

9060--B

I N A S S E M B L Y

January 17, 2012

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); and to repeal section 285-a and subdivision 12 of section 283 of the agriculture and markets law, relating to direct marketing advisory councils for regional marketing areas; to repeal section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for registered farm vehicles, relating to the agricultural transportation review panel; to repeal section 285-b of the agriculture and markets law, relating to the Hudson valley agricultural advisory council; to repeal article 4 of the state technology law, relating to the statewide wireless network advisory council; to repeal section 372-a of the social services law, relating to the child welfare research advisory panel; to amend the public health law, in relation to provision of information about the abandoned infant protection act; to repeal sections 520 and 521 of the executive law, relating to the boards of visitors; to repeal article 28 of the executive law and paragraph (p) of subdivision 1 of section 17 of the public officers law, relating to the upstate and downstate New York tourism councils; to repeal section 92-y of the state finance law, relating to the upstate New York tourism council fund; to amend the highway law and the education law, in relation to removing reference to the upstate and downstate New York tourism councils; to repeal section 27-0702 of the environmental conservation law, relating to the solid waste management board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the solid waste management board; to amend the public authorities law, in relation to doing away with a technical advisory committee and the hazardous waste disposal advisory committee and to repeal certain provisions of law relating thereto; to repeal section 216-b of the vehicle and traffic law, relating to the tow truck advisory board; to repeal subdivision 9 of section 3.23 of the parks, recreation and

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

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historic preservation law, relating to the advisory council within the New York state conservation corps; to repeal section 89-mmm of the general business law, relating to the armored car carrier advisory board; to amend the executive law and the general business law, in relation to removing reference to the armored car carrier advisory board and to repeal certain provisions of the general business law relating thereto; to repeal section 923 of the executive law, relating to the Long Island Sound coastal advisory commission; to repeal section 433-a of the general business law, relating to the barbers board; to amend the social services law, in relation to doing away with the advisory committee on legal advocacy; to repeal subdivisions 8 and 9 of section 350, subdivision 16 of section 353, and sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g of the executive law, relating to the veterans' hall of fame and the New York state veterans' hall of fame council; to repeal title 11 of article 24 of the environmental conservation law, relating to appeal and review of matters affecting freshwater wetlands; to amend the environmental conservation law, in relation to appeal and reviews of matters affecting freshwater wetlands; to repeal subdivision 3 of section 1-0303, article 5, section 19-0917 and subdivision 4 of section 29-0103 of the environmental conservation law, relating to the state environmental board; to amend the environmental conservation law, in relation to removing reference to the state environmental board; to repeal sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental conservation law, relating to the regional forest practice boards and the state forest practice board; to amend the environmental conservation law, in relation to removing reference to the regional forest practice boards; to repeal subdivision 1 of section 444-b of the real property law, relating to the state home inspection council; to amend the real property law, in relation to removing reference to the state home inspection council; to repeal subdivision 6 of section 69-n of the general business law, in relation to the advisory committee on the business of installing security or fire alarm systems; to repeal chapter 868 of the laws of 1976 relating to the organic food advisory committee, relating thereto; to repeal subdivisions 6, 7, 8, and 9 of section 73-b of the agriculture and markets law, relating to the New York state veterinary diagnostic laboratory; to amend the agriculture and markets law, in relation to duties of the New York state veterinary diagnostic laboratory and in relation to the New York state animal health issues committee; to repeal section 13-0308 of the environmental conservation law, relating to the surf clam/ocean quahog management advisory board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the surf clam/ocean quahog management advisory board; to amend the public health law, in relation to simplifying committee structure and increasing effectiveness of emergency medical services; to repeal sections 3002, 3002-a, 3003-a, 3009 and 3017 of the public health law, relating to the New York state emergency medical services council, the state emergency medical advisory committee, EMS program agencies, continuation of existing services and emergency medical services in Suffolk county; to amend the public health law, in relation to providing for the New York state emergency medical services board and regional boards; to repeal articles 30-B and 30-C of the public health law, relating to emergency medical, trauma and disaster care and emergency medical services for children; to amend the state finance law, in relation to the New York state emergency medical services training

account; to amend the administrative code of the city of New York, the general municipal law, the workers' compensation law and the executive law, in relation to making conforming changes thereto; to repeal section 2407 and subdivision 5 of section 2409 of the public health law, relating to the breast and cervical cancer detection and education program advisory council and the ovarian cancer information advisory council; to amend the public health law, in relation to creating the breast, cervical and ovarian cancer detection and education program advisory council; and to repeal section 844-a of the executive law, relating to the New York statewide law enforcement telecommunications committee (Part D)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through D. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, including
7 the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A
13 Intentionally omitted

14 PART B
15 Intentionally omitted

16 PART C
17 Intentionally omitted

18 PART D

19 Section 1. Section 285-a of the agriculture and markets law is
20 REPEALED.

21 S 2. Subdivision 12 of section 283 of the agriculture and markets law
22 is REPEALED and subdivisions 13 and 14 are renumbered subdivisions 12
23 and 13.

24 S 3. Section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for
25 registered farm vehicles, is REPEALED.

26 S 4. Section 285-b of the agriculture and markets law is REPEALED.

27 S 5. Article 4 of the state technology law is REPEALED.

28 S 6. Section 372-a of the social services law is REPEALED.

29 S 7. Subdivision 1 of section 2803-r of the public health law, as
30 added by chapter 439 of the laws of 2005, is amended to read as follows:

31 1. All hospitals and clinics shall notify their prenatal care and
32 obstetric patients of the provisions of the abandoned infant protection
33 act, using materials provided by the office of children and family
34 services[, pursuant to section three hundred seventy-two-a of the social
35

services law]. The department shall develop agreements with societies and organizations of medical practitioners under which the department or the office of children and family services shall provide materials to such societies to provide appropriate education and outreach concerning the abandoned infant protection act to their members and the public. Criminal penalties for violation pursuant to subdivisions one and two of section twelve-b of this chapter shall not apply to this section.

S 8. Sections 520 and 521 of the executive law are REPEALED.

S 9. Article 28 of the executive law is REPEALED.

S 10. Paragraph (p) of subdivision 1 of section 17 of the public officers law is REPEALED.

S 11. Section 92-y of the state finance law is REPEALED.

S 12. Paragraph (b) of subdivision 1 of section 88-a of the highway law, as amended by section 4 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

(b) the chairperson, or his or her designated representative, of the New York state thruway authority, the adirondack park agency[,] AND the tourism advisory council[, the upstate New York tourism council and the downstate New York tourism council];

S 13. Subdivision 3 of section 349-bb of the highway law, as amended by section 5 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

3. The commissioner is hereby authorized to enter into contracts with qualified, responsible not-for-profit organizations involved in scenic byways activities [and the upstate New York tourism council] for services relating to the development of the New York state scenic byways program or services relating to the operation, development or promotion of a specific scenic byway.

S 14. Subdivision 1 of section 349-cc of the highway law, as amended by chapter 399 of the laws of 2005, is amended to read as follows:

1. An advisory board of state agencies with responsibilities related to the designation and management of scenic byways and not-for-profit organizations related to the promotion and development of scenic byways is hereby formed to advise and assist the department in the operation of its scenic byways program. The advisory board shall consist of one member appointed by the temporary president of the senate, one member appointed by the speaker of the assembly, the secretary of state, and the commissioners of the department of agriculture and markets, the department of economic development, and the department of environmental conservation, and the office of parks, recreation and historic preservation or their duly designated representatives. The commissioner shall appoint as members of the advisory board the chief executive officer, or his or her duly authorized representative, of not-for-profit organizations related to the promotion and development of a scenic byway designated pursuant to this article[,] AND three representatives of organizations concerned with the preservation of scenic qualities, the motoring public and tourism development [and members or representatives of the upstate New York tourism council and of the downstate New York tourism council]. The commissioner, or his or her duly designated representative, shall serve as chair. Members of the advisory board shall receive no pay, but shall be eligible to receive actual and necessary expenses from their respective agencies, or for the expenses of representatives of organizations related to the promotion and development of a scenic byway, the preservation of scenic qualities, the motoring public and tourism development, from the department. The advisory board shall consult with the Adirondack Park Agency regarding scenic byways

1 within the Adirondack Park. The advisory board shall also consult with
2 the Hudson River Valley Communities Council regarding scenic byways
3 within the Hudson River Valley Greenway as defined in article forty-four
4 of the environmental conservation law. The advisory board shall consult
5 with the Niagara River Greenway Commission regarding scenic byways with-
6 in the Niagara River Greenway as defined in article thirty-nine of the
7 parks, recreation and historic preservation law. [The advisory board
8 shall consult with the upstate New York tourism council regarding scenic
9 byways in the upstate New York region, and with the downstate New York
10 tourism council regarding scenic byways in the downstate New York
11 region.]

12 S 15. Paragraph a of subdivision 1 of section 233-b of the education
13 law, as amended by section 3 of part Z of chapter 383 of the laws of
14 2001, is amended to read as follows:

15 a. There is hereby established within the department the New York
16 state freedom trail commission. The commission shall consist of twelve
17 members, to be appointed as follows: three members to be appointed by
18 the governor, three members to be appointed by the board of regents, two
19 members to be appointed by the temporary president of the senate, one
20 member to be appointed by the minority leader of the senate, two members
21 to be appointed by the speaker of the assembly, and one member to be
22 appointed by the minority leader of the assembly. Such members shall be
23 representative of academic or public historians, corporations, founda-
24 tions, historical societies, civic organizations, and religious denomi-
25 nations. In addition, the following state officers, or their designees,
26 shall serve as members of the commission: the commissioner of education,
27 the head of the state museum, the head of the state archives, the head
28 of the office of state history, the commissioner of economic develop-
29 ment, the head of the state tourism advisory council[, the chairperson
30 of the upstate New York tourism council, the chairperson of the down-
31 state New York tourism council,] and the commissioner of parks, recre-
32 ation and historic preservation.

33 S 16. Intentionally omitted.

34 S 17. Section 27-0702 of the environmental conservation law is
35 REPEALED.

36 S 18. The opening paragraph of subdivision 2 of section 27-0103 of the
37 environmental conservation law, as amended by chapter 55 of the laws of
38 1992, is amended to read as follows:

39 The commissioner shall[, with the advice of the state solid waste
40 management board established pursuant to section 27-0702 of this arti-
41 cle,] biennially review the status of programs and information contained
42 within the plan and make recommendations for legislation or other state
43 action related to:

44 S 19. Paragraph g of subdivision 3 of section 165 of the state finance
45 law, as amended by chapter 95 of the laws of 2000, is amended to read as
46 follows:

47 g. In addition to carrying out the provisions of paragraphs e and f of
48 this subdivision, the commissioner shall identify and implement specific
49 steps which will reduce, to the maximum extent practicable, waste gener-
50 ated in state facilities and maximize the recovery and reuse of second-
51 ary materials from such facilities. Such steps and their implementation
52 shall be reviewed from time to time but no less frequently than annually
53 or upon receiving recommendations for additional steps from [the solid
54 waste management board,] the department of environmental conservation or
55 the environmental facilities corporation.

1 S 20. Subdivision 3 and the closing paragraph of section 1285-d of the
2 public authorities law, subdivision 3 as amended by chapter 283 of the
3 laws of 1979 and the closing paragraph as added by chapter 639 of the
4 laws of 1978, are amended to read as follows:

5 3. [To advise the corporation on technical matters, a technical advi-
6 sory committee shall be constituted to be composed of the commissioners
7 of transportation, commerce, health and environmental conservation, the
8 secretary of state, and five persons representative of affected indus-
9 tries to be appointed by the governor with the advice and consent of the
10 senate. Upon dissolution of the hazardous waste disposal advisory
11 committee pursuant to subdivision three of section twelve hundred eight-
12 y-five-f of this article, two members of that committee designated by
13 the governor shall become members of the committee established by this
14 subdivision which committee shall be expanded by two members.]

15 In [exercising] EXERCISING its responsibilities, the corporation
16 shall also cooperate and act in conjunction with industrial, commercial,
17 medical, scientific, public interest and educational organizations with-
18 in the state, and with agencies of the federal government, of the state
19 and its political subdivisions, of other states, and joint agencies
20 thereof.

21 S 21. Paragraph (c) of subdivision 3 of section 1285-f of the public
22 authorities law is REPEALED.

23 S 22. Section 216-b of the vehicle and traffic law is REPEALED.

24 S 23. Intentionally omitted.

25 S 24. Subdivision 9 of section 3.23 of the parks, recreation and
26 historic preservation law is REPEALED.

27 S 25. Section 89-mmm of the general business law is REPEALED.

28 S 26. Subdivision 2 of section 100 of the executive law, as added by
29 chapter 557 of the laws of 1997, is amended to read as follows:

30 2. The secretary of state shall maintain all records collected for
31 applicants pursuant to the armored car guard act for a period of five
32 years after the applicant's termination as an armored car guard, retire-
33 ment, resignation, death, failure to be rehired, or non-renewal of the
34 applicant's registration card. Every armored car carrier shall file with
35 the secretary, on a monthly basis, a report, stating all armored car
36 guards in their employ who have retired, resigned, died, been termi-
37 nated, have [hot] NOT been rehired, or have otherwise been removed from
38 active duty, in such form and on such media as approved for such purpose
39 by the secretary[, upon recommendation of the armored car carrier advi-
40 sory board established pursuant to the provisions of section eighty-
41 nine-mmm of the general business law].

42 S 27. Subdivision 5 of section 89-bbb of the general business law is
43 REPEALED.

44 S 28. Section 89-lll of the general business law, as added by chapter
45 557 of the laws of 1997, is amended to read as follows:

46 S 89-lll. Regulations. The secretary[, in consultation with the
47 board,] is hereby authorized and empowered to promulgate rules and regu-
48 lations necessary for the proper conduct of the business authorized
49 under this article, and not inconsistent herewith.

50 S 29. Subdivision 5 of section 89-ppp of the general business law is
51 REPEALED.

52 S 30. Section 923 of the executive law is REPEALED.

53 S 31. Intentionally omitted.

54 S 32. Intentionally omitted.

55 S 33. Section 433-a of the general business law is REPEALED.

1 S 34. The section heading of section 35 of the social services law, as
2 amended by chapter 300 of the laws of 1992, is amended to read as
3 follows:

4 Legal representation of individuals whose federal disability benefits
5 have been denied or may be discontinued[; advisory committee].

6 S 35. Subdivision 1 of section 35 of the social services law, as
7 amended by chapter 300 of the laws of 1992, is amended to read as
8 follows:

9 1. [a. There is hereby established within the department an advisory
10 committee on legal advocacy (hereinafter to be referred to as the "advi-
11 sory committee") which shall consist of nine members or their designated
12 representatives. The advisory committee shall consist of the following
13 nine members: the commissioner of mental health, the commissioner of
14 mental retardation and developmental disabilities, the advocate for the
15 disabled and six members appointed by the governor. The six members
16 appointed by the governor shall include three representatives of inter-
17 ested public and private groups, and shall include three representatives
18 of county government and the city of New York to be appointed from a
19 list of six names submitted by the New York state association of coun-
20 ties. The commissioner shall coordinate the functions and activities of
21 the department with those of the advisory committee.

22 b.] The [advisory committee] COMMISSIONER shall [make recommendations
23 regarding] ESTABLISH criteria for selection of grant applications,
24 review applications awarded pursuant to the provisions of this section,
25 [make recommendations thereon to the commissioner] and exercise and
26 perform such other [advisory] functions as are related to the purposes
27 of this section[; provided however that the committee shall meet at
28 least once every six months].

29 S 36. Subdivisions 2 and 4 of section 35 of the social services law,
30 subdivision 2 as amended and subdivision 4 as added by chapter 300 of
31 the laws of 1992, are amended to read as follows:

32 2. The commissioner[, after consultation with the advisory committee,]
33 shall make grants, within the amounts appropriated for that purpose, to
34 not-for-profit legal services corporations and not-for-profit agencies
35 serving the disabled and local social services districts, to provide for
36 representation of persons whose federal disability benefits including
37 supplemental security income and social security disability insurance
38 have been denied or may be discontinued for the purpose of representing
39 these persons in appropriate proceedings. When the commissioner has
40 contracted with a local social services district to provide such repre-
41 sentation, the legislative body of such district may authorize and make
42 provision for the commissioner of social services of the district to
43 obtain necessary legal services on a fee for services basis or other
44 appropriate basis which the department may approve. Such legal services
45 may be provided by not-for-profit legal services corporations, not-for-
46 profit agencies serving the disabled or private attorneys.

47 4. Responsibility for local financial participation shall be deter-
48 mined by the commissioner based on either costs of and the number of
49 district residents served by each local entity or the alternative cost
50 allocation procedure deemed appropriate by the commissioner [in consul-
51 tation with the advisory committee].

