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

5253

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to providing coverage for injuries while in the line of duty by bay constables in the town of Hempstead, Nassau county

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

Section 1. Subdivision 1 of section 207-c of the general municipal law, as amended by section 3 of chapter 675 of the laws of 1997, is amended to read as follows:

1. Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county (hereinafter referred to as a "policeman") or any member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, or a detective-investigator or any other investigator who is a police officer pursuant to the provisions of the criminal procedure law employed in the office of a district attorney of any county, or any corrections officer of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any supervising fire inspector, fire inspector, fire marshal or assistant fire marshal employed full-time in the county of Nassau fire marshal's office, or at the option of the county of Nassau, any probation officer of the county of Nassau, OR ANY DIRECTOR OF BAY CONSTABLES, ASSISTANT DIRECTOR OF BAY CONSTABLES, BAY CONSTABLE II, OR BAY CONSTABLE EMPLOYED BY THE DEPARTMENT OF CONSERVATION AND WATERWAYS IN THE TOWN OF HEMPSTEAD, COUNTY OF NASSAU, who is injured in the performance of his OR HER duties or who is taken sick as a result of the performance of his OR HER duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality by which he OR SHE is employed the full amount of his OR HER regular salary or wages until his OR HER disability arising ther-

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

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efrom has ceased, and, in addition such municipality shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for the purpose by the municipality, after a determination has first been made that such injury or sickness was incurred during, or resulted from, such performance of duty, may attend any such injured or sick [policeman] POLICE OFFICER, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality shall not be liable for salary or wages payable to such [policeman] POLICE OFFICER, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick [policeman] POLICE OFFICER has recovered and is physically able to perform his OR HER regular duties. Any injured or sick [policeman] POLICE OFFICER who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as [herein] authorized IN THIS SECTION, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his OR HER rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such [policeman] POLICE OFFICER, a member of a police force of any county, city, any such advanced ambulance medical technician or any such detective-investigator or any other such investigator who is a police officer pursuant to the provisions of the criminal procedure law.

S 2. Subdivision 1 of section 207-c of the general municipal law, as amended by section 4 of chapter 675 of the laws of 1997, is amended to read as follows:

1. Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county or any member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, or any LIRR police officer as defined in paragraph two of subdivision a of section three hundred eighty-nine of the retirement and social security law whose benefits are provided in and pursuant to such section three hundred eighty-nine, or a detective-investigator or any other investigator who is a police officer pursuant to the provisions of the criminal procedure law employed in the office of a district attorney of any county, or any corrections officer of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any supervising fire inspector, fire inspector, fire marshal, or assistant fire marshal employed full-time in the county of Nassau fire marshal's office, or at the option of the county of Nassau, any probation officer of the county of Nassau, OR ANY DIRECTOR OF BAY CONSTABLES, ASSISTANT DIRECTOR OF BAY CONSTABLES, BAY CONSTABLE II, OR BAY CONSTABLE EMPLOYED BY THE DEPARTMENT OF CONSERVATION AND WATERWAYS IN THE TOWN OF HEMPSTEAD, COUNTY OF NASSAU, who is injured in the performance of his OR HER duties or who is taken sick as a result of the performance of his OR HER duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality or The Long Island Rail Road Company by which he OR SHE is employed the full amount of his OR HER regular salary or wages from such employer until

his OR HER disability arising therefrom has ceased, and, in addition such municipality or The Long Island Rail Road Company shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal or The Long Island Rail Road Company health authorities or any physician appointed for the purpose by the municipality or The Long Island Rail Road Company, as relevant, after a determination has first been made that such injury or sickness was incurred during, or resulted from, such performance of duty, may attend any such injured or sick [policeman] POLICE OFFICER, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections, and the municipality or The Long Island Rail Road Company, as the case may be, shall not be liable for salary or wages payable to such [policeman] POLICE OFFICER, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick [policeman] POLICE OFFICER has recovered and is physically able to perform his OR HER regular duties. Any injured or sick [policeman] POLICE OFFICER who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as [herein] authorized IN THIS SECTION, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his OR HER rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such [policeman] POLICE OFFICER or any such advanced ambulance medical technician.

S 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect on the same date as the amendments to subdivision 1 of section 207-c of the general municipal law, made by chapter 628 of the laws of 1991, shall take effect.