMERGENCY MANAGEMENT, PUBLIC HEALTH AND PUBLIC SAFETY AGENCIES TO IDENTIFY DISTINCT GEOGRAPHIC AREAS OF THE STATE WHERE NATURAL OR HUMAN-MADE DISASTERS ARE DEEMED MOST LIKELY TO OCCUR.

b. Such schedule shall provide sufficient reimbursement to permit sponsors to offer basic emergency medical technician courses which adhere to curricula approved by the New York state emergency medical services council and the commissioner without the need to charge tuition to participants.

3. Upon request, the commissioner shall provide management advice and technical assistance to regional emergency medical services councils, EMERGENCY MEDICAL SERVICES PROGRAM AGENCIES, county emergency medical services coordinators, and course sponsors and instructors to stimulate the improvement of training courses and the provision of courses in a manner which encourages participation. Such advice and technical assistance may relate to, but need not be limited to the location, scheduling and structure of courses.

4. The department is authorized, either directly or through contractual arrangement, to develop and distribute training materials for use by course instructors and sponsors, to recruit additional instructors and sponsors and to provide training courses for instructors.

5. The commissioner shall conduct a public service campaign to recruit additional volunteers to join ambulance services targeted to areas in need for additional emergency medical technicians.

6. MONIES FOR SUPPORT OF THE TRAINING PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE DRAWN FROM THE NEW YORK STATE EMERGENCY MEDICAL SERVICES, TRAUMA SYSTEM AND MEDICAL DISASTER PREPAREDNESS TRAINING AND INFRASTRUCTURE ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-Q OF THE STATE FINANCE LAW OR OTHER SUITABLE ACCOUNT.

S 2. Section 3053 of the public health law, as amended by chapter 445 of the laws of 1993, is amended to read as follows:

S 3053. Reporting. 1. Advanced life support first response services and ambulance services [registered or certified] OPERATING pursuant to article thirty of this chapter shall submit detailed individual [call] PATIENT CARE reports on a form to be provided OR APPROVED by the department, or may submit data electronically in a format PROVIDED OR approved by the department. INDIVIDUAL IDENTIFYING INFORMATION IN SUCH PATIENT CARE REPORTS SHALL BE CONSIDERED CONFIDENTIAL PROTECTED HEALTH INFORMATION, AND MAY BE RELEASED TO OTHER AGENCIES, ENTITIES OR INDIVIDUALS ONLY IN ACCORDANCE WITH APPLICABLE STATUTES AND REGULATIONS OR UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION. The state emergency medical

services council, with the approval of the commissioner, may adopt rules and regulations permitting or requiring ambulance services whose volume exceeds twenty thousand calls per year to submit call report data electronically. Such rules shall define the data elements to be submitted, and may include requirements that assure availability of data to the regional emergency medical advisory committee.

2. THE COMMISSIONER SHALL COOPERATE WITH THE COMMISSIONER OF MOTOR VEHICLES, THE COMMISSIONER OF TRANSPORTATION, THE SUPERINTENDENT OF INSURANCE, THE SECRETARY OF STATE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES TO ENSURE THAT DATA FOR ILLNESSES AND INJURIES, INCLUDING MOTOR VEHICLE CRASHES, FOR WHICH TREATMENT IS BEGUN BY EMERGENCY MEDICAL SERVICES PERSONNEL CERTIFIED PURSUANT TO ARTICLE THIRTY OF THIS CHAPTER IS REPORTED IN A UNIFORM MANNER BY ALL HEALTH CARE PROVIDERS AND FACILITIES, AND PUBLIC HEALTH AND SAFETY AGENCIES AND OFFICERS, IRRESPECTIVE OF PROVIDER STATUS OR LEGAL JURISDICTION, TO PERMIT CONSISTENT, VALID, AND RELIABLE CROSS-LINKAGE OF ALL ILLNESS AND INJURY-RELATED DATA SYSTEMS. UPON THE RECOMMENDATION OF THE STATE EMERGENCY MEDICAL ADVISORY COMMITTEE, THE COMMISSIONER MAY REQUIRE ALL AFFECTED HEALTH CARE PROVIDERS AND FACILITIES TO PROVIDE DATA ON INTERMEDIATE AND ULTIMATE OUTCOME OF EMERGENCY MEDICAL SERVICES CARE OF PATIENTS WITH SPECIFIED ILLNESSES OR INJURIES FOR THE PURPOSE OF QUALITY ASSURANCE.

S 3. Section 97-q of the state finance law, as added by chapter 804 of the laws of 1992, is amended to read as follows:

S 97-q. New York state emergency medical services, TRAUMA SYSTEM AND MEDICAL DISASTER PREPAREDNESS training AND INFRASTRUCTURE account. 1. There is hereby established in the custody of the comptroller, a special fund to be known as the "New York state emergency medical services, TRAUMA SYSTEM AND MEDICAL DISASTER PREPAREDNESS training AND INFRASTRUCTURE account".

2. The account shall consist of all moneys appropriated for its purpose, all moneys transferred to such account pursuant to law and all moneys required by the provisions of this section or any other law to be paid into or credited to such account, including all moneys received by the account or donated to it. Moneys in the account shall be kept separate and shall not be commingled with any other moneys otherwise appropriated or received except as hereby provided.