52 S 37. Subdivisions 8 and 9 of section 350 of the executive law are
53 REPEALED.

54 S 38. Subdivision 16 of section 353 of the executive law is REPEALED.

55 S 39. Sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g
56 of the executive law are REPEALED.

1 S 40. Intentionally omitted.

2 S 41. Title 11 of article 24 of the environmental conservation law is
3 REPEALED.

4 S 42. Subdivision 1 of section 24-0301 of the environmental conserva-
5 tion law, as amended by chapter 654 of the laws of 1977, is amended to
6 read as follows:

7 1. The commissioner shall, as soon as practicable, conduct a study to
8 identify and map those individual freshwater wetlands in the state of
9 New York which shall have an area of at least twelve and four-tenths
10 acres or more, or if less than twelve and four-tenths acres, (a) have,
11 in the discretion of the commissioner[, and subject to review of his
12 action by the board created pursuant to title eleven of this article,]
13 unusual local importance for one or more of the specific benefits set
14 forth in subdivision seven of section 24-0105 OF THIS ARTICLE or (b) are
15 located within the Adirondack park and meet the definition of wetlands
16 contained in subdivision sixty-eight of section eight hundred two [of
17 article twenty-seven] of the executive law, and shall determine their
18 characteristics. This study shall, in addition to such other data as the
19 commissioner may determine to be included, consist of the freshwater
20 wetlands inventory of the department of environmental conservation,
21 currently being made, together with other available data on freshwater
22 wetlands, whether assisted by the state of New York under the tidal
23 wetlands act or otherwise, or assembled by federal or local governmental
24 or private agencies, all of which information shall be assembled and
25 integrated, as applicable, into a map of freshwater wetlands of the
26 state of New York. Such study may, in the discretion of the commission-
27 er, be carried out on a sectional or regional basis, as indicated by
28 need, subject to overall completion in an expeditious fashion subject to
29 the terms of this chapter. This map, and any orders issued pursuant to
30 the provisions of this article, shall comprise a part of the statewide
31 environmental plan as provided for in section 3-0303 of this chapter. As
32 soon as practicable the commissioner shall file with the secretary of
33 state a detailed description of the technical methods and requirements
34 to be utilized in compiling the inventory, and he shall afford the
35 public an opportunity to submit comments thereon.

36 S 43. Subdivision 5 of section 24-0703 of the environmental conserva-
37 tion law, as amended by chapter 233 of the laws of 1979, is amended to
38 read as follows:

39 5. Prior to the promulgation of the final freshwater wetlands map in a
40 particular area and the implementation of a freshwater wetlands
41 protection law or ordinance, no person shall conduct, or cause to be
42 conducted, any activity for which a permit is required under section
43 24-0701 of this [article] TITLE on any freshwater wetland unless he has
44 obtained a permit from the commissioner under this section. Any person
45 may inquire of the department as to whether or not a given parcel of
46 land will be designated a freshwater wetland subject to regulation. The
47 department shall give a definite answer in writing within thirty days of
48 such request as to whether such parcel will or will not be so desig-
49 nated. Provided that, in the event that weather or ground conditions
50 prevent the department from making a determination within thirty days,
51 it may extend such period until a determination can be made. Such answer
52 in the affirmative shall be reviewable [pursuant to title eleven of this
53 article]; such an answer in the negative shall be a complete defense to
54 the enforcement of this article as to such parcel of land. The commis-
55 sioner may by regulation adopted after public hearing exempt categories
56 or classes of wetlands or individual wetlands which he determines not to

1 be critical to the furtherance of the policies and purposes of this
2 article.

3 S 44. Subdivision 6 of section 24-0705 of the environmental conserva-
4 tion law, as amended by chapter 654 of the laws of 1977, is amended to
5 read as follows:

6 6. Review of the determination of the local government or of the
7 commissioner shall be, within a period of thirty days after the filing
8 thereof, pursuant to the provisions of [title eleven of this article or]
9 article seventy-eight of the civil practice law and rules. Any owner of
10 the wetland affected and any resident or citizen of the local government
11 shall be deemed to have the requisite standing to seek review.

12 S 45. Subdivision 2 of section 24-0801 of the environmental conserva-
13 tion law, as added by chapter 654 of the laws of 1977, is amended to
14 read as follows:

15 2. Where the activities otherwise subject to regulation under this
16 article involve freshwater wetlands located within the boundaries of the
17 Adirondack park, the inquiries referred to and the applications provided
18 for in section 24-0703 of this article shall be made to and filed with
19 the Adirondack park agency at its headquarters office, under such regu-
20 lations and procedures as the Adirondack park agency may promulgate. The
21 Adirondack park agency shall review the application in place of the
22 commissioner or local government as provided in section 24-0705 of this
23 article, having due regard for the declaration of policy and statement
24 of findings set forth in this article and for the considerations set
25 forth in subdivision one of section 24-0705 of this article. The agency
26 shall in addition determine prior to the granting of any permit that the
27 proposed activity will be consistent with the Adirondack park land use
28 and development plan and would not have an undue adverse impact upon the
29 natural, scenic, aesthetic, ecological, wildlife, historic, recreational
30 or open space resources of the park, taking into account the economic
31 and social or other benefits to be derived from the activity. Any person
32 may seek review of a ruling made solely pursuant to the provisions of
33 this article by the Adirondack park agency pursuant to the provisions of
34 [title eleven of this article or] article seventy-eight of the civil
35 practice law and rules.

36 S 46. Subdivision 7 of section 24-0903 of the environmental conserva-
37 tion law, as added by chapter 614 of the laws of 1975, is amended to
38 read as follows:

39 7. Any person aggrieved by any such order or regulation may seek
40 [review pursuant to the provisions of title eleven of this article or]
41 judicial review pursuant to article seventy-eight of the civil practice
42 law and rules in the supreme court for the county in which the freshwa-
43 ter wetland is located, within thirty days after the date of the filing
44 of the order with the clerk of the county in which the wetland is
45 located.

46 S 47. Section 24-0507 of the environmental conservation law, as
47 amended by chapter 654 of the laws of 1977, is amended to read as
48 follows:

49 S 24-0507. Reservation of local jurisdiction.

50 Except as provided in this article, jurisdiction over all areas which
51 would qualify as freshwater wetlands except that they are not designated
52 as such on the freshwater wetlands map pursuant to section 24-0301 of
53 this article because they are less than twelve and four-tenths acres in
54 size and are not of unusual local importance is reserved to the city,
55 town or village in which they are wholly or partially located, and the
56 implementation of this article with respect thereto is the responsibil-

ity of said city, town or village, in accordance with section 24-0501 and title twenty-three of article seventy-one of this chapter, except that a city, town or village in the exercise of its powers under this section, shall not be subject to the provisions of subdivision four of section 24-0501, subdivisions two and three of section 24-0503, or section 24-0505[, but shall be subject to judicial review under subdivision two of section 24-1105] of this article.

S 48. Subdivision 3 of section 1-0303 of the environmental conservation law is REPEALED.

S 49. Paragraph a of subdivision 2 of section 3-0301 of the environmental conservation law, as amended by chapter 469 of the laws of 1974, is amended to read as follows:

a. [With the advice and approval of the board, adopt] ADOPT, amend or repeal environmental standards, criteria and those rules and regulations having the force and effect of standards and criteria to carry out the purposes and provisions of this act. [Upon approval by the board of any] ANY such environmental standard, criterion, rule or regulation or change thereto[, it] shall become effective thirty days after being filed with the Secretary of State for publication in the "Official Compilation of Codes, Rules, and Regulations of the State of New York" published pursuant to section 102 of the Executive Law. This provision shall not in any way restrict the commissioner in the exercise of any function, power or duty transferred to him OR HER and heretofore authorized to be exercised by any other department acting through its commissioner to promulgate, adopt, amend or repeal any standards, rules and regulations. No such environmental standards, criterion, rule or regulation or change thereto shall be proposed for approval unless a public hearing relating to the subject of such standard shall be held by the commissioner prior thereto not less than 30 days after date of notice therefor, any provision of law to the contrary notwithstanding. Notice shall be given by public advertisement of the date, time, place and purpose of such hearing. [Members of the board shall be entitled to participate in such hearing and opportunity to be heard by the commissioner with respect to the subject thereof shall be given to the public.]

S 50. Article 5 of the environmental conservation law is REPEALED.

S 51. Section 17-1411 of the environmental conservation law, as added by chapter 436 of the laws of 1989, is amended to read as follows:

S 17-1411. Regulations.

[1.] The commissioner may promulgate regulations necessary to effectuate the purposes of section 17-1409 of this title including, but not limited to, regulations setting forth criteria for submission and processing of grant applications, components of best management practices and state standards necessary to control nonpoint source pollution.

[2. Regulations promulgated pursuant to subdivision one of this section shall not require the approval of the state environmental board pursuant to paragraph a of subdivision two of section 3-0301 or subdivision two of section 5-0107 of this chapter.]

S 52. Subdivision 4 of section 19-0303 of the environmental conservation law, as added by chapter 608 of the laws of 1993, is amended to read as follows:

4. In adopting any code, rule or regulation which contains a requirement that is more stringent than the Act or regulations issued pursuant to the Act by the United States environmental protection agency, the commissioner shall, in addition to the provisions of section two hundred two-a of the state administrative procedure act, include in the regulatory impact statement:

1 (a) a detailed explanation of the reason or reasons that justify
2 exceeding federal minimum requirements, including:

3 (i) satisfying any requirement of the Act as it relates to New York
4 state, including any requirement for demonstrating attainment or mainte-
5 nance of ambient air quality standards or meeting reasonable further
6 progress pursuant to Title I of the Act;

7 (ii) preventing an assessment or imposition of sanctions, or the impo-
8 sition of a federal implementation plan, pursuant to the Act;

9 (iii) complying with a final decree of a court; or

10 (iv) protecting public health or the environment;

11 (b) an evaluation of the cost-effectiveness of the proposed code, rule
12 or regulation, in comparison with the cost-effectiveness of reasonably
13 available alternatives; and

14 (c) a review of the reasonably available alternative measures consid-
15 ered by the commissioner and an explanation of the reasons for rejecting
16 such alternatives.

17 [Any code, rule or regulation to which this subdivision is applicable
18 shall be subject to the approval of the environmental board pursuant to
19 subdivision 2 of section 5-0107 of this chapter.]

20 S 53. Section 19-0917 of the environmental conservation law is
21 REPEALED.

22 S 54. Subdivision 3 of section 27-0903 of the environmental conserva-
23 tion law, as amended by chapter 831 of the laws of 1990, is amended to
24 read as follows:

25 3. The regulations setting forth the criteria for identification and
26 listing, and the list of, hazardous wastes subject to this title may be
27 amended by the commissioner from time to time as appropriate, based upon
28 hazardous waste conditions of particular relevance to the state. The
29 commissioner may promulgate the appropriately amended regulations only
30 [after approval of the state environmental board based] upon a showing
31 of the circumstances constituting the hazardous waste conditions of
32 particular relevance to this state, and then in a manner consistent with
33 the state administrative procedure act.

34 S 55. Subdivision 1 of section 27-1315 of the environmental conserva-
35 tion law, as amended by section 7 of part E of chapter 1 of the laws of
36 2003, is amended to read as follows:

37 1. The commissioner shall have the power to promulgate rules and regu-
38 lations necessary and appropriate to carry out the purposes of this
39 title. Any [such] regulations shall include provisions which establish
40 the procedures for a hearing pursuant to subdivision four of section
41 27-1313 of this title[. Any such provisions] AND shall ensure a division
42 of functions between the commissioner, the staff who present the case,
43 and any hearing officers appointed. In addition, any [such] regulations
44 shall set forth findings to be based on a factual record, which must be
45 made before the commissioner determines that a significant threat to the
46 environment exists. [Rules and regulations promulgated pursuant to this
47 title shall be subject to the approval of a board, which shall be known
48 as the inactive hazardous waste disposal site regulation review board,
49 which shall have the same members, rules, and procedures as the state
50 environmental board.]

51 S 56. Subdivision 1 of section 27-1504 of the environmental conserva-
52 tion law, as added by chapter 180 of the laws of 1989, is amended to
53 read as follows:

54 1. The commissioner shall promulgate new regulations or amend existing
55 regulations establishing a program for the tracking of the regulated
56 medical waste which is generated in this state. Such regulations shall

1 not be subject to the requirements of subdivision 2 of section 3-0301
2 [or subdivision 2 of section 5-0107] of this chapter.

3 S 57. Subdivision 4 of section 29-0103 of the environmental conserva-
4 tion law is REPEALED.

5 S 58. Subdivision 4 of section 70-0117 of the environmental conserva-
6 tion law, as added by chapter 723 of the laws of 1977, is amended to
7 read as follows:

8 4. In conjunction with one or more applications for permits, the
9 department may, on request of an applicant undertake a conceptual review
10 of a proposed project evaluating the general approvability or nonapprov-
11 ability of a proposed project, including all proposed phases or segments
12 thereof, subject to the development and submission of more detailed
13 plans and information and such additional applications for permits in
14 the future as may be necessary. The department shall, in rules and regu-
15 lations [approved by the state environmental board], establish criteria
16 and guidelines for the conceptual review of proposed projects. The
17 department shall establish, in rules and regulations adopted pursuant to
18 section 70-0107 of this chapter, procedures governing the conceptual
19 review of proposed projects.

20 S 59. Sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental
21 conservation law are REPEALED.

22 S 60. Section 9-0713 of the environmental conservation law, as amended
23 by chapter 386 of the laws of 1980, is amended to read as follows:

24 S 9-0713. State assistance.

25 [Upon the establishment of regional forest practice boards, and upon
26 the adoption and promulgation of] THE COMMISSIONER SHALL ADOPT forest
27 practice standards[, the regional forest practice boards]. THE DEPART-
28 MENT shall notify [all the] owners of forest land [in their regions]
29 that the commissioner is prepared to assist cooperating owners in
30 connection with the application of [approved] forest practice standards.
31 The commissioner shall provide to cooperating forest and farm woodland
32 owners technical services in connection with all phases of forest
33 management including but not limited to, plantation establishment and
34 care, the marking of timber, marketing assistance and silvicultural
35 treatment of immature stands.

36 S 61. Subdivision 1 of section 444-b of the real property law is
37 REPEALED and subdivisions 2, 3, 4, 5, 6, 7 and 8 are renumbered subdivi-
38 sions 1, 2, 3, 4, 5, 6 and 7.

39 S 62. Subdivision 4 of section 444-b of the real property law, as
40 amended by chapter 225 of the laws of 2005 and as renumbered by section
41 sixty-one of this act, is amended to read as follows:

42 4. "Home inspection" means the process by which a home inspector
43 observes and provides a written report of the systems and components of
44 a residential building including but not limited to heating system,
45 cooling system, plumbing system, electrical system, structural compo-
46 nents, foundation, roof, masonry structure, exterior and interior compo-
47 nents or any other related residential building component as recommended
48 [by the home inspection council and implemented] OR REQUIRED by the
49 department through regulation to provide a client with objective infor-
50 mation about the condition of the residential building. The home inspec-
51 tor shall clearly identify in the written report which systems and
52 components of the residential building were observed. A home inspection
53 shall not include an inspection for radon or pests.

54 S 63. Section 444-c of the real property law, as added by chapter 461
55 of the laws of 2004, subdivisions 1, 2 and 3 as amended by chapter 225
56 of the laws of 2005, is amended to read as follows:

1 S 444-c. [State home inspection council] CODE OF ETHICS AND STANDARDS
2 OF PRACTICE. 1. [There is hereby established a state home inspection
3 council within the department. The council shall consist of the secre-
4 tary or the secretary's designee and six additional members who are
5 residents of the state, of whom three shall be persons licensed and
6 actively engaged in the business of home inspection in the state of New
7 York for at least five years immediately preceding their appointment and
8 three of whom shall be consumers who are the owners and principal resi-
9 dents of a residential building in the state of New York. Appointments
10 shall reflect the geographical diversity of the state.

11 2. For a period of one year after the effective date of this section,
12 and notwithstanding any other provisions of this section to the contra-
13 ry, the first three home inspectors appointed as members of the commit-
14 tee shall not be required, at the time of their first appointment, to be
15 licensed to practice home inspection, provided that such members be
16 licensed pursuant to this article within one year of appointment.

