

2185

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 15, 2015

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

AN ACT to amend the public health law, in relation to applications for  
determination of public need

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

1     Section 1. Paragraph (b) of subdivision 7 of section 3008 of the  
2     public health law, as amended by chapter 464 of the laws of 2012, is  
3     amended to read as follows:  
4     (b) [In the case of an application for certification pursuant to this  
5     subdivision, for a municipal advanced life support or municipal ambulance  
6     service, to serve the area within the municipality, where the  
7     proposed service meets or exceeds the appropriate training, staffing and  
8     equipment standards, there shall be a strong presumption in favor of  
9     approving the application.] Notwithstanding any other provision of this  
10    article, any [city with a population of fourteen thousand seven hundred  
11    or sixty-two thousand two hundred thirty-five, according to the two  
12    thousand ten federal decennial census] MUNICIPALITY WITHIN THIS STATE,  
13    or fire district acting on behalf of any such [city] MUNICIPALITY,  
14    [that] WHICH applies for permanent certification pursuant to this  
15    [section] SUBDIVISION at the conclusion of the two year period [provided  
16    in] CONTAINED IN PARAGRAPH (A) OF this subdivision, shall not be  
17    required to apply to its regional emergency medical services council [or  
18    the state emergency medical services council] for a determination of  
19    need, and the application shall be submitted to and approved by the  
20    commissioner unless the commissioner finds that the municipal advanced  
21    life support first responder service or municipal ambulance service has  
22    failed to meet the appropriate training, staffing and equipment standards  
23    AND/OR THE COMMISSIONER DETERMINES THAT THE MUNICIPAL ADVANCED LIFE  
24    SUPPORT FIRST RESPONDER SERVICE OR MUNICIPAL AMBULANCE SERVICE HAS  
25    CAUSED A DETRIMENTAL IMPACT ON SERVICES IN THE SURROUNDING REGION.

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

LBD06552-01-5

1     S   2.   This   act   shall   take   effect   immediately   and   shall   apply   to   any  
2   municipality   or   fire   district   that   has   a   temporary   determination   of  
3   public   need   and   to   any   application   made   by   a   municipality   or   fire  
4   district   that   is   currently   in   the   administrative   appellate   process   or   on  
5   appeal   before   any   court   of   competent   jurisdiction.