3. Moneys of the account, when allocated, shall be available to the department of health AS SHALL BE PROVIDED BY APPROPRIATION for the purpose of funding the training of emergency medical services personnel, and funding [as shall be provided by appropriation] for THE SUPPORT OF THE STATE AND REGIONAL EMERGENCY MEDICAL SERVICES, TRAUMA AND MEDICAL DISASTER PREPAREDNESS SYSTEMS, INCLUDING the state emergency medical services council, STATE EMERGENCY MEDICAL ADVISORY COMMITTEE, regional emergency medical services councils, REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES, emergency medical services program agencies [or], THE STATE TRAUMA ADVISORY COMMITTEE, REGIONAL TRAUMA ADVISORY COMMITTEES, REGIONAL TRAUMA PROGRAM AGENCIES, THE STATE EMERGENCY MEDICAL SERVICES FOR CHILDREN ADVISORY COMMITTEE, AND other emergency medical services, TRAUMA AND MEDICAL DISASTER PREPAREDNESS training programs AND SYSTEM INFRASTRUCTURE, in order to carry out the purposes of articles thirty [and], thirty-A, THIRTY-B AND THIRTY-C of the public health law AND TO ASSURE A TIMELY AND EFFECTIVE EMERGENCY MEDICAL, TRAUMA AND PEDIATRIC RESPONSE TO NATURAL AND HUMAN-MADE DISASTERS.

4. Not less than [fifty] EIGHTY-FIVE percent of the monies [of] ANNUALLY DEPOSITED IN the account shall be ENCUMBERED AND expended FOR THE SUPPORT OF STATE AND REGIONAL EMERGENCY MEDICAL SERVICES SYSTEMS AND

PROGRAMS, AT LEAST HALF OF WHICH SHALL BE ALLOCATED for the direct costs of providing emergency medical services training at the local level; PROVIDED, HOWEVER, THAT THE CURRICULA FOR SUCH TRAINING SHALL FIRST HAVE BEEN DULY APPROVED BY THE STATE EMERGENCY MEDICAL SERVICES COUNCIL. The legislature shall annually appropriate from the remaining available EMERGENCY MEDICAL SERVICES SYSTEM AND PROGRAMS monies, funding for THE SUPPORT OF the state emergency medical services council, STATE EMERGENCY MEDICAL ADVISORY COMMITTEE, the regional emergency medical services councils, REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES, STATE EMERGENCY MEDICAL SERVICES FOR CHILDREN ADVISORY COMMITTEE, the emergency medical services program agencies and the department of health, in order TO PROVIDE SUFFICIENT FUNDS AT BOTH THE STATE AND THE REGIONAL LEVELS to carry out the purposes of articles thirty [and], thirty-A, AND THIRTY-C of the public health law AND TO ASSURE A TIMELY AND EFFECTIVE EMERGENCY MEDICAL SERVICES RESPONSE TO NATURAL AND HUMAN-MADE DISASTERS. At the end of any fiscal year, any funds not encumbered AND EXPENDED for [these purposes] EMERGENCY MEDICAL SERVICES TRAINING AT THE LOCAL LEVEL shall be reallocated for the [costs of training advanced life support personnel] SUPPORT OF THE EMERGENCY MEDICAL SERVICES SYSTEMS AND PROGRAMS DELINEATED IN THIS SUBDIVISION.

5. UP TO FIFTEEN PERCENT OF THE MONIES ANNUALLY DEPOSITED IN THE ACCOUNT SHALL BE ENCUMBERED AND EXPENDED FOR THE SUPPORT OF STATE AND REGIONAL TRAUMA SYSTEMS AND PROGRAMS, INCLUDING THE STATE EMERGENCY MEDICAL ADVISORY COMMITTEE, THE STATE TRAUMA ADVISORY COMMITTEE, REGIONAL TRAUMA ADVISORY COMMITTEES, REGIONAL TRAUMA PROGRAM AGENCIES AND THE DEPARTMENT OF HEALTH, IN ORDER TO PROVIDE SUFFICIENT RESOURCES AT THE STATE AND REGIONAL LEVELS TO CARRY OUT THE PURPOSES OF ARTICLE THIRTY-B OF THE PUBLIC HEALTH LAW AND TO ASSURE A TIMELY AND EFFECTIVE EMERGENCY MEDICAL AND TRAUMA RESPONSE TO NATURAL AND HUMAN-MADE DISASTERS.

6. EACH EXISTING REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL, EMERGENCY MEDICAL SERVICES PROGRAM AGENCY, REGIONAL TRAUMA ADVISORY COMMITTEE AND REGIONAL TRAUMA PROGRAM AGENCY UNDER CONTRACT TO THE DEPARTMENT OF HEALTH TO PROVIDE COORDINATION OR ADMINISTRATIVE SUPPORT, AS APPROPRIATE, FOR REGIONAL EMERGENCY MEDICAL SERVICES, TRAUMA, AND MEDICAL DISASTER PREPAREDNESS SYSTEMS SHALL SUBMIT TO THE DEPARTMENT OF HEALTH, NOT LATER THAN THE FIRST DAY OF DECEMBER OF EACH CALENDAR YEAR, A DETAILED REPORT SUMMARIZING ITS CONTRACTUAL RECEIPTS, EXPENDITURES, AND PROGRAMMATIC ACTIVITIES DURING THE PRECEDING FISCAL YEAR.

7. Nothing contained [herein] IN THIS SECTION shall prevent the commissioner of health or the comptroller from receiving grants, gifts or bequests for the purposes of the [fund] ACCOUNT as defined in this section and depositing them into the account according to law.

S 4. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.