17 3. The governor shall appoint each member of the council for a term of
18 three years except that of the members first appointed, two shall serve
19 for terms of three years, two shall serve for terms of two years and two
20 shall serve for a term of one year. The governor shall appoint one home
21 inspector and one consumer solely in his or her discretion, one home
22 inspector and one consumer upon the recommendation of the temporary
23 president of the senate, and one home inspector and one consumer upon
24 the recommendation of the speaker of the assembly. Each member shall
25 hold office until his or her successor has been qualified. Any vacancy
26 in the membership of the council shall be filled for the unexpired term
27 in the manner provided for the original appointment. No member of the
28 council may serve more than two successive terms in addition to any
29 unexpired term to which he or she has been appointed.

30 4. Members of the council shall receive no compensation but shall be
31 reimbursed for their actual and necessary expenses and provided with
32 office and meeting facilities and personnel required for the proper
33 conduct of the council's business.

34 5. The council shall annually elect from among its members a chair and
35 vice-chair and may appoint a secretary, who need not be a member of the
36 council. The council shall meet at least twice a year and may hold addi-
37 tional meetings as necessary to discharge its duties.

38 6. The role of the council shall be advisory.] The [council shall
39 advise the secretary in the administration and enforcement of the
40 provisions of this article and recommend to the] secretary SHALL PROMUL-
41 GATE regulations to implement the provisions of this article including
42 but not limited to:

43 (a) standards for training including approval of the course of study
44 and examination required for licensure of home inspectors;

45 (b) requirements and standards for continuing education of home
46 inspectors;

47 (c) a code of ethics and standards of practice for licensed home
48 inspectors consistent with the provisions of this article and sound
49 ethical practices which code and standards shall be subject to public
50 notice and comment prior to [a council recommendation to the secretary]
51 ADOPTION OF THE REGULATIONS. The standards of practice shall not require
52 a reporting format or limit information which licensees are authorized
53 to provide a client pursuant to this article; and

54 (d) development of information and educational materials about home
55 inspection for distribution to clients.

1 2. Nothing in this section shall be deemed to supersede any estab-
2 lished authority, duty and power established by local law, state law or
3 regulation or otherwise granted to any agency, body or entity.

4 S 64. Section 444-e of the real property law, as added by chapter 461
5 of the laws of 2004, paragraphs (b) and (c) of subdivision 1 and subdi-
6 vision 3 as amended by chapter 225 of the laws of 2005, is amended to
7 read as follows:

8 S 444-e. Qualifications for licensure. 1. An applicant for a license
9 as a home inspector shall:

10 (a) have successfully completed high school or its equivalent; and

11 (b) (i) have successfully completed a course of study of not less than
12 one hundred forty hours approved by the secretary[, in consultation with
13 the council], of which at least forty hours shall have been in the form
14 of unpaid field based inspections in the presence of and under the
15 direct supervision of a home inspector licensed by the state of New York
16 or a professional engineer or architect regulated by the state of New
17 York who oversees and takes full responsibility for the inspection and
18 any report provided to a client; or

19 (ii) have performed not less than one hundred home inspections in the
20 presence of and under the direct supervision of a home inspector
21 licensed by the state of New York or a professional engineer or archi-
22 tect regulated by the state of New York who oversees and takes full
23 responsibility for the inspection and any report provided to a client;
24 and

25 (c) have passed a written or electronic examination approved by the
26 secretary[, in consultation with the council], and designed to test
27 competence in home inspection practice as determined by a recognized
28 role definition methodology and developed and administered to the extent
29 practicable in a manner consistent with the American Educational
30 Research Association's "Standards for Educational and Psychological
31 Testing." An applicant who has passed an existing nationally recognized
32 examination, as approved by the secretary, prior to the effective date
33 of this article shall be in compliance with this paragraph; and

34 (d) pay the applicable fees.

35 2. The provisions of this section shall not apply to a person perform-
36 ing a home inspection pursuant to subparagraph (ii) of paragraph (b) of
37 subdivision one of this section for the purpose of meeting requirements
38 for a home inspector license.

39 3. Upon submission of an application and payment of the application
40 and licensure fee to the secretary, the secretary shall issue a home
41 inspector's license to a person who holds a valid license as a home
42 inspector issued by another state or possession of the United States or
43 the District of Columbia which has standards substantially equivalent to
44 those of this state as determined by the secretary[, in consultation
45 with the council].

46 4. On or before the effective date of this article, the secretary
47 shall, upon application, issue a home inspector license to a person who:

48 (a) meets the requirements of paragraphs (a) and (c) of subdivision
49 one of this section and has performed one hundred or more home
50 inspections for compensation within two years prior to the effective
51 date of this section; or

52 (b) meets the requirements of paragraph (a) of subdivision one of this
53 section and has been engaged in the practice of home inspection for
54 compensation for not less than three years prior to the effective date
55 of this section during which such person has performed two hundred fifty

home inspections for compensation within three years prior to the effective date of this section; or

(c) has education and experience which the secretary[, in consultation with the council], considers equivalent to that required pursuant to paragraphs (a) and (b) of this subdivision.

S 65. Subdivision 1 of section 444-f of the real property law, as amended by chapter 225 of the laws of 2005, is amended to read as follows:

1. Home inspector licenses and renewals thereof shall be issued for a period of two years, except that the secretary may, in order to stagger the expiration date thereof, provide that those licenses first issued or renewed after the effective date of this section shall expire or become void on a date fixed by the secretary, not sooner than six months nor later than twenty-nine months after the date of issue. No renewal of a license shall be issued unless the applicant has successfully completed a course of continuing education approved by the secretary[, in consultation with the council].

S 66. Subdivision 1 of section 444-k of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

1. Every licensed home inspector who is engaged in home inspection shall secure, maintain, and file with the secretary proof of a certificate of liability coverage, which terms and conditions shall be determined by the secretary [in consultation with the council].

S 67. Section 444-l of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

S 444-l. Duties of the secretary. The secretary shall[, in consultation with the council,] establish such rules and regulations as shall be necessary to implement the provisions of this article.

S 68. Subdivision 6 of section 69-n of the general business law is REPEALED.

S 69. Chapter 868 of the laws of 1976, relating to the organic food advisory committee, is REPEALED.

S 70. Subdivisions 6, 7, 8 and 9 of section 73-b of the agriculture and markets law are REPEALED and subdivision 10 is renumbered subdivision 6.

S 71. Subdivision 5 of section 73-b of the agriculture and markets law, as added by chapter 276 of the laws of 2001, is amended to read as follows:

5. The advisory board, which shall be chaired by the commissioner, shall:

(a) evaluate and prioritize the veterinary diagnostic laboratory needs of industry, government and consumer entities;

(b) provide advice and recommendations to the dean of the New York state college of veterinary medicine for strategic direction of diagnostic laboratory services;

(c) make recommendations to the dean regarding appointment of the director of the laboratory; [and]

(d) assess the feasibility of the consolidation, expansion and modernization of the current physical facilities of the laboratory; AND

(E) PROVIDE ADVICE AND RECOMMENDATIONS TO THE DIRECTOR OF THE DIAGNOSTIC LABORATORY REGARDING INDUSTRY NEEDS AND THE EFFECTIVENESS OF VETERINARY DIAGNOSTIC LABORATORY SERVICES; AND

(F) PROVIDE ADVICE AND RECOMMENDATIONS TO THE COMMISSIONER AND THE DIRECTOR OF THE DIAGNOSTIC LABORATORY REGARDING ANIMAL HEALTH PROGRAMS ADMINISTERED BY THE DEPARTMENT, TO INCLUDE BUT NOT BE LIMITED TO THE NEW

1 YORK STATE CATTLE HEALTH ASSURANCE PROGRAM AND THE EGG QUALITY ASSURANCE
2 PROGRAM.

3 S 72. Paragraph (g) of subdivision 3 of section 73-b of the agricul-
4 ture and markets law, as added by chapter 276 of the laws of 2001, is
5 amended to read as follows:

6 (g) one member to be appointed by the governor, upon recommendation by
7 the commissioner[, from nominations received from the animal health
8 issues committee];

9 S 73. Section 13-0308 of the environmental conservation law is
10 REPEALED.

11 S 74. The opening paragraph of subdivision 15 of section 13-0309 of
12 the environmental conservation law, as added by chapter 512 of the laws
13 of 1994, is amended to read as follows:

14 Unless and until regulations are adopted implementing a comprehensive
15 long-term management plan for the protection of surf clams and ocean
16 quahogs in New York waters [prepared in conjunction with the surf
17 clam/ocean quahog management advisory board pursuant to section 13-0308,
18 of this title], the following restrictions shall apply in addition to
19 any consistent regulations adopted prior to the date upon which such
20 section shall take effect:

21 S 75. Subparagraph (ii) of paragraph 3 of subdivision (a) of section
22 83 of the state finance law, as amended by section 6 of part A of chap-
23 ter 58 of the laws of 1998, is amended to read as follows:

24 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
25 graph, moneys arising out of the application of subdivision fourteen of
26 section 13-0309 of the environmental conservation law, shall be deposit-
27 ed in a special account within the conservation fund, to be known as the
28 surf clam/ocean quahog account, and shall be available to the department
29 of environmental conservation, including contracts for such purposes
30 with a New York State institution of higher education currently involved
31 in local marine research, after appropriation, for the research and
32 stock assessment of surf clams and ocean quahogs [and the operations of
33 the surf clam/ocean quahog management advisory board].

34 S 76. Section 3000 of the public health law, as amended by chapter 804
35 of the laws of 1992, is amended to read as follows:

36 S 3000. Declaration of policy and statement of purpose. The furnishing
37 of medical assistance in an emergency is a matter of vital concern
38 affecting the public health, safety and welfare. Prehospital emergency
39 medical care, the provision of prompt and effective communication among
40 ambulances and hospitals and safe and effective care and transportation
41 of the sick and injured are essential public health services.

42 It is the purpose of this article to promote the public health, safety
43 and welfare by providing for certification of all advanced life support
44 first response services and ambulance services; the creation of regional
45 emergency medical services [councils] ADVISORY BOARDS; and a New York
46 state emergency medical services council to develop minimum training
47 standards for certified first responders, emergency medical technicians
48 and advanced emergency medical technicians and minimum equipment and
49 communication standards for advanced life support first response
50 services and ambulance services.

51 S 77. Subdivision 2 and paragraphs (a), (c) and (e) of subdivision 3
52 of section 3000-b of the public health law, subdivision 2 as amended by
53 chapter 583 of the laws of 1999, paragraph (a) of subdivision 3 as
54 amended by chapter 243 of the laws of 2010 and paragraphs (c) and (e) of
55 subdivision 3 as added by chapter 552 of the laws of 1998, are amended
56 to read as follows:

1 2. Collaborative agreement. A person, firm, organization or other
2 entity may purchase, acquire, possess and operate an automated external
3 defibrillator pursuant to a collaborative agreement with an emergency
4 health care provider. The collaborative agreement shall include a writ-
5 ten agreement and written practice protocols, and policies and proce-
6 dures that shall assure compliance with this section. The public access
7 defibrillation provider shall file a copy of the collaborative agreement
8 with the department and with the appropriate regional [council] BOARD
9 prior to operating the automated external defibrillator.

10 (a) No person may operate an automated external defibrillator unless
11 the person has successfully completed a training course in the operation
12 of an automated external defibrillator approved by a nationally-recog-
13 nized organization or the [state emergency medical services council]
14 COMMISSIONER AND THE COMPLETION OF THE COURSE WAS RECENT ENOUGH TO STILL
15 BE EFFECTIVE UNDER THE STANDARDS OF THE APPROVING ORGANIZATION. Howev-
16 er, this section shall not prohibit operation of an automated external
17 defibrillator, (i) by a health care practitioner licensed or certified
18 under title VIII of the education law or a person certified under this
19 article acting within his or her lawful scope of practice; (ii) by a
20 person acting pursuant to a lawful prescription; or (iii) by a person
21 who operates the automated external defibrillator other than as part of
22 or incidental to his or her employment or regular duties, who is acting
23 in good faith, with reasonable care, and without expectation of monetary
24 compensation, to provide first aid that includes operation of an auto-
25 mated external defibrillator; nor shall this section limit any good
26 samaritan protections provided in section three thousand-a of this arti-
27 cle.

28 (c) The public access defibrillation provider shall notify the APPRO-
29 PRIATE regional [council] BOARD of the existence, location and type of
30 any automated external defibrillator it possesses.

31 (e) The emergency health care provider shall participate in the
32 regional quality improvement program pursuant to subdivision one of
33 section three thousand [four-a] FOUR of this article.

34 S 78. Subdivision 2 and paragraph (a) of subdivision 3 of section
35 3000-c of the public health law, as added by chapter 578 of the laws of
36 1999, are amended to read as follows:

37 2. Collaborative agreement. Any eligible person, firm, organization or
38 other entity may purchase, acquire, possess and use epinephrine auto-in-
39 jector devices pursuant to a collaborative agreement with an emergency
40 health care provider. The collaborative agreement shall include a writ-
41 ten agreement that incorporates written practice protocols, and policies
42 and procedures that shall ensure compliance with the provisions of this
43 section. The person, firm, organization or entity shall file a copy of
44 the collaborative agreement with the department and with the appropriate
45 regional [council] BOARD prior to using any epinephrine auto-injector
46 device.

47 (a) No person shall use an epinephrine auto-injector device unless
48 such person shall have successfully completed a training course in the
49 use of epinephrine auto-injector devices approved by the commissioner
50 [pursuant to the rules of the department]. This section does not prohib-
51 it the use of an epinephrine auto-injector device (i) by a health care
52 practitioner licensed or certified under title eight of the education
53 law acting within the scope of his or her practice, or (ii) by a person
54 acting pursuant to a lawful prescription.

1 S 79. Section 3001 of the public health law, as amended by chapter 804
2 of the laws of 1992, subdivisions 13 and 15 as amended by chapter 445 of
3 the laws of 1993, is amended to read as follows:

4 S 3001. Definitions. As used in this article, unless the context
5 otherwise requires:

6 1. "Emergency medical service" means initial emergency medical assist-
7 ance including, but not limited to, the treatment of trauma, burns,
8 respiratory, circulatory and obstetrical emergencies.

9 1-A. "PEDIATRIC CARE" MEANS MEDICAL CARE PROVIDED TO NEONATES,
10 INFANTS, TODDLER, PRESCHOOLERS, SCHOOL AGERS AND ADOLESCENTS.

11 1-B. "TRAUMA CARE" MEANS HEALTH CARE PROVIDED TO PATIENTS AT HIGH RISK
12 OF DEATH OR DISABILITY FROM MULTIPLE AND SEVERE INJURIES.

13 1-C. "DISASTER CARE" MEANS CARE PROVIDED TO PATIENTS WHO ARE THE
14 VICTIMS OF NATURAL OR MAN-MADE DISASTERS, INCLUDING BUT NOT LIMITED TO
15 BIOLOGIC, NUCLEAR, INCENDIARY, CHEMICAL AND EXPLOSIVE DISASTERS.

16 2. "Ambulance service" means an individual, partnership, association,
17 corporation, municipality or any legal or public entity or subdivision
18 thereof engaged in providing emergency medical care and the transporta-
19 tion of sick or injured persons by motor vehicle, aircraft or other
20 forms of transportation to, from, or between general hospitals or other
21 health care facilities.

22 3. "Voluntary ambulance service" means an ambulance service (i) oper-
23 ating not for pecuniary profit or financial gain, and (ii) no part of
24 the assets or income of which is distributable to, or enures to the
25 benefit of, its members, directors or officers except to the extent
26 permitted under this article.

27 4. "Voluntary advanced life support first response service" means
28 advanced life support first response service (i) operating not for pecu-
29 niary profit or financial gain, and (ii) no part of the assets or income
30 of which is distributable to, or enures to the benefit of, its members,
31 directors or officers except to the extent permitted under this article.

32 5. "Certified first responder" means an individual who meets the mini-
33 mum TRAINING, EDUCATION AND CERTIFICATION requirements established by
34 regulations pursuant to section three thousand two of this article and
35 who is responsible for administration of initial life saving care of
36 sick and injured persons.

37 6. "Emergency medical technician" means an individual who meets the
38 minimum TRAINING, EDUCATION AND CERTIFICATION requirements established
39 by regulations pursuant to section three thousand two of this article
40 and who is responsible for administration or supervision of initial
41 emergency medical care and transportation of sick or injured persons.

42 7. "Advanced emergency medical technician" means an emergency medical
43 technician who [has satisfactorily completed an advanced course of
44 training approved by the state council under regulations pursuant to
45 section three thousand two of this article] MEETS THE MINIMUM TRAINING,
46 EDUCATION AND CERTIFICATION REQUIREMENTS ESTABLISHED BY REGULATIONS
47 PURSUANT TO SECTION THREE THOUSAND TWO OF THIS ARTICLE AND WHO IS
48 RESPONSIBLE FOR ADMINISTRATION OR SUPERVISION OF ADVANCED EMERGENCY
49 MEDICAL CARE AND TRANSPORTATION OF SICK OR INJURED PERSONS.

