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

843--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to enacting the good samaritan ambulance act of 2016

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

Section 1. This act shall be known and may be cited as "the good samaritan ambulance act of 2016".

S 2. Section 3001 of the public health law is amended by adding a new subdivision 22 to read as follows:

22. "OPERATE" MEANS WITH RESPECT TO AN AMBULANCE RECEIVING PATIENTS.

S 3. Subdivision 1 of section 3010 of the public health law, as amended by chapter 588 of the laws of 1993, is amended to read as follows:

1. Every ambulance service certificate or statement of registration issued under this article shall specify the primary territory within which the ambulance service shall be permitted to operate. An ambulance service shall receive patients only within the primary territory specified on its ambulance service certificate or statement of registration, except: (a) when receiving a patient which it initially transported to a facility or location outside its primary territory; (b) as required for the fulfillment of a mutual aid agreement authorized by the regional council; (c) upon express approval of the department and the appropriate regional emergency medical services council for a maximum of sixty days if necessary to meet an emergency need; provided that in order to continue such operation beyond the sixty day maximum period necessary to meet an emergency need, the ambulance service must satisfy the require-

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

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ments of this article, regarding determination of public need and specification of the primary territory on the ambulance service certificate or statement of registration; [or] (d) an ambulance service or advanced life support first response service organization formed to serve the need for the provision of emergency medical services in accordance with the religious convictions of a religious denomination may serve such needs in an area adjacent to such primary territory and, while responding to a call for such service, the needs of other residents of such area at the emergency scene; (E) ANY AGENCY RECEIVING A REPORT OF A LIFE THREATENING MEDICAL EMERGENCY REQUIRING EMERGENCY MEDICAL SERVICES THAT IN GOOD FAITH CONCLUDES, ON THE BASIS OF INFORMATION AVAILABLE AT THE TIME, THAT THE AGENCY HAVING PRIMARY RESPONSIBILITY FOR THE TERRITORY WILL BE DELAYED, AND SUCH DELAY MAY UNNECESSARILY ESCALATE OR EXACERBATE THE EMERGENCY, SHALL NOT BE SUBJECT TO ANY SANCTION FOR OPERATING OUTSIDE ITS PRIMARY TERRITORY, PROVIDED, THAT, IT: ATTEMPTS TO NOTIFY THE AGENCY HAVING PRIMARY RESPONSIBILITY FOR THAT TERRITORY OF THE EMERGENCY AND OF ITS RESPONSE; HAS THE RESOURCES AVAILABLE TO RESPOND TO THE EMERGENCY; AND IS NOT CANCELLED EITHER IN ROUTE OR ON THE SCENE BY AN AGENCY OR DISPATCHER HAVING PRIMARY RESPONSIBILITY FOR THE TERRITORY; OR (F) IF AN AGENCY HAVING PRIMARY RESPONSIBILITY FOR A TERRITORY AVAILS ITSELF OF THE RESOURCES, EQUIPMENT, OR PERSONNEL OF AN AGENCY RESPONDING TO AN EMERGENCY OUTSIDE THE RESPONDING AGENCY'S PRIMARY TERRITORY, THEN THE AGENCY HAVING PRIMARY RESPONSIBILITY FOR THE TERRITORY WILL BE DEEMED TO HAVE MADE A REQUEST FOR MUTUAL AID PURSUANT TO A MUTUAL AID AGREEMENT AND THE AGENCY RESPONDING OUTSIDE OF ITS PRIMARY TERRITORY WILL NOT BE THE SUBJECT OF ANY ADMINISTRATIVE SANCTION FOR OPERATING OUTSIDE ITS PRIMARY TERRITORY; PROVIDED THAT (G) NOTHING CONTAINED IN THIS SUBDIVISION SHALL IMPOSE A LEGAL DUTY ON ANY AGENCY TO RESPOND OUTSIDE OF ITS PRIMARY TERRITORY AND ANY SUCH RESPONSE SHALL BE SOLELY AT THE DISCRETION OF THE AGENCY. Any ambulance service seeking to operate in more than one region shall make application to each appropriate regional council. Whenever an application is made simultaneously to more than one regional council, the applications submitted to the regional councils shall be identical, or copies of each application shall be submitted to all the regional councils involved.

S 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.