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

9943--C

Cal. No. 711

I N A S S E M B L Y

April 26, 2012

Introduced by M. of A. BRINDISI, CAHILL, ESPINAL, JORDAN -- Multi-Sponsored by -- M. of A. ABBATE -- read once and referred to the Committee on Health -- 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 -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to applications for determinations of public need for the establishment and operation of advanced life support services or municipal ambulance services in certain cities

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

Section 1. Paragraph (b) of subdivision 7 of section 3008 of the public health law, as added by chapter 510 of the laws of 1997, is amended to read as follows:

(b) In the case of an application for certification pursuant to this subdivision, for a municipal advanced life support or municipal ambulance service, to serve the area within the municipality, where the proposed service meets or exceeds the appropriate training, staffing and equipment standards, there shall be a strong presumption in favor of approving the application. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY CITY WITH A POPULATION OF FOURTEEN THOUSAND SEVEN HUNDRED OR SIXTY-TWO THOUSAND TWO HUNDRED THIRTY-FIVE, ACCORDING TO THE TWO THOUSAND TEN FEDERAL DECENNIAL CENSUS, OR FIRE DISTRICT ACTING ON BEHALF OF ANY SUCH CITY, THAT APPLIES FOR PERMANENT CERTIFICATION PURSUANT TO THIS SECTION AT THE CONCLUSION OF THE TWO YEAR PERIOD PROVIDED IN THIS SUBDIVISION, SHALL NOT BE REQUIRED TO APPLY TO ITS REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL OR THE STATE EMERGENCY MEDICAL SERVICES COUNCIL FOR A DETERMINATION OF NEED, AND THE APPLICATION SHALL BE SUBMITTED TO AND APPROVED BY THE COMMISSIONER UNLESS THE COMMISSIONER FINDS THAT THE MUNICIPAL ADVANCED LIFE SUPPORT FIRST RESPONDER SERVICE OR MUNICIPAL

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

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AMBULANCE SERVICE HAS FAILED TO MEET THE APPROPRIATE TRAINING, STAFFING AND EQUIPMENT STANDARDS.

S 2. This act shall take effect immediately and shall apply to any municipality or fire district that has a temporary determination of public need under paragraph (a) of subdivision 7 of section 3008 of the public health law at the time this act becomes a law, and to any application made by a municipality or fire district under such section that is pending in any administrative or judicial appeal process at the time this act becomes a law.