50 8. "State council" means the New York state emergency medical services
51 council established pursuant to this article.

52 9. "Regional [council] BOARD" means a regional emergency medical
53 services [council] ADVISORY BOARD established pursuant to this article.

54 10. "Enrolled member" means any member of a voluntary ambulance
55 service or voluntary advanced life support first response service who

1 provides emergency medical care or transportation of sick or injured
2 persons without expectation of monetary compensation.

3 11. "Advanced life support care" means definitive acute medical care
4 provided, under medical control, by advanced emergency medical techni-
5 cians within an advanced life support system.

6 12. "Advanced life support system" means an organized acute medical
7 care system to provide advanced life support care on site or en route
8 to, from, or between general hospitals or other health care facilities.

9 13. "Advanced life support mobile unit" means an ambulance or advanced
10 life support first response vehicle approved to provide advanced life
11 support services pursuant to this article.

12 14. "Qualified medical and health personnel" means physicians, regis-
13 tered professional nurses and advanced emergency medical technicians
14 competent in the management of patients requiring advanced life support
15 care.

16 15. "Medical control" means: (a) advice and direction provided by a
17 physician or under the direction of a physician to certified first
18 responders, emergency medical technicians or advanced emergency medical
19 technicians who are providing medical care at the scene of an emergency
20 or en route to a health care facility; and (b) indirect medical control
21 including the written policies, procedures, and protocols for prehospi-
22 tal emergency medical care and transportation developed by [the state
23 emergency medical advisory committee, approved by] the state emergency
24 medical services council and the commissioner, and implemented by
25 regional EMERGENCY medical advisory committees.

26 16. "Regional EMERGENCY medical advisory committee" means a group of
27 five or more physicians, and one or more non-voting individuals repre-
28 sentative of each of the following: hospitals, basic life support
29 providers, advanced life support providers and emergency medical
30 services training sponsor medical directors approved by the affected
31 regional [emergency medical services councils] BOARDS.

32 17. "Advanced life support first response service" means an organiza-
33 tion which provides advanced life support care, but does not transport
34 patients.

35 18. ["EMS program agency" means a not-for-profit corporation or muni-
36 cipality designated by the state council and approved by the affected
37 regional council or councils to facilitate the development and operation
38 of an emergency medical services system within a region as directed by
39 the regional council under this article.

40 19.] "Operator" means any person who by reason of a direct or indirect
41 ownership interest (whether of record or beneficial) has the ability,
42 acting either alone or in concert with others with ownership interests,
43 to direct or cause the direction of the management or policies of an
44 ambulance service or advanced life support first response service.

45 19. "MUTUAL AID" MEANS THE PRE-PLANNED AND ORGANIZED RESPONSE OF EMER-
46 GENCY MEDICAL SERVICES, AND OTHER EMERGENCY PERSONNEL AND EQUIPMENT, TO
47 A REQUEST FOR ASSISTANCE IN AN EMERGENCY WHEN LOCAL RESOURCES HAVE BEEN
48 EXPENDED. THE RESPONSE IS PREDICATED ON FORMAL AGREEMENTS AMONG PARTIC-
49 IPATING AGENCIES OR JURISDICTIONS.

50 20. "Mutual aid agreement" means a written agreement, entered into by
51 two or more ambulance services or advanced life support first response
52 services possessing valid [ambulance service or advanced life support
53 first response service certificates or statements of registration] OPER-
54 ATING AUTHORITY, FIRE SERVICES AS DEFINED BY SECTION TWO HUNDRED NINE-B
55 OF THE GENERAL MUNICIPAL LAW, OR THE GOVERNING BODY OF ANY CITY, TOWN OR
56 VILLAGE, for the organized, SUPERVISED, coordinated, and cooperative

1 reciprocal mobilization of personnel, equipment, services, or facilities
2 for [back-up or support upon request as required pursuant to a written
3 mutual aid plan] OUTSIDE SERVICE UPON REQUEST. An ambulance service and
4 advanced life support first response service may participate in one or
5 more mutual aid agreements.

6 21. "Primary territory" means the geographic area or subdivisions
7 listed on an ambulance OR ADVANCED LIFE SUPPORT FIRST RESPONSE service
8 certificate [or statement of registration within which the ambulance
9 service may receive patients for transport].

10 22. "STATEWIDE EMS MOBILIZATION PLAN" MEANS AN ESTABLISHED PLAN FOR
11 THE FORMAL AND UNIFORM NOTIFICATION AND ACTIVATION OF AMBULANCE OR
12 ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES.

13 23. "COUNTY MUTUAL AID PLAN" MEANS A WRITTEN MUTUAL AID AGREEMENT,
14 ENTERED INTO BY TWO OR MORE AMBULANCE SERVICES OR ADVANCED LIFE SUPPORT
15 FIRST RESPONSE SERVICES POSSESSING VALID OPERATING AUTHORITY, FIRE
16 SERVICES AS DEFINED BY SECTION TWO HUNDRED NINE-B OF THE GENERAL MUNICI-
17 PAL LAW, OR THE GOVERNING BODY OF ANY CITY, TOWN OR VILLAGE, FACILITATED
18 OR COORDINATED BY THE COUNTY FOR THE ORGANIZED, SUPERVISED, COORDINATED,
19 AND COOPERATIVE RECIPROCAL MOBILIZATION OF PERSONNEL, EQUIPMENT,
20 SERVICES, OR FACILITIES FOR OUTSIDE SERVICE UPON REQUEST FOR THE
21 PURPOSES OF PROVIDING EMERGENCY MEDICAL TREATMENT AND/OR TRANSPORTATION.

22 S 80. Section 3002 of the public health law is REPEALED and a new
23 section 3002 is added to read as follows:

24 S 3002. NEW YORK STATE EMERGENCY MEDICAL SERVICES COUNCIL. 1. THERE
25 IS HEREBY CREATED WITHIN THE DEPARTMENT OF HEALTH THE NEW YORK STATE
26 EMERGENCY MEDICAL SERVICES COUNCIL. THE COUNCIL SHALL CONSIST OF TWEN-
27 TY-THREE MEMBERS. TEN MEMBERS SHALL BE PHYSICIANS, INCLUDING ONE NOMI-
28 NATED BY EACH REGIONAL EMERGENCY MEDICAL SERVICES ADVISORY BOARD, AND AN
29 ADDITIONAL PHYSICIAN FROM THE CITY OF NEW YORK AND AT LEAST ONE PEDIA-
30 TRICIAN, ONE TRAUMA SURGEON, AND ONE PSYCHIATRIST. EACH OF THE PHYSI-
31 CIANS SHALL HAVE DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN EMERGENCY
32 MEDICAL SERVICES. AT LEAST ONE MEMBER SHALL BE REPRESENTATIVE OF THE
33 INTERESTS OF THE GENERAL PUBLIC. OTHER MEMBERS SHALL BE KNOWLEDGEABLE IN
34 VARIOUS ASPECTS OF EMERGENCY MEDICAL SERVICES AND SHALL INCLUDE, BUT NOT
35 BE LIMITED TO, REPRESENTATIVES OF VOLUNTARY AMBULANCE SERVICES, ADVANCED
36 LIFE SUPPORT FIRST RESPONSE SERVICES, AMBULANCE SERVICES OPERATING FOR
37 PROFIT, MUNICIPAL AMBULANCE SERVICES, HOSPITALS, AND A STATEWIDE ORGAN-
38 IZATION REPRESENTING VOLUNTEER FIRE SERVICES, MUNICIPAL TAX DISTRICTS
39 PROVIDING AMBULANCE SERVICES, AND NURSES. EACH DELEGATE APPOINTED BY
40 THE COMMISSIONER WILL SUBMIT THEIR ALTERNATE'S NAME FROM WITHIN THEIR
41 REPRESENTATIVE ORGANIZATION AND ONCE THE ALTERNATE IS APPROVED THE
42 ALTERNATE WILL HAVE VOTING POWER AT ALL COUNCIL MEETINGS AND COMMITTEE
43 MEETINGS IN THE ABSENCE OF THE DELEGATE. THE COMMISSIONER SHALL ALSO
44 APPOINT A REPRESENTATIVE OF EACH REGIONAL BOARD, FROM NOMINATIONS
45 RECEIVED FROM THE APPROPRIATE REGIONAL BOARDS. THE COMMISSIONER SHALL
46 ALSO APPROVE ALTERNATES AS RECOMMENDED BY THE STATE COUNCIL DELEGATE
47 (FROM WITHIN THEIR RESPECTIVE REGIONAL BOARDS) FOR EACH REGIONALLY
48 APPROVED BOARD MEMBER; THE ALTERNATE WILL HAVE VOTING POWER ON STATE
49 COUNCIL AND IN COMMITTEES IN THE ABSENCE OF THE DELEGATE. THE MEMBERS OF
50 THE STATE COUNCIL SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF
51 THE STATE COUNCIL BY A MAJORITY VOTE OF THOSE PRESENT, WHO SHALL SERVE
52 FOR ONE YEAR AND UNTIL A SUCCESSOR IS ELECTED. MEMBERS SHALL SERVE AT
53 THE PLEASURE OF THE COMMISSIONER FOR THREE YEAR TERMS, EXCEPT THAT THE
54 TERM OF ELEVEN OF THE INITIAL ADVISORY MEMBERS SHALL BE FOR TWO YEARS;
55 PROVIDED THAT A MEMBER SHALL CONTINUE TO SERVE IN FULL CAPACITY UNTIL
56 SUCH TIME AS THE MEMBER RESIGNS, IS REMOVED OR REPLACED. NO PERSON MAY

1 SERVE AS A MEMBER FOR MORE THAN TWO CONSECUTIVE TERMS TOTAL. THE COMMIS-
2 SIONER SHALL APPOINT A CHAIR AND A VICE-CHAIR. MEMBERS OF THE STATE
3 BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS.

4 2. THE STATE COUNCIL SHALL HAVE THE POWER, BY AN AFFIRMATIVE VOTE OF A
5 MAJORITY OF THOSE PRESENT, SUBJECT TO APPROVAL BY THE COMMISSIONER, TO
6 ENACT, AND FROM TIME TO TIME, AMEND AND REPEAL, RULES AND REGULATIONS
7 ESTABLISHING MINIMUM STANDARDS FOR AMBULANCE SERVICES, AMBULANCE SERVICE
8 CERTIFICATION, ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES, THE
9 PROVISION OF PREHOSPITAL EMERGENCY MEDICAL CARE, PUBLIC EDUCATION, THE
10 DEVELOPMENT OF A STATEWIDE EMERGENCY MEDICAL SERVICES SYSTEM, THE
11 PROVISION OF AMBULANCE SERVICES OUTSIDE THE PRIMARY TERRITORY SPECIFIED
12 IN THE AMBULANCE SERVICES' CERTIFICATE AND THE TRAINING, EXAMINATION,
13 AND CERTIFICATION OF CERTIFIED FIRST RESPONDERS, EMERGENCY MEDICAL TECH-
14 NICIANS, AND ADVANCED EMERGENCY MEDICAL TECHNICIANS; PROVIDED, HOWEVER,
15 THAT SUCH MINIMUM STANDARDS MUST BE CONSISTENT WITH THE STAFFING STAND-
16 ARDS ESTABLISHED BY SECTION THREE THOUSAND FIVE-A OF THIS ARTICLE. SUCH
17 TRAINING SHALL BE MADE AVAILABLE BY VIDEO OR COMPUTER TO THE MAXIMUM
18 EXTENT POSSIBLE. THE CURRICULUM FOR CERTIFIED FIRST RESPONDER TRAINING
19 SHALL NOT EXCEED FIFTY-ONE HOURS INCLUDING PREREQUISITES. THE STATE
20 COUNCIL SHALL HAVE THE SAME POWERS GRANTED TO THE REGIONAL ADVISORY
21 BOARD BY THIS ARTICLE IN ANY REGION OF THE STATE IN WHICH A REGIONAL
22 ADVISORY BOARD HAS NOT BEEN ESTABLISHED.

23 2-A. IN FURTHERANCE OF THE POWERS SET FORTH IN SUBDIVISION TWO OF THIS
24 SECTION, THE STATE COUNCIL SHALL PROVIDE TO THE TRUSTEES OF THE STATE
25 UNIVERSITY OF NEW YORK SUCH INFORMATION AND RECOMMENDATIONS AS MAY BE
26 REQUESTED BY SUCH TRUSTEES TO ASSIST SUCH TRUSTEES' STUDY OF THE FEASI-
27 BILITY OF COMMUNITY COLLEGES' AND STATE UNIVERSITY OF NEW YORK AGRICUL-
28 TURAL AND TECHNICAL COLLEGES' OFFERING CREDIT AND NONCREDIT COURSES
29 WHICH WOULD SATISFY THE EDUCATIONAL REQUIREMENTS FOR CERTIFICATION AND
30 RECERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS AND ADVANCED EMERGENCY
31 MEDICAL TECHNICIANS.

32 2-B. THE COMMISSIONER, IN CONSULTATION WITH THE STATE EMERGENCY
33 MEDICAL SERVICES COUNCIL, SHALL DEVELOP A PILOT PROGRAM IN AT LEAST SIX
34 REGIONS OF THE STATE (INCLUDING THE WESTERN NEW YORK AND CAPITAL
35 REGIONS) TO ALLOW EMERGENCY MEDICAL TECHNICIANS AND ADVANCED EMERGENCY
36 MEDICAL TECHNICIANS WHO HAVE BEEN IN CONTINUOUS PRACTICE, WHO HAVE
37 DEMONSTRATED COMPETENCE IN APPLICABLE BEHAVIORAL AND PERFORMANCE OBJEC-
38 TIVES, AND WHO HAVE DEMONSTRATED COMPLETION OF APPROPRIATE CONTINUING
39 EDUCATION, TO RENEW THEIR CERTIFICATION UNDER SUBDIVISION TWO OF THIS
40 SECTION WITHOUT REQUIRING THE COMPLETION OF A WRITTEN EXAMINATION. IN
41 IMPLEMENTING THIS PROGRAM THE COMMISSIONER SHALL CONTRACT WITH AND USE
42 THE STANDARDS ESTABLISHED BY A NATIONALLY RECOGNIZED ORGANIZATION THAT
43 CERTIFIES EMERGENCY MEDICAL TECHNICIANS AND ADVANCED EMERGENCY MEDICAL
44 TECHNICIANS. HOWEVER, NO PILOT PROGRAM SHALL INCLUDE EMPLOYEES OF A
45 MUNICIPAL AMBULANCE SERVICE IN CITIES WITH A POPULATION OVER ONE
46 MILLION. RENEWALS OF CERTIFICATION UNDER THE DEMONSTRATION PROGRAM SHALL
47 BE DEEMED EQUIVALENT TO RENEWALS UNDER SUBDIVISION TWO OF THIS SECTION
48 FOR PURPOSES OF THIS ARTICLE. WITHIN ONE YEAR OF DEVELOPING THE DEMON-
49 STRATION PROGRAM AND ANNUALLY THEREAFTER, THE COMMISSIONER SHALL REPORT
50 TO THE LEGISLATURE ON THE IMPACT OF THE PROGRAM ON THE QUALITY OF
51 PATIENT CARE, THE EFFECTIVENESS OF THE PROGRAM IN RETAINING CERTIFIED
52 EMERGENCY MEDICAL TECHNICIANS AND ADVANCED EMERGENCY MEDICAL TECHNI-
53 CIANS, AND THE FEASIBILITY OF REPLACING THE STATE'S CERTIFICATION
54 PROGRAM WITH A NATIONAL CERTIFICATION PROGRAM.

1 3. THE MEMBERS OF THE COUNCIL AND REGIONAL ADVISORY BOARDS MAY MEET
2 AND VOTE VIA ELECTRONIC MEANS, FOR EXAMPLE TELECONFERENCE OR VIDEO
3 CONFERENCE. PARTICIPATION VIA SUCH MEANS SHALL COUNT TOWARDS A QUORUM.

4 4. THE COMMISSIONER, UPON REQUEST OF THE STATE COUNCIL, SHALL DESIG-
5 NATE AN OFFICER OR EMPLOYEE OF THE DEPARTMENT TO ACT AS SECRETARY OF THE
6 STATE COUNCIL, AND SHALL ASSIGN FROM TIME TO TIME SUCH OTHER EMPLOYEES
7 AS THE STATE COUNCIL MAY REQUIRE.

8 5. THE STATE COUNCIL SHALL, AFTER CONSULTATION WITH THE DEPARTMENT AND
9 THE REGIONAL ADVISORY BOARDS, FORWARD TO THE COMMISSIONER NOT LATER THAN
10 DECEMBER FIRST AN ESTIMATE OF THE AMOUNTS NEEDED TO PROVIDE ADEQUATE
11 FUNDING FOR EMERGENCY MEDICAL SERVICES TRAINING INCLUDING ADVANCED LIFE
12 SUPPORT AT THE LOCAL LEVEL, REGIONAL MEDICAL EMERGENCY SERVICES ADVISORY
13 BOARDS, THE STATE EMERGENCY MEDICAL SERVICES COUNCIL OR OTHER EMERGENCY
14 MEDICAL SERVICES TRAINING PROGRAMS TO CARRY OUT THE PURPOSES OF THIS
15 ARTICLE AND ARTICLE THIRTY-A OF THIS CHAPTER. SUCH ESTIMATE SHALL BE
16 TRANSMITTED WITHOUT CHANGE BY THE COMMISSIONER TO THE GOVERNOR, THE
17 DIVISION OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE SENATE, THE
18 SPEAKER OF THE ASSEMBLY, AND THE FISCAL AND HEALTH COMMITTEES OF EACH
19 HOUSE OF THE LEGISLATURE.

20 6. NO CIVIL ACTION SHALL BE BROUGHT IN ANY COURT AGAINST ANY MEMBER,
21 OFFICER OR EMPLOYEE OF THE STATE COUNCIL FOR ANY ACT DONE, FAILURE TO
22 ACT, OR STATEMENT OR OPINION MADE, WHILE DISCHARGING HIS OR HER DUTIES
23 AS A MEMBER, OFFICER OR EMPLOYEE OF THE STATE COUNCIL, WITHOUT LEAVE
24 FROM A JUSTICE OF THE SUPREME COURT, FIRST HAD AND OBTAINED. IN NO EVENT
25 SHALL SUCH MEMBER, OFFICER OR EMPLOYEE BE LIABLE FOR DAMAGES IN ANY SUCH
26 ACTION IF HE OR SHE SHALL HAVE ACTED IN GOOD FAITH, WITH REASONABLE CARE
27 AND UPON PROBABLE CAUSE.

28 7. THE STATE COUNCIL SHALL ADVISE THE DEPARTMENT ON ISSUES RELATED TO
29 EMERGENCY MEDICAL SERVICES, PEDIATRIC CARE, TRAUMA CARE AND DISASTER
30 CARE, AND ASSIST IN THE COORDINATION OF SUCH, INCLUDING BUT NOT LIMITED
31 TO THE DEVELOPMENT, PERIODIC REVISION, AND APPLICATION OF RULES AND
32 REGULATIONS, APPROPRIATENESS REVIEW STANDARDS, AND QUALITY IMPROVEMENT
33 GUIDELINES.

34 8. UPON APPEAL FROM ANY CONCERNED PARTY, THE STATE BOARD MAY RECOMMEND
35 AMENDMENT, MODIFICATION AND REVERSAL OF DETERMINATIONS OF THE REGIONAL
36 BOARDS AND REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES MADE PURSUANT
37 TO ANY SECTION OF THIS ARTICLE.

38 9. THE COMMISSIONER MAY APPOINT A TECHNICAL ADVISORY GROUP TO COMPILE
39 AND REVIEW DATA, DRAFT DOCUMENTS, OR PERFORM OTHER TASKS RELATED TO THE
40 DISCOVERY OR PRODUCTION OF INFORMATION NEEDED IN ORDER FOR THE STATE
41 COUNCIL TO PROPERLY CONSIDER A MATTER. TECHNICAL ADVISORY GROUPS SHALL
42 BE APPOINTED ONLY FOR A LIMITED AND DEFINED PERIOD OF TIME IN THE
43 PERFORMANCE OF A SPECIFIC TASK IN RELATION TO A SPECIFIC MATTER. INFOR-
44 MATION OBTAINED OR PRODUCED BY THE TECHNICAL ADVISORY GROUP SHALL BE
45 PROVIDED TO AND EXAMINED BY THE STATE ADVISORY COUNCIL.

46 S 81. Section 3002-a of the public health law is REPEALED.

47 S 82. Section 3003 of the public health law, as added by chapter 1053
48 of the laws of 1974, subdivision 1 as amended by chapter 1054 of the
49 laws of 1974, subdivisions 2 and 5 as amended by chapter 445 of the laws
50 of 1993, subdivisions 3 and 5-a as added and paragraph (a) of subdivi-
51 sion 10 as amended by chapter 804 of the laws of 1992, subdivision 4 as
52 amended by chapter 580 of the laws of 2007 and subdivision 10 as added
53 by chapter 1016 of the laws of 1981, is amended to read as follows:

54 S 3003. Regional emergency medical services [councils] ADVISORY
55 BOARDS. 1. The commissioner[, with the approval of the state council,]
56 shall designate regional emergency medical services [councils on or

1 before January first, nineteen hundred seventy-eight] BOARDS but in no
2 event shall the number of regional [councils] BOARDS exceed [eighteen]
3 SIX. Such A regional [councils] BOARD shall be established on the basis
4 of application for designation as A regional [councils] BOARD submitted
5 by local organizations, the members of which are knowledgeable in vari-
6 ous aspects of emergency medical services. Such application shall
7 describe the geographic area to be served and contain a list of nominees
8 for appointment to membership on such regional [councils] BOARD and a
9 statement as to the proposed method of operation in such detail as the
10 commissioner[, with the approval of the state council,] shall prescribe.

11 2. Each regional [council] BOARD shall be comprised of at least
12 fifteen but not more than thirty members to be initially appointed by
13 the commissioner, [with the approval of the state council] IN CONSULTA-
14 TION WITH THE STATE BOARD, from nominations submitted by local organiza-
15 tions applying for establishment as the regional [council] BOARD. SUCH
16 MEMBERS SHALL BE REPRESENTATIVE OF THE DIVERSITY OF EMERGENCY MEDICAL
17 SERVICES IN THE REGION; PARTICULARLY WITH RESPECT TO DIVERSITY IN
18 GEOGRAPHY, INDUSTRY AND PATIENT CARE. Not less than one-third of the
19 membership of the regional [councils] BOARDS shall be representatives of
20 ambulance services and the remaining membership of the regional [coun-
21 cils] BOARDS shall consist of, but not be limited to, representatives of
22 existing local emergency medical care committees, physicians, nurses,
23 hospitals, health planning agencies, fire department emergency and
24 rescue squads, public health officers and the general public. The county
25 EMS coordinator, established pursuant to section two hundred twenty-
26 three-b of the county law, of any county within the region shall serve
27 as an ex officio member of the regional [council] BOARD; provided,
28 however, nothing in this subdivision shall prevent a county EMS coordi-
29 nator from serving as a voting member of a regional [council] BOARD.
30 Members of each regional [council] BOARD shall be residents living with-
31 in the geographic area to be served by the regional [council] BOARD. The
32 presence of a majority of members shall constitute a quorum.

33 3. Each regional [council] BOARD shall ASSIST THE REGIONAL EMERGENCY
34 MEDICAL ADVISORY COMMITTEES, OTHER REGIONAL BOARDS, STATE COUNCIL,
35 DEPARTMENT AND COMMISSIONER, AS REQUIRED BY THIS ARTICLE AND REQUESTED
36 BY THE DEPARTMENT AND COMMISSIONER, IN CARRYING OUT THE PROVISIONS OF
37 THIS ARTICLE, AND SHALL have the power to:

38 (a) [have a seal and alter the same at pleasure;

39 (b) acquire, lease, hold, and dispose of real and personal property or
40 any interest therein for its purposes;

41 (c) make and alter by-laws for its organization and internal manage-
42 ment, and rules and regulations governing the exercise of its powers and
43 the fulfillment of its purposes under this article; such rules and regu-
44 lations must be filed with the secretary of state and the state EMS
45 council;

46 (d) enter into contracts for employment of such officers and employees
47 as it may require for the performance of its duties; and to fix and
48 determine their qualifications, duties, and compensation, and to retain
49 and employ such personnel as may be required for its purposes; and
50 private consultants on a contract basis or otherwise, for the rendering
51 of professional or technical services and advice;

52 (e) enter into contracts, leases, and subleases and to execute all
53 instruments necessary or convenient for the conduct of its business,
54 including contracts with the commissioner and any state agency or munic-
55 ipal entity; and contracts with hospitals and physicians for the
56 purposes of carrying out its powers under this article;

(f)] undertake or cause to be undertaken plans, surveys, analyses and studies necessary, convenient or desirable for the effectuation of its purposes and powers, and to prepare recommendations and reports in regard thereto;

[(g)] (B) fix and collect reasonable fees, rents, and other charges for the use of its equipment and the provision of its services;

[(h) contract for and to accept any gifts or grants, subsidies, or loans of funds or property, or financial or other aid in any form from the federal or state government or any agency or instrumentality thereof; or from any other source, public or private, and to comply, subject to the provisions of this article, with the terms and conditions thereof; provided, however, that the councils may contract for payment of debt evidenced by bonds or notes or other evidence of indebtedness, either directly or through a lease purchase agreement;

(i)] (C) recommend to the department approval of training course sponsors within its region, and to develop, promulgate and implement annually an EMS training plan which addresses the needs of its region;

[(j)] (D) enter into [contracts or memoranda of agreement] AGREEMENTS with other regional [councils] BOARDS to provide services in a joint or cooperative manner; and [to enter into contracts or memoranda of agreement with an EMS program agency to carry out one or more of its responsibilities under this article;

(k) procure insurance against any loss or liability in connection with the use, management, maintenance, and operation of its equipment and facilities, in such amounts and from such insurers as it reasonably deems necessary;

(l) approve] (E) RECOMMEND TO THE COMMISSIONER INDIVIDUALS FOR APPOINTMENT TO ITS regional medical advisory committee [nominees;

(m) provide focused technical assistance and support to those voluntary ambulance services operating under exemptions, to assist such services in progressing toward the uniform standards established pursuant to this section. Such assistance and support shall include, but not be limited to, volunteer recruitment and management training; and

(n) do all things necessary, convenient and desirable to carry out its purposes and for the exercise of the powers granted in this article].

4. Each regional [council] BOARD shall have the responsibility to coordinate emergency medical services programs within its region, including but not limited to, the establishment of emergency medical technician courses and the issuance of uniform emergency medical technician insignia and certificates. Such training courses shall be made available by video or computer to the maximum extent possible.

5. [The] EACH regional [council] BOARD shall have the responsibility to make determinations of public need for the establishment of additional emergency medical services and ambulance services WITHIN ITS GEOGRAPHIC AREA and to make the determinations of public need as provided in section three thousand eight OF THIS ARTICLE. The regional [council] BOARD shall make such determination by an affirmative vote of a majority of all of those members consisting of voting members.

[5-a. The regional emergency medical services council is authorized to grant an exemption from the staffing standards set forth in section three thousand five-a of this article to a voluntary ambulance service operating solely with enrolled members or paid emergency medical technicians which has demonstrated a good faith effort to meet the standards and is unable to meet such standards because of factors deemed appropriate by the regional council. An exemption shall be for a period not to exceed two years and shall be conditioned on the participation by the

1 voluntary service in a program to achieve compliance which shall include
2 technical assistance and support from the regional council tailored to
3 the needs and resources at the local level, as provided by paragraph (m)
4 of subdivision three of this section, to be funded by the New York state
5 emergency medical services training account established pursuant to
6 section ninety-seven-q of the state finance law, such account as funded
7 by a chapter of the laws of nineteen hundred ninety-three. Nothing shall
8 prevent the regional council from issuing subsequent exemptions. Such
9 exemptions shall have no effect whatsoever on the insurability of the
10 organization receiving such exemption and such exemption shall not be
11 used as a basis for increasing insurance rates or premiums related ther-
12 eto, notwithstanding any other provision of law, rule, regulation, or
13 commissioner's ruling or advisory to the contrary. Prior to issuing an
14 exemption, the regional council shall provide written notice by certi-
15 fied mail to the chief executive officers of all general hospitals and
16 municipalities in the county or counties within which the service
17 requesting an exemption operates. Such notice shall provide opportunity
18 for comment on the issuance of the exemption. Notice of the determi-
19 nation of the regional council shall be provided within ten days of the
20 determination to the applicant, the department, and any party receiving
21 notification of the application who requests notice of the determi-
22 nation. The applicant, the department, or any concerned party may appeal
23 the determination of the regional council to the state council within
24 thirty days after the regional council makes its determination.]

25 6. The term of office of members of [the] EACH regional [council]
26 BOARD shall be four years, except that of those members first appointed,
27 at least one-half but not more than two-thirds shall be for [terms] A
28 TERM not to exceed two years.

29 7. Each regional [council] BOARD shall meet as frequently as its busi-
30 ness may require.

31 8. [The commissioner, upon request of the regional council, may desig-
32 nate an officer or employee of the department to act as secretary of the
33 regional council, and may assign from time to time such other employees
34 as the regional council may require.

35 9.] No civil action shall be brought in any court against any member,
36 officer or employee of any designated regional [council] BOARD for any
37 act done, failure to act, or statement or opinion made, while discharg-
38 ing his duties as a member, officer or employee of the regional [coun-
39 cil] BOARD, without leave from a justice of the supreme court, first had
40 and obtained. In any event such member, officer or employee shall not be
41 liable for damages in any such action if he shall have acted in good
42 faith, with reasonable care and upon probable cause.

43 [10. (a) The department shall provide each regional council with the
44 funds necessary to enable such regional council to carry out its respon-
45 sibilities as mandated under this section within amounts appropriated
46 therefor.

47 (b) Such funds shall be provided upon approval by the department of an
48 application submitted by a regional council. The application shall
49 contain such information and be in such form as the commissioner shall
50 require pursuant to rules and regulations which he shall promulgate
51 after consultation with the state council in order to effect the
52 purposes and provisions of this subdivision.]

53 9. ALL DETERMINATIONS OF THE REGIONAL BOARDS MAY BE APPEALED TO THE
54 STATE COUNCIL PURSUANT TO SUBDIVISION SEVEN OF SECTION THREE THOUSAND
55 TWO OF THIS ARTICLE.

56 S 83. Section 3003-a of the public health law is REPEALED.

1 S 84. Section 3004-a of the public health law, as added by chapter 804
2 of the laws of 1992, subdivision 4 as added by chapter 445 of the laws
3 of 1993, is renumbered section 3004 and amended to read as follows:

4 S 3004. Regional emergency medical advisory committees. 1. Regional
5 emergency medical advisory committees shall develop policies, proce-
6 dures, and triage, treatment, and transportation protocols FOR EMERGENCY
7 MEDICAL SERVICES which are consistent with the STATE-WIDE MINIMUM stand-
8 ards [of the state emergency medical advisory committee] ESTABLISHED BY
9 THE COMMISSIONER IN CONSULTATION WITH THE STATE BOARD, and which address
10 specific local conditions. Regional emergency medical advisory commit-
11 tees may also approve physicians to provide on line medical control,
12 coordinate the development of regional medical control systems, and
13 participate in quality improvement activities addressing system-wide
14 concerns. Hospitals and prehospital medical care services shall be
15 authorized to release patient outcome information to regional emergency
16 medical advisory committees for purposes of assessing prehospital care
17 concerns. Regional quality improvement programs shall be presumed to be
18 an extension of the quality improvement program set forth in section
19 three thousand six of this article, and the provisions of subdivisions
20 two and three of such section three thousand six shall apply to such
21 programs.

22 2. [The committee shall nominate to the commissioner a physician with
23 demonstrated knowledge and experience in emergency medical services to
24 serve on the state emergency medical advisory committee.

25 3.] No civil action shall be brought in any court against any member,
26 officer or employee of the committee for any act done, failure to act,
27 or statement or opinion made, while discharging his or her duties as a
28 member, officer, or employee of the committee, without leave from a
29 justice of the supreme court, first had and obtained. In no event shall
30 such member, officer, or employee be liable for damages in any such
31 action if he or she shall have acted in good faith, with reasonable care
32 and upon probable cause.

33 [4.] 3. Any decision of a regional emergency medical advisory commit-
34 tee regarding provision of a level of care, including staffing require-
35 ments, may be appealed to the state [emergency medical advisory commit-
36 tee] EMERGENCY MEDICAL SERVICES COUNCIL by any regional [EMS council]
37 BOARD, ambulance service, advanced life support service, certified first
38 responder, emergency medical technician, or advanced emergency medical
39 technician adversely affected. No action shall be taken to implement a
40 decision regarding existing levels of care or staffing while an appeal
41 of such decision is pending. [Any decision of the state emergency
42 medical advisory committee may be appealed pursuant to subdivision two-a
43 of section three thousand two-a of this article.]

44 S 85. Section 3005 of the public health law, as amended by chapter 804
45 of the laws of 1992, subdivision 5 as amended and subdivision 8 as added
46 by chapter 445 of the laws of 1993, is amended to read as follows:

47 S 3005. Ambulance service certificates. 1. No ambulance service [oper-
48 ating for profit, hospital ambulance service or municipal ambulance
49 service of a city of over one million population shall operate on or
50 after September first, nineteen hundred seventy-five unless it possesses
51 a valid ambulance service certificate issued pursuant to this article.
52 Effective January first, nineteen hundred ninety-seven, no ambulance
53 service shall be operated unless it possesses a valid ambulance service
54 operating certificate issued pursuant to this article or has been issued
55 a statement of registration. No advanced life support first response
56 service shall operate unless it possesses a valid advanced life support

1 first responder service operating certificate. Effective January first,
2 two thousand, no ambulance service] OR ADVANCE LIFE SUPPORT FIRST
3 RESPONSE SERVICE shall be operated unless it possesses a valid operating
4 certificate.

5 2. [The department shall issue an initial certificate to an ambulance
6 service certified prior to the effective date of this section upon
7 submission of proof that it is the holder of a valid ambulance service
8 certificate and is otherwise in compliance with provisions of section
9 three thousand nine of this article.

10 2-a. Prior to January first, two thousand, the department shall issue
11 an initial certificate to a registered ambulance service in possession
12 of a valid registration provided that such service has been issued an
13 exemption issued by a regional council pursuant to subdivision five-a of
14 section three thousand three of this article.

15 3. The department shall issue an initial certificate to an advanced
16 life support first response service upon submission of proof that such
17 advanced life support first response service is staffed and equipped in
18 accordance with rules and regulations promulgated pursuant to this arti-
19 cle and is otherwise in compliance with provisions of section three
20 thousand nine of this article.

21 4.] A certificate issued BY THE DEPARTMENT to an ambulance service or
22 advanced life support first response service shall be valid for two
23 years. The initial certification fee shall be [one] THREE hundred
24 dollars. Thereafter the biennial fee shall be in accordance with the
25 schedule of fees established by the commissioner pursuant to this arti-
26 cle. However, there shall be no initial or renewal certification fee
27 required of a voluntary ambulance service or voluntary advanced life
28 support first response service.

29 [5.] 3. No initial certificate [(except initial certificates issued
30 pursuant to subdivision two of this section)] shall be issued unless the
31 commissioner finds that the proposed operator or operators are competent
32 and fit to operate the service and that the ambulance service or
33 advanced life support first response service is staffed and equipped in
34 accordance with rules and regulations promulgated pursuant to this arti-
35 cle.

36 [6.] 4. No ambulance service or advanced life support first response
37 service shall begin operation without prior approval of the appropriate
38 regional [council] BOARD, or if there is no appropriate regional [coun-
39 cil] BOARD established such ambulance service or advanced life support
40 first response service shall apply for approval from the state council
41 as to the public need for the establishment of additional ambulance
42 service or advanced life support first response service, pursuant to
43 section three thousand eight of this article.

44 [7.] 5. Applications for a certificate shall be made by the owner of
45 an ambulance service or advanced life support first response service
46 operating for profit or the responsible official of a voluntary ambu-
47 lance service or advanced life support first response service upon forms
48 provided by the department. The application shall state the name and
49 address of the owner and PROVIDE such other information as the depart-
50 ment may require pursuant to rules and regulations.

51 [8.] 6. For purposes of this article, competent means that any
52 proposed operator of any ambulance service or advanced life support
53 first response service who is already or had been within the last ten
54 years an incorporator, director, sponsor, principal stockholder, or
55 operator of any ambulance service, hospital, private proprietary home
56 for adults, residence for adults, or non-profit home for the aged or

1 blind which has been issued an operating certificate by the state
2 department of social services, or a halfway house, hostel, or other
3 residential facility or institution for the care, custody, or treatment
4 of the mentally disabled subject to the approval by the department of
5 mental hygiene, or any invalid coach service subject to approval by the
6 department of transportation, is rendering or did render a substantially
7 consistent high level of care. For purposes of this subdivision, the
8 state emergency medical services council shall adopt rules and regu-
9 lations, subject to the approval of the commissioner, to establish the
10 criteria to be used to define substantially consistent high level of
11 care with respect to ambulance services, advanced life support first
12 response services, and invalid coaches, except that the commissioner may
13 not find that a consistently high level of care has been rendered where
14 there have been violations of the state EMS code, or other applicable
15 rules and regulations, that (i) threatened to directly affect the
16 health, safety, or welfare of any patient, and (ii) were recurrent or
17 were not promptly corrected. For purposes of this article, the rules
18 adopted by the state [hospital review and planning council] PUBLIC
19 HEALTH AND PLANNING COUNCIL with respect to subdivision three of section
20 twenty-eight hundred one-a of this chapter shall apply to other types of
21 operators. Fit means that the operator or proposed operator (a) has not
22 been convicted of a crime or pleaded nolo contendere to a felony charge
23 involving murder, manslaughter, assault, sexual abuse, theft, robbery,
24 fraud, embezzlement, drug abuse, or sale of drugs and (b) is not or was
25 not subject to a state or federal administrative order relating to fraud
26 or embezzlement, unless the commissioner finds that such conviction or
27 such order does not demonstrate a present risk or danger to patients or
28 the public.

29 S 86. Section 3005-a of the public health law, as added by chapter 804
30 of the laws of 1992, subdivision 1 as amended by chapter 445 of the laws
31 of 1993, is amended to read as follows:

32 S 3005-a. Staffing standards; ambulance services and advanced life
33 support first response services. [1.] The following staffing standards
34 shall be in effect unless otherwise provided by this section:

35 [(a) effective January first, nineteen hundred ninety-seven the mini-
36 mum staffing standard for a registered ambulance service shall be a
37 certified first responder with the patient;

38 (b) effective January first, two thousand, the] 1. THE minimum staff-
39 ing standard for [a voluntary] EACH ambulance service shall be an emer-
40 gency medical technician with the patient;

41 [(c) the minimum staffing standard for all other ambulance services
42 shall be an emergency medical technician with the patient; and

43 (d)] 2. the minimum staffing standard for an advanced life support
44 first response service shall be an advanced emergency medical technician
45 with the patient. Circumstances permitting other than advanced life
46 support care by an advanced life support first response service may be
47 established by rule by the state council, subject to the approval of the
48 commissioner.

49 [2. Any service granted an exemption by the regional council pursuant
50 to subdivision five-a of section three thousand three of this article
51 shall be subject to the standards and terms of the exemption.

52 3. Notwithstanding any other provision of this article, the effective
53 date of the standards established by this section shall be delayed by
54 one year for each fiscal year, prior to January first, two thousand, in
55 which the amounts appropriated are less than that which would have been

1 expended pursuant to the provisions of section ninety-seven-q of the
2 state finance law.]

3 S 87. Section 3005-b of the public health law, as added by chapter 563
4 of the laws of 2001, subdivision 2 as amended by chapter 643 of the laws
5 of 2006, is amended to read as follows:

6 S 3005-b. Emergency medical technician five year re-certification
7 demonstration program. 1. There is hereby created within the department
8 a demonstration program (referred to in this section as the "program")
9 to allow emergency medical technicians and advanced emergency medical
10 technicians who have been in continuous practice and who have demon-
11 strated competence in applicable behavioral and performance objectives,
12 to be re-certified for a five year period. No person shall be re-certi-
13 fied under the program unless he or she has completed at least one
14 hundred thirty hours of instruction in emergency medical services as
15 approved by the commissioner including but not limited to pediatrics,
16 geriatrics, environmental emergencies, legal issues, emergency vehicle
17 operations course and medical emergencies. [Renewals of certification
18 under the program shall be deemed equivalent to renewals under subdivi-
19 sion two of section three thousand two of this article.]

20 2. The program shall be limited to persons who are employed by the New
21 York city fire department [or who are in practice in the following coun-
22 ties: Delaware, Fulton, Hamilton, Montgomery, Nassau, Otsego, Schoharie
23 or Suffolk]. The commissioner may limit the number of participants in
24 the program, except that such limit shall be no less than four thousand
25 participants.

26 [3. Within a year after implementing the program and annually there-
27 after, the commissioner shall report to the governor and the legislature
28 on the impact of the program on the quality of patient care and the
29 effectiveness of the program in retaining and recruiting certified emer-
30 gency medical technicians and advanced emergency medical technicians.

31 4. The commissioner, in consultation with the state emergency medical
32 services council, shall make regulations necessary to implement this
33 section.]

34 S 88. Section 3006 of the public health law, as added by chapter 804
35 of the laws of 1992, subdivision 1 as amended and subdivision 4 as added
36 by chapter 445 of the laws of 1993, is amended to read as follows:

37 S 3006. Quality improvement program. 1. [By January first, nineteen
38 hundred ninety-seven, every] EVERY ambulance service and advanced life
39 support first response service shall establish or participate in a qual-
40 ity improvement program, which shall be an ongoing system to monitor and
41 evaluate the quality and appropriateness of the medical care provided by
42 the ambulance service or advanced life support first response service,
43 and which shall pursue opportunities to improve patient care and to
44 resolve identified problems. The quality improvement program may be
45 conducted independently or in collaboration with other services, with
46 the appropriate regional [council, with an EMS program agency] BOARD,
47 with a hospital, or with another appropriate organization approved by
48 the department. Such program shall include a committee of at least five
49 members, at least three of whom do not participate in the provision of
50 care by the service. At least one member shall be a physician, and the
51 others shall be nurses, or emergency medical technicians, or advanced
52 emergency medical technicians, or other appropriately qualified allied
53 health personnel. The quality improvement committee shall have the
54 following responsibilities:

55 (a) to review the care rendered by the service, as documented in
56 prehospital care reports and other materials. The committee shall have

1 the authority to use such information to review and to recommend to the
2 governing body changes in administrative policies and procedures, as may
3 be necessary, and shall notify the governing body of significant defi-
4 ciencies;

5 (b) to periodically review the credentials and performance of all
6 persons providing emergency medical care on behalf of the service;

7 (c) to periodically review information concerning compliance with
8 standard of care procedures and protocols, grievances filed with the
9 service by patients or their families, and the occurrence of incidents
10 injurious or potentially injurious to patients. A quality improvement
11 program shall also include participation in the department's prehospital
12 care reporting system and the provision of continuing education programs
13 to address areas in which compliance with procedures and protocols is
14 most deficient and to inform personnel of changes in procedures and
15 protocols. Continuing education programs may be provided by the service
16 itself or by other organizations; and

17 (d) to present data to the regional EMERGENCY medical advisory commit-
18 tee and to participate in system-wide evaluation.

19 1-A. THE DEPARTMENT SHALL DEVELOP AND MAINTAIN STATEWIDE AND REGIONAL
20 QUALITY IMPROVEMENT PROGRAMS FOR TRAUMA AND DISASTER CARE, WHICH SHALL
21 BE INTEGRATED WITH THE QUALITY IMPROVEMENT PROGRAM FOR EMERGENCY MEDICAL
22 SERVICES, AND INCORPORATE QUALITY IMPROVEMENT PROGRAMS FROM ALL COMPO-
23 NENTS OF THE TRAUMA SYSTEM, INCLUDING, BUT NOT LIMITED TO, FULLY INTE-
24 GRATED STATEWIDE AND REGIONAL TRAUMA REGISTRIES.

25 2. The information required to be collected and maintained, including
26 [information from the prehospital care reporting system which identifies
27 an individual] PATIENT IDENTIFYING INFORMATION AND PROTECTED HEALTH
28 INFORMATION, shall be kept confidential and shall not be released except
29 to the department or pursuant to section three thousand [four-a] FOUR of
30 this article.

31 3. Notwithstanding any other provisions of law, none of the MEDICAL
32 records, documentation, or [committee] actions or records required OF
33 ANY QUALITY IMPROVEMENT COMMITTEE pursuant to this section shall be
34 subject to disclosure under article six of the public officers law or
35 article thirty-one of the civil practice law and rules, except as here-
36 inafter provided or as provided in any other provision of law. No person
37 in attendance at a meeting of any [such] QUALITY IMPROVEMENT committee
38 shall be required to testify as to what transpired thereat. The prohi-
39 bition related to disclosure of testimony shall not apply to the state-
40 ments made by any person in attendance at such a meeting who is a party
41 to an action or proceeding the subject of which was reviewed at the
42 meeting. The prohibition of disclosure of information from the prehos-
43 pital care reporting system shall not apply to information which does
44 not identify a particular ambulance service or individual.

45 4. Any person who in good faith and without malice provides informa-
46 tion to further the purpose of this section or who, in good faith and
47 without malice, participates on the quality improvement committee shall
48 not be subject to any action for civil damages or other relief as a
49 result of such activity.

50 S 89. Section 3008 of the public health law, as added by chapter 1053
51 of the laws of 1974, subdivisions 1 and 2 as amended by chapter 804 of
52 the laws of 1992, subdivision 3 as amended by chapter 252 of the laws of
53 1981, subdivision 6 as added by chapter 850 of the laws of 1992 and
54 subdivision 7 as added by chapter 510 of the laws of 1997, is amended to
55 read as follows:

1 S 3008. Applications for determinations of public need. 1. Every
2 application for a determination of public need shall be made in writing
3 to the appropriate regional [council] BOARD, shall specify the primary
4 territory within which the applicant requests to operate, be verified
5 under oath, and shall be in such form and contain such information as
6 required by the rules and regulations promulgated pursuant to this arti-
7 cle.

8 2. Notice of the application shall be forwarded by registered or
9 certified mail by the appropriate regional [council] BOARD to the chief
10 executive officers of all general hospitals, ambulance services, and
11 municipalities operating within the same county or counties where the
12 services seeks to operate. The notice shall provide opportunity for
13 comment.

14 3. Notice pursuant to this section shall be deemed filed with the
15 ambulance service and municipality upon being mailed by the appropriate
16 regional BOARD or state [council] BOARD by registered or certified mail.

17 4. The appropriate regional [council] BOARD or the state [council]
18 BOARD shall make its determination of public need within sixty days
19 after receipt of the application.

20 5. The applicant or any concerned party may appeal the determination
21 of the appropriate regional [council] BOARD to the state council within
22 thirty days after the regional [council] BOARD makes its determination.

23 6. In the case of an application for certification under this article
24 by a municipal ambulance service to serve the area within the munici-
25 pality, and the municipal ambulance service meets appropriate training,
26 staffing and equipment standards, there should be a presumption in favor
27 of approving the application.

28 7. (a) Notwithstanding any other provision of law and subject to the
29 provisions of this article, any municipality within this state, or fire
30 district acting on behalf of any such municipality, and acting through
31 its local legislative body, is hereby authorized and empowered to adopt
32 and amend local laws, ordinances or resolutions to establish and operate
33 advanced life support first [responder] RESPONSE services or municipal
34 ambulance services within the municipality, upon meeting or exceeding
35 all standards set by the department for appropriate training, staffing
36 and equipment, and upon filing with the New York state emergency medical
37 services council, a written request for such authorization. Upon such
38 filing, such municipal advanced life support first responder service or
39 municipal ambulance service shall be deemed to have satisfied any and
40 all requirements for determination of public need for the establishment
41 of additional emergency medical services pursuant to this article for a
42 period of two years following the date of such filing. Nothing in this
43 article shall be deemed to exclude the municipal advanced life support
44 first responder service or municipal ambulance service authorized to be
45 established and operated pursuant to this article from complying with
46 any other requirement or provision of this article or any other applica-
47 ble provision of law.

48 (b) In the case of an application for certification pursuant to this
49 subdivision, for a municipal advanced life support or municipal ambu-
50 lance service, to serve the area within the municipality, where the
51 proposed service meets or exceeds the appropriate training, staffing and
52 equipment standards, there shall be a strong presumption in favor of
53 approving the application.

54 S 90. Section 3009 of the public health law is REPEALED.

55 S 91. Section 3010 of the public health law, as amended by chapter 804
56 of the laws of 1992, subdivision 1 as amended by chapter 588 of the laws

1 of 1993 and subdivisions 2 and 3 as amended by chapter 445 of the laws
2 of 1993, is amended to read as follows:

3 S 3010. Area of operation; transfers. 1. Every ambulance service
4 certificate [or statement of registration] issued under this article
5 shall specify the primary territory within which the ambulance service
6 shall be permitted to operate. An ambulance service shall receive
7 patients only within the primary territory specified on its ambulance
8 service certificate [or statement of registration], except: (a) when
9 receiving a patient which it initially transported to a facility or
10 location outside its primary territory; (b) as required for the fulfill-
11 ment of a mutual aid agreement authorized by the regional [council]
12 BOARD, DEPARTMENT AND COMMISSIONER; (c) upon express approval of the
13 department and the appropriate regional [emergency medical services
14 council] BOARD for a maximum of sixty days if necessary to meet an emer-
15 gency need; provided that in order to continue such operation beyond the
16 sixty day maximum period necessary to meet an emergency need, the ambu-
17 lance service must satisfy the requirements of this article, regarding
18 determination of public need and specification of the primary territory
19 on the ambulance service certificate or statement of registration; or
20 (d) an ambulance service or advanced life support first response service
21 organization formed to serve the need for the provision of emergency
22 medical services in accordance with the religious convictions of a reli-
23 gious denomination may serve such needs in an area adjacent to such
24 primary territory and, while responding to a call for such service, the
25 needs of other residents of such area at the emergency scene. Any ambu-
26 lance service seeking to operate in more than one region shall make
27 application to each appropriate regional [council] BOARD. Whenever an
28 application is made simultaneously to more than one regional [council]
29 BOARD, the applications submitted to the regional [councils] BOARDS
30 shall be identical, or copies of each application shall be submitted to
31 all the regional [councils] BOARDS involved.

32 2. No ambulance service certificate shall be transferable unless the
33 regional [council] BOARD and the department [reviews] REVIEW and
34 [approves] APPROVE the transfer as follows:

35 a. Any change in the individual who is the sole proprietor of an ambu-
36 lance service shall only be approved upon a determination that the
37 proposed new operator is competent and fit to operate the service.

38 b. Any change in a partnership which is the owner of an ambulance
39 service shall be approved based upon a determination that the new part-
40 ner or partners are competent and fit to operate the service. The
41 remaining partners shall not be subject to a character and fitness
42 review.

43 c. Any transfer, assignment or other disposition of ten percent or
44 more of the stock or voting rights thereunder of a corporation which is
45 the owner of an ambulance service, or any transfer, assignment or other
46 disposition of the stock or voting rights thereunder of such a corpo-
47 ration which results in the ownership or control of ten percent or more
48 of the stock or voting rights thereunder by any person, shall be
49 approved based upon a determination that the new stockholder or stock-
50 holder proposing to obtain ten percent or more of the stock or voting
51 rights thereunder of such corporation is competent and fit to operate
52 the service. The remaining stockholders shall not be subject to a char-
53 acter and fitness review.

54 d. Any transfer of all or substantially all of the assets of a corpo-
55 ration which owns or operates a certified ambulance service shall be
56 approved based upon a determination that the individual, partnership, or

1 corporation proposing to obtain all or substantially all of the assets
2 of the corporation is competent and fit to operate the service.

3 e. Any transfer affected in the absence of the review and approval
4 required by this section shall be null and void and the certificate of
5 such ambulance service shall be subject to revocation or suspension.

6 3. Nothing contained in this section shall be construed to prohibit
7 any voluntary ambulance service authorized by its governing authority to
8 do so from transporting any sick or injured resident of its primary
9 territory from any general hospital or other health care facility
10 licensed by the department, whether or not such general hospital or
11 health care facility is within the service's primary territory, to any
12 other general hospital or health care facility licensed by the depart-
13 ment for further care, or to such resident's home. Nothing contained in
14 this section shall be construed to prohibit any proprietary ambulance
15 service authorized by its governing body to do so from transporting any
16 sick or injured patient from any general hospital or other health care
17 facility licensed by the department whether or not such general hospital
18 or health care facility is within the service's primary territory, to
19 any other general hospital or health care facility licensed by the
20 department within the service's primary territory for further care, or
21 to such patient's home, if such patient's home is within its primary
22 territory. Any ambulance service owned by or under contract to a general
23 hospital licensed by the department may transport any specialty patient
24 from any other general hospital or health care facility licensed by the
25 department to the hospital owning such ambulance service, or with which
26 it has a contract. Categories of specialty patients shall be defined by
27 rule by the state emergency medical services council, subject to the
28 approval of the commissioner.

29 4. No ambulance service certificate of an ambulance service which has
30 discontinued operations for a continuous period in excess of thirty days
31 shall be transferable without the approval of the appropriate regional
32 [council] BOARD AND THE DEPARTMENT.

33 S 92. Section 3011 of the public health law, as amended by chapter 804
34 of the laws of 1992, subdivision 3 as amended and subdivision 3-a as
35 added by chapter 501 of the laws of 2000, subdivision 10 as amended by
36 chapter 206 of the laws of 2008 and subdivision 11 as added by chapter
37 542 of the laws of 1995, is amended to read as follows:

38 S 3011. Powers and duties of the department and the commissioner. 1.
39 THE COMMISSIONER SHALL ISSUE CERTIFICATION FOR CERTIFIED FIRST RESPON-
40 DER, EMERGENCY MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNI-
41 CIAN TO AN INDIVIDUAL WHO MEETS THE MINIMUM REQUIREMENTS ESTABLISHED BY
42 THE STATE EMERGENCY MEDICAL SERVICES COUNCIL.

43 2. THE COMMISSIONER SHALL ISSUE CERTIFICATION FOR AMBULANCE AND
44 ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES WHO HAVE RECEIVED A DETER-
45 MINATION OF NEED BY THE APPROPRIATE REGIONAL ADVISORY BOARD AND MEET THE
46 MINIMUM REQUIREMENTS ESTABLISHED BY THE STATE EMERGENCY MEDICAL SERVICES
47 COUNCIL.

48 3. The department may inquire into the operation of ambulance services
49 and advanced life support first response services and conduct periodic
50 inspections of facilities, communication services, vehicles, methods,
51 procedures, materials, [staff and] STAFFING, RECORDS, equipment AND
52 QUALITY ASSURANCE ACTIVITIES AND DOCUMENTATION. It may also evaluate
53 data received from ambulance services and advanced life support first
54 response services.

55 [2.] 4. The department may require ambulance services and advanced
56 life support first response services to submit periodic reports of calls

received, services performed and such other information as may be necessary to carry out the provisions of this article.

[3.] 5. THE COMMISSIONER, IN CONSULTATION WITH THE STATE COUNCIL, SHALL DEVELOP STATEWIDE MINIMUM STANDARDS FOR: (A) MEDICAL CONTROL; (B) SCOPE OF PREHOSPITAL CARE PRACTICE; (C) TREATMENT, TRANSPORTATION AND TRIAGE PROTOCOLS, INCLUDING PROTOCOLS FOR INVASIVE PROCEDURES AND INFECTION CONTROL; AND (D) THE USE OF REGULATED MEDICAL DEVICES AND DRUGS BY EMERGENCY MEDICAL SERVICES PERSONNEL CERTIFIED PURSUANT TO THIS ARTICLE. THE COMMISSIONER MAY ISSUE ADVISORY GUIDELINES IN ANY OF THESE AREAS. THE DEPARTMENT SHALL REVIEW PROTOCOLS DEVELOPED BY REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES FOR CONSISTENCY WITH STATEWIDE STANDARDS.

6. The commissioner, [with the advice and consent of the state council] IN CONSULTATION WITH THE STATE COUNCIL, shall designate not more than [eighteen] SIX geographic areas within the state wherein a regional [emergency medical services council] BOARD shall be established. In making the determination of a geographic area, the commissioner shall take into consideration the presence of ambulance services, hospital facilities, existing emergency medical services committees, trained health personnel, health planning agencies and communication and transportation facilities[; and shall establish separate regional emergency medical services councils for the counties of Nassau and Westchester]. The commissioner shall [promote and encourage the establishment of] ESTABLISH a regional [emergency medical services council] BOARD in each of said designated areas.

[3-a. Notwithstanding any inconsistent provision of this article:

a. The creation of any regional council or emergency medical services program agency on or after January first, two thousand shall not diminish any then existing funding appropriated after the effective date of this subdivision to regional councils or emergency medical services program agencies;

b. Subject to the provisions of paragraph c of this subdivision, funding for regional councils and emergency medical services program agencies existing on or after January first, two thousand shall be increased in proportion to any funding appropriated therefor by the department and in such proportion as determined by the department;

c. Funding for any regional council or emergency medical services program agency created on or after January first, two thousand shall be in addition to any funds appropriated on the effective date of this subdivision for regional councils or emergency medical services program agencies existing on January first, two thousand. Funding for any regional council or emergency medical services program agency created after January first, two thousand shall be in an amount at least equal to the minimum funding level appropriated to regional councils or emergency medical services program agencies existing on such date, or in an amount equal to the proportion that such new regional council or emergency medical services program agency represented on the basis of population in its former regional council or emergency medical services program agency, whichever is larger.

4. The commissioner may propose rules and regulations and amendments thereto for consideration by the state council.] 7. The commissioner shall establish a schedule of certification fees for ambulance services and advanced life support first response services other than voluntary ambulance services and voluntary advanced life support first response services.

1 [5.] 8. For the purpose of promoting the public health, safety and
2 welfare the commissioner is hereby authorized and empowered to contract
3 with voluntary ambulance services and municipal ambulance services, or
4 with the fire commissioners of fire districts operating voluntary ambu-
5 lance services, upon such terms and conditions as he OR SHE shall deem
6 appropriate and within amounts made available therefor, for reimburse-
7 ment of the necessary and incidental costs incurred by such ambulance
8 services in order to effectuate the provisions of this article.

9 [6.] 9. The commissioner is hereby authorized, for the purposes of
10 effectuating the provisions of this article in the development of a
11 statewide emergency medical service system, to contract with any ambu-
12 lance service or with the fire commissioners of fire districts operating
13 certified voluntary ambulance services for the use of necessary equip-
14 ment upon such terms and conditions as the commissioner shall deem
15 appropriate.

16 [7.] 10. THE DEPARTMENT AND COMMISSIONER SHALL PREPARE, AND PERIOD-
17 ICALLY UPDATE AS NECESSARY, A STATEWIDE EMERGENCY MEDICAL SERVICES MOBI-
18 LIZATION PLAN, WHICH PROVIDES FOR THE IDENTIFICATION AND DEPLOYMENT OF
19 EMERGENCY MEDICAL SERVICES PERSONNEL AND RESOURCES THROUGHOUT THE STATE
20 IN RESPONSE TO A LOCAL OR REGIONAL REQUEST. UPON NOTIFICATION TO THE
21 STATE COUNCIL, THE REGIONAL BOARDS, AND THE REGIONAL EMERGENCY MEDICAL
22 ADVISORY COMMITTEES, THE PLAN SHALL BECOME THE STATEWIDE EMERGENCY
23 MEDICAL SERVICES MOBILIZATION PLAN.

24 11. The commissioner [may recommend to the state council minimum qual-
25 ifications] SHALL, IN CONSULTATION WITH THE STATE COUNCIL, ESTABLISH A
26 MINIMUM SCOPE OF PRACTICE, EDUCATION, TRAINING, CERTIFICATION AND
27 CREDENTIALING QUALIFICATIONS for certified first responders (which shall
28 not exceed fifty-one hours), emergency medical technicians and advanced
29 emergency medical technicians in all phases of emergency medical tech-
30 nology including but not limited to, communications, first aid, equip-
31 ment, maintenance, emergency techniques and procedures, patient manage-
32 ment and knowledge of procedures and equipment for emergency medical
33 care.

34 [8. The commissioner shall provide every certified ambulance service
35 and advanced life support first response service with an official insig-
36 nia which may be attached to every vehicle owned or operated by a certi-
37 fied ambulance service or advanced life support first response service.

38 9. The department shall provide the state council with such assistance
39 as the council may request in order to carry out its responsibilities as
40 set forth in subdivision two-a of section three thousand two of this
41 article.

42 10.] 12. THE DEPARTMENT SHALL REQUIRE EVERY CERTIFIED AMBULANCE
43 SERVICE AND ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICE TO DISPLAY AN
44 OFFICIAL INSIGNIA WHICH MUST BE ATTACHED TO EVERY VEHICLE OWNED OR OPER-
45 ATED BY A CERTIFIED AMBULANCE SERVICE OR ADVANCED LIFE SUPPORT FIRST
46 RESPONSE SERVICE.

47 13. The commissioner is hereby authorized and empowered to extend the
48 certification for emergency medical technicians, advanced emergency
49 medical technicians or certified first responders who have been ordered
50 to active military duty, other than for training, [on or after the elev-
51 enth day of September, two thousand one] and whose certification will
52 expire during their military duty [or within the six months immediately
53 following separation from military service]. The extended certification
54 shall be for the period of military duty and for twelve months after
55 they have been released from active military duty.

1 [11.] 14. The commissioner, [with the advice and consent of the state
2 council] IN CONSULTATION WITH THE STATE COUNCIL, shall promulgate rules
3 and regulations necessary to ensure compliance with the provisions of
4 subdivision two of section sixty-seven hundred thirteen of the education
5 law; AND MAY FACILITATE DEVELOPMENT AND PERIODIC REVISION OF APPROPRI-
6 ATENESS REVIEW STANDARDS FOR EMERGENCY MEDICAL SERVICES AND EMERGENCY
7 DEPARTMENTS, PEDIATRIC SERVICES AND PEDIATRIC CENTERS, TRAUMA SERVICES
8 AND TRAUMA CENTERS, BURN SERVICES AND BURN CENTERS, AND DISASTER CARE
9 UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER, FOR ADOPTION BY THE COMMIS-
10 SIONER OR STATE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL, AS APPROPRI-
11 ATE.

12 15. THE DEPARTMENT AND COMMISSIONER, IN CONSULTATION WITH THE STATE
13 COUNCIL, SHALL CONTINUE THE CATEGORIZATION OF GENERAL HOSPITALS AND
14 OTHER HEALTH CARE FACILITIES FOR EMERGENCY MEDICAL CARE AND TRAUMA CARE
15 UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER, AND THE DESIGNATION OF EMER-
16 GENCY FACILITIES IN GENERAL HOSPITALS AND OTHER HEALTH CARE FACILITIES,
17 AS EMERGENCY DEPARTMENTS OR EMERGENCY SERVICES APPROPRIATE FOR EMERGENCY
18 MEDICAL CARE AND GENERAL HOSPITALS AND OTHER HEALTH CARE FACILITIES AS
19 TRAUMA CENTERS OR TRAUMA STATIONS APPROPRIATE FOR TRAUMA CARE, BASED
20 UPON SUCH CATEGORIZATION.

21 16. THE DEPARTMENT AND COMMISSIONER, IN CONSULTATION WITH THE STATE
22 COUNCIL, SHALL DEVELOP AND MAINTAIN A STATEWIDE SYSTEM FOR RECOGNITION
23 OF FACILITIES ABLE TO PROVIDE SUSTENTATIVE OR DEFINITIVE SPECIALTY
24 PEDIATRIC EMERGENCY MEDICAL AND TRAUMA CARE FOR SUDDEN CHILDHOOD ILLNESS
25 AND INJURY AND FOR PREFERENTIAL TRANSPORT OF SUDDENLY ILL OR INJURED
26 CHILDREN TO SUCH FACILITIES, AND SHALL PROMOTE THE USE OF SUCH FACILI-
27 TIES IN ACCORDANCE WITH WRITTEN PROTOCOLS OR TRANSFER AGREEMENTS AS
28 APPROPRIATE.

29 17. UPON APPEAL OF ANY INTERESTED PARTY, THE COMMISSIONER MAY AMEND,
30 MODIFY, AND REVERSE DECISIONS OF THE STATE COUNCIL, ANY REGIONAL BOARD,
31 OR ANY REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEE; PROVIDED THAT IN
32 CONSIDERATION OF A REGIONAL BOARD OR REGIONAL EMERGENCY MEDICAL ADVISORY
33 COMMITTEE DECISION, THE COMMISSIONER SHALL CONSULT THE STATE COUNCIL.

34 S 93. Section 3012 of the public health law, as added by chapter 1053
35 of the laws of 1974, subdivision 1 as amended by chapter 445 of the laws
36 of 1993, subdivision 2 as amended by chapter 804 of the laws of 1992 and
37 subdivisions 3 and 4 as amended by chapter 252 of the laws of 1981, is
38 amended to read as follows:

39 S 3012. Enforcement. 1. Any ambulance service or advanced life
40 support first response service certificate issued pursuant to section
41 three thousand five of this article may be revoked, suspended, limited
42 or annulled by the department upon proof that the operator or certif-
43 icate holder or one or more enrolled members or one or more persons in
44 his OR HER employ:

45 (a) has been guilty of misrepresentation in obtaining the certificate
46 or in the operation of the ambulance service or advanced life support
47 first response service; or

48 (b) has not been competent in the operation of the service or has
49 shown inability to provide adequate ambulance services or advanced life
50 support first response service; or

51 (c) has failed to pay the biennial certification fee as required
52 [except in the case of any voluntary ambulance service or voluntary
53 advanced life support first response service]; or

54 (d) has failed to file any report required by the provisions of this
55 article or the rules and regulations promulgated thereunder; or

1 (e) has violated or aided and abetted in the violation of any
2 provision of this article, the rules and regulations promulgated or
3 continued thereunder, or the state sanitary code; or

4 (f) had discontinued operations for a period in excess of one month;
5 or

6 (g) a voluntary ambulance service or voluntary advanced life support
7 first response service has failed to meet the minimum staffing standard
8 and has not been issued an exemption[, except that such certificate
9 shall not be suspended or revoked unless the commissioner finds that an
10 adequate alternative service exists. The commissioner shall consider the
11 recommendation of the regional emergency medical services council in
12 making a finding]; or

13 (h) an ambulance service operating for profit has failed to meet the
14 minimum staffing standard; or

15 (i) has been convicted of a crime or pleaded nolo contendere to a
16 felony charge involving murder, manslaughter, assault, sexual abuse,
17 theft, robbery, fraud, embezzlement, drug abuse, or sale of drugs,
18 unless the commissioner finds that such conviction does not demonstrate
19 a present risk or danger to patients or the public; or

20 (j) is or was subject to a state or federal administrative order
21 relating to fraud or embezzlement, unless the commissioner finds that
22 such order does not demonstrate a present risk or danger to patients or
23 the public.

24 2. Proceedings under this section may be initiated by any person,
25 corporation, association, or public officer, or by the department by the
26 filing of written charges with the department. Whenever the department
27 seeks revocation or suspension of a certificate of an ambulance service
28 or an advanced life support first response service, a copy of the charg-
29 es shall be referred to the appropriate regional [council] BOARD for
30 review and recommendation to the department prior to a hearing. [Such
31 recommendation shall include a determination as to whether the public
32 need would be served by a revocation, suspension, annulment or limita-
33 tion. If there is no appropriate regional council established, the state
34 council shall make such determination and present to the department its
35 recommendations.]

36 3. No certificate shall be revoked, [suspended,] limited or annulled
37 without a hearing. However, a certificate may be [temporarily] suspended
38 without a hearing and without the [approval] REVIEW of the appropriate
39 regional [council] BOARD or state council for a period not in excess of
40 [thirty] NINETY days upon notice to the certificate holder following a
41 finding by the department that the public health, safety or welfare is
42 in imminent danger.

43 4. The [commissioner] DEPARTMENT shall fix a time and place for the
44 hearing. A copy of the charges and the recommendations of the appropri-
45 ate regional [council] BOARD or state council together with the notice
46 of the time and place of the hearing, shall be mailed to the certificate
47 holder by registered or certified mail, at the address specified on the
48 certificate, at least fifteen days before the date fixed for the hear-
49 ing. The appropriate regional [council] BOARD may be a party to such
50 hearing. The certificate holder may file with the department, not less
51 than five days prior to the hearing, a written answer to the charges.

52 S 94. Section 3016 of the public health law, as amended by chapter 252
53 of the laws of 1981, is amended to read as follows:

54 S 3016. Continuance of rules and regulations. All rules and regu-
55 lations heretofore adopted by the commissioner pertaining to all ambu-
56 lance OR ADVANCED LIFE SUPPORT FIRST RESPONSE services shall continue in

1 full force and effect as rules and regulations until duly modified or
2 superseded by rules and regulations hereafter adopted and enacted by the
3 state council pursuant to section three thousand two of this article.

4 S 95. Intentionally omitted.

5 S 96. Section 3030 of the public health law, as added by chapter 439
6 of the laws of 1979, is amended to read as follows:

7 S 3030. Advanced life support services. Advanced life support
8 services provided by an advanced emergency medical technician, shall be
9 (1) provided under the direction of qualified medical and health person-
10 nel utilizing patient information and data transmitted by voice or
11 telemetry, (2) limited to the category or categories in which the
12 advanced emergency medical technician is certified pursuant to this
13 article, [and] (3) recorded for each patient, on an individual treat-
14 ment-management record, AND (4) LIMITED TO PARTICIPATION IN AN ADVANCE
15 LIFE SUPPORT SYSTEM.

16 S 97. Section 3031 of the public health law, as added by chapter 439
17 of the laws of 1979, is amended to read as follows:

18 S 3031. Advanced life support system. Advanced life support system
19 must (1) be under the overall supervision and direction of a qualified
20 physician [with respect to the advanced life support services provided],
21 (2) UTILIZE ADVANCED LIFE SUPPORT PROTOCOLS DEVELOPED BY THE REGIONAL
22 EMERGENCY MEDICAL ADVISORY COMMITTEE AND APPROVED BY THE COMMISSIONER,
23 (3) be staffed by qualified medical and health personnel, [(3)] (4)
24 utilize advanced emergency medical technicians whose certification is
25 appropriate to the advanced life support services provided, [(4)] (5)
26 utilize advanced support mobile units appropriate to the advanced life
27 support services provided, [(5)] (6) maintain a treatment-management
28 record for each patient receiving advanced life support services, and
29 [(6)] (7) be integrated with a hospital emergency, intensive care, coro-
30 nary care or other appropriate service.

31 S 98. Section 3032 of the public health law, as amended by chapter 445
32 of the laws of 1993, is amended to read as follows:

33 S 3032. Rules and regulations. The state council, with the approval
34 of the commissioner, shall promulgate rules and regulations to effectuate
35 the purposes of sections three thousand thirty and three thousand
36 thirty-one of this article.

37 S 99. Section 3052 of the public health law, as added by chapter 727
38 of the laws of 1986, is amended to read as follows:

39 S 3052. Establishment of a training program for emergency medical
40 services personnel. 1. There is hereby established a training program
41 for emergency medical services personnel including, but not limited to,
42 first responders, emergency medical technicians, advanced emergency
43 medical technicians and emergency vehicle operators.

44 1-A. SUCH TRAINING PROGRAM MAY USE ANY COMBINATION OF COURSEWORK,
45 TESTING, CONTINUING EDUCATION AND CONTINUOUS PRACTICE TO PROVIDE THE
46 MEANS BY WHICH SUCH PERSONNEL, INCLUDING INSTRUCTOR LEVEL PERSONNEL, MAY
47 BE TRAINED AND CERTIFIED. THE PROGRAM MAY INCLUDE MEANS THAT ALLOW FOR
48 CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS AND ADVANCED EMERGENCY
49 MEDICAL TECHNICIANS WITHOUT THE REQUIREMENT OF PRACTICAL SKILLS OR WRIT-
50 TEN EXAMINATION.

51 1-B. THE COMMISSIONER, IN CONSULTATION WITH THE STATE COUNCIL, SHALL
52 DEVELOP SUCH TRAINING PROGRAM, PROMULGATING RULES AND REGULATIONS AS MAY
53 BE NECESSARY FOR ADMINISTRATION AND COMPLIANCE.

54 2. The commissioner shall provide state aid within the amount appro-
55 priated to entities such as local governments, regional [emergency
56 medical services councils] BOARDS, and voluntary agencies and organiza-

tions to conduct training courses for emergency medical services personnel and to conduct practical examinations for certification of such personnel. 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 sizes, giving special consideration to areas with the most need for additional emergency medical technicians. 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.

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] DEPARTMENT shall provide management advice and technical assistance to regional [emergency medical services councils] BOARDS, 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.]

S 100. 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. Advanced life support first response services and ambulance services [registered or] certified pursuant to article thirty of this chapter shall submit detailed individual call reports on a form to be [provided] DETERMINED by the department, or may submit data electronically in a format approved by the department. The [state emergency medical services council, with the approval of the] commissioner, IN CONSULTATION WITH THE STATE COUNCIL, may adopt rules and regulations permitting or requiring ambulance AND ADVANCED LIFE SUPPORT FIRST RESPONSE services whose volume exceeds [twenty thousand calls per year] FIVE 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 BOARDS AND regional emergency medical advisory [committee] COMMITTEES.

S 101. Articles 30-B and 30-C of the public health law are REPEALED.

S 102. Subdivisions 3 and 4 of section 97-q of the state finance law, as added by chapter 804 of the laws of 1992, are amended to read as follows:

3. Moneys of the account, when allocated, shall be available to the department of health for the purpose of funding the training of emergency medical services personnel, and funding as shall be provided by

1 appropriation for the [state] OPERATION OF THE STATE'S emergency medical
2 services [council, regional emergency medical services councils, emer-
3 gency medical services program agencies or other emergency medical
4 services training programs] SYSTEM, in order to carry out the purposes
5 of articles thirty and thirty-A of the public health law.

6 4. [Not less than fifty percent of the] THE monies of the account
7 shall be expended for the direct costs of providing emergency medical
8 services training at the local level. [The legislature shall annually
9 appropriate from the remaining available monies, funding for the state
10 emergency medical services council, the regional emergency medical
11 services councils, the emergency medical services program agencies and]
12 ANNUAL APPROPRIATIONS SHALL BE USED TO ENABLE the department of health
13 [in order to carry out] TO ACHIEVE the purposes of articles thirty and
14 thirty-A of the public health law. At the end of any fiscal year, any
15 funds not encumbered for these purposes shall be reallocated for the
16 costs of training advanced life support personnel.

17 S 103. Intentionally omitted.

18 S 104. Intentionally omitted.

19 S 105. Subparagraph (iii) of paragraph (e) of subdivision 3 of section
20 219-e of the general municipal law, as added by chapter 514 of the laws
21 of 1998, is amended to read as follows:

22 (iii) A volunteer ambulance worker appointed to serve on the New York
23 state emergency medical services [council, the state emergency medical
24 advisory committee] COUNCIL, a regional emergency medical services
25 [council] ADVISORY BOARD or a regional emergency medical advisory
26 committee, established pursuant to article thirty of the public health
27 law shall also be eligible to receive one point per meeting.

28 S 106. Subparagraph (iii) of paragraph (e) of subdivision 3 of section
29 219-m of the general municipal law, as added by chapter 558 of the laws
30 of 1998, is amended to read as follows:

31 (iii) A volunteer ambulance worker appointed to serve on the New York
32 state emergency medical services [council, the state emergency medical
33 advisory committee] COUNCIL, a regional emergency medical services
34 [council] ADVISORY BOARD or a regional emergency medical advisory
35 committee, established pursuant to article thirty of the public health
36 law shall also be eligible to receive one point per meeting.

37 S 107. Subdivision 2 of section 10 of the workers' compensation law,
38 as added by chapter 872 of the laws of 1985, is amended to read as
39 follows:

40 2. Notwithstanding any other provisions of this chapter, an injury
41 incurred by an individual currently employed as an emergency medical
42 technician or an advanced emergency medical technician who is certified
43 pursuant to [section three thousand two] ARTICLE THIRTY of the public
44 health law, while voluntarily and without expectation of monetary
45 compensation rendering medical assistance at the scene of an accident
46 shall be deemed to have arisen out of and in the course of the employ-
47 ment with that emergency medical technician or advanced emergency
48 medical technician's current employer.

49 S 108. Subdivision 1 of section 580 of the executive law, as added by
50 chapter 300 of the laws of 2000, is amended to read as follows:

51 1. Creation; members. There is hereby created in the department of
52 state an emergency services council, the members of which shall be the
53 directors of the office of fire prevention and control, the bureau of
54 emergency medical services and the state emergency management office,
55 the superintendent of state police, the commissioner of health, the
56 secretary of state and the director of state operations who shall be the

1 chairperson unless otherwise appointed by the governor. There shall also
2 be two representatives appointed by the state emergency medical services
3 council, one of whom shall be a representative of volunteer ambulance
4 service and one of whom shall be a representative of proprietary ambu-
5 lance service; two representatives appointed by the fire advisory board,
6 one of which shall be representative of volunteer fire service and one
7 of which shall be representative of paid fire service; one represen-
8 tative shall be appointed by the disaster preparedness commission; one
9 physician shall be appointed by the [state emergency medical advisory
10 committee] COMMISSIONER OF HEALTH; one appointment shall be made by the
11 governor; one appointment shall be made by the temporary president of
12 the senate; and one appointment shall be made by the speaker of the
13 assembly.

14 S 109. Intentionally omitted.

15 S 110. Section 2407 of the public health law is REPEALED.

16 S 111. Subdivision 5 of section 2409 of the public health law is
17 REPEALED and subdivisions 6 and 7 are renumbered subdivisions 5 and 6.

18 S 112. The public health law is amended by adding a new section 2409-a
19 to read as follows:

20 S 2409-A. ADVISORY COUNCIL. 1. THERE IS HEREBY ESTABLISHED IN THE
21 DEPARTMENT THE BREAST, CERVICAL AND OVARIAN CANCER DETECTION AND EDUCA-
22 TION PROGRAM ADVISORY COUNCIL, FOR THE PURPOSE OF ADVISING THE COMMIS-
23 SIONER WITH REGARDS TO PROVIDING INFORMATION TO CONSUMERS, PATIENTS, AND
24 HEALTH CARE PROVIDERS RELATING, BUT NOT LIMITED TO, BREAST, CERVICAL AND
25 OVARIAN CANCER, INCLUDING SIGNS AND SYMPTOMS, RISK FACTORS, THE BENEFITS
26 OF PREVENTION AND EARLY DETECTION, GUIDELINE CONCORDANT CANCER SCREENING
27 AND DISEASE MANAGEMENT, OPTIONS FOR DIAGNOSTIC TESTING AND TREATMENT,
28 NEW TECHNOLOGIES, AND SURVIVORSHIP.

29 2. THE ADVISORY COUNCIL SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT
30 REGARDING THE PROMOTION AND IMPLEMENTATION OF PROGRAMS UNDER SECTIONS
31 TWENTY-FOUR HUNDRED SIX AND TWENTY-FOUR HUNDRED NINE OF THIS TITLE.

32 3. THE COMMISSIONER SHALL APPOINT TWENTY-ONE VOTING MEMBERS, WHICH
33 SHALL INCLUDE REPRESENTATION OF HEALTH CARE PROFESSIONALS, CONSUMERS,
34 PATIENTS AND OTHER APPROPRIATE INTEREST REFLECTIVE OF THE DIVERSITY OF
35 THE STATE, WITH EXPERTISE IN BREAST, CERVICAL AND/OR OVARIAN CANCER. THE
36 COMMISSIONER SHALL APPOINT ONE MEMBER AS A CHAIRPERSON. THE MEMBERS OF
37 THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL
38 BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN PERFORMANCE
39 OF THEIR DUTIES.

40 4. A MAJORITY OF THE APPOINTED VOTING MEMBERSHIP OF THE BOARD SHALL
41 CONSTITUTE QUORUM.

42 5. THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE
43 REQUEST OF THE DEPARTMENT.

44 S 113. Section 844-a of the executive law is REPEALED.

45 S 114. This act shall take effect immediately; provided that:

46 (a) the amendments to the opening paragraph of subdivision 15 of
47 section 13-0309 of the environmental conservation law, made by section
48 seventy-four of this act, shall take effect on the same date as the
49 reversion of such subdivision as provided in section 2 of chapter 158 of
50 the laws of 2011, as amended.

51 (b) the amendments to section 3005-b of the public health law, made by
52 section eighty-seven of this act shall not affect the repeal of such
53 section and shall be deemed repealed therewith;

54 (c) sections forty-one, forty-two, forty-three, forty-four, forty-
55 five, forty-six and forty-seven of this act shall take effect upon the
56 resolution of all appeals pending before the freshwater appeals board;

1 provided, however, that such board, created by title 11 of article 24 of
2 the environmental conservation law, as repealed by section forty-one of
3 this act, shall not accept any new cases as of the effective date of
4 this act; and

5 (d) the commissioner of the department of environmental conservation
6 shall notify the legislative bill drafting commission upon the resol-
7 ution of all appeals pending before the freshwater appeals board in
8 order that the commission may maintain an accurate and timely effective
9 date data base of the official text of the laws of the state of New York
10 in furtherance of effectuating the provisions of section 44 of the
11 legislative law and section 70-b of the public officers law.

12 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
13 sion, section or part of this act shall be adjudged by any court of
14 competent jurisdiction to be invalid, such judgment shall not affect,
15 impair, or invalidate the remainder thereof, but shall be confined in
16 its operation to the clause, sentence, paragraph, subdivision, section
17 or part thereof directly involved in the controversy in which such judg-
18 ment shall have been rendered. It is hereby declared to be the intent of
19 the legislature that this act would have been enacted even if such
20 invalid provisions had not been included herein.

21 S 3. This act shall take effect immediately provided, however, that
22 the applicable effective date of Parts A through D of this act shall be
23 as specifically set forth in the last section of such Parts.