

# STATE OF NEW YORK

473

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. PAULIN, OTIS, LAWRENCE, COOK, CROUCH, HOOPER, McDONOUGH -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 207-c of the general municipal  
2 law, as amended by section 1 of chapter 522 of the laws of 2015, is  
3 amended to read as follows:  
4 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of  
5 the sheriff's department of any county (hereinafter referred to as a  
6 "~~police~~ police officer") or any member of a police force of any  
7 county, city of less than one million population, town or village, or of  
8 any district, agency, board, body or commission thereof, or a detec-  
9 tive-investigator or any other investigator who is a police officer  
10 pursuant to the provisions of the criminal procedure law employed in the  
11 office of a district attorney of any county, or any corrections officer  
12 of the county of Erie department of corrections, or an advanced ambu-  
13 lance medical technician employed by the county of Nassau, or any  
14 detention officer employed by the city of Yonkers, or any supervising  
15 fire inspector, fire inspector, fire marshal or assistant fire marshal  
16 employed full-time in the county of Nassau fire marshal's office, or at  
17 the option of ~~the~~ any county ~~of Nassau~~, any county probation officer  
18 ~~of the county of Nassau~~ who is injured in the performance of his or  
19 her duties or who is taken sick as a result of the performance of his or  
20 her duties so as to necessitate medical or other lawful remedial treat-  
21 ment shall be paid by the municipality by which he or she is employed  
22 the full amount of his or her regular salary or wages until his or her  
23 disability arising therefrom has ceased, and, in addition such munici-  
24 pality shall be liable for all medical treatment and hospital care

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

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1 necessitated by reason of such injury or illness. Provided, however,  
2 and notwithstanding the foregoing provisions of this section, the munic-  
3 ipal health authorities or any physician appointed for the purpose by  
4 the municipality, after a determination has first been made that such  
5 injury or sickness was incurred during, or resulted from, such perform-  
6 ance of duty, may attend any such injured or sick [~~policeman~~ police  
7 officer, from time to time, for the purpose of providing medical, surgi-  
8 cal or other treatment, or for making inspections and the municipality  
9 shall not be liable for salary or wages payable to such [~~policeman~~  
10 police officer, or for the cost of medical treatment or hospital care  
11 furnished after such date as such health authorities or physician shall  
12 certify that such injured or sick [~~policeman~~ police officer has recov-  
13 ered and is physically able to perform his or her regular duties. Any  
14 injured or sick [~~policeman~~ police officer who shall refuse to accept  
15 medical treatment or hospital care or shall refuse to permit medical  
16 inspections as herein authorized[~~, including examinations pursuant to~~  
17 ~~subdivision two of this section,~~] shall be deemed to have waived his or  
18 her rights under this section in respect to expenses for medical treat-  
19 ment or hospital care rendered and for salary or wages payable after  
20 such refusal.

21 Notwithstanding any provision of law to the contrary, a provider of  
22 medical treatment or hospital care furnished pursuant to the provisions  
23 of this section shall not collect or attempt to collect reimbursement  
24 for such treatment or care from any such [~~policeman~~ police officer, a  
25 member of a police force of any county, city, any such advanced ambu-  
26 lance medical technician, any such detention officer or any such detec-  
27 tive-investigator or any other such investigator who is a police officer  
28 pursuant to the provisions of the criminal procedure law.

29 § 2. Subdivision 1 of section 207-c of the general municipal law, as  
30 amended by section 2 of chapter 522 of the laws of 2015, is amended to  
31 read as follows:

32 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of  
33 the sheriff's department of any county or any member of a police force  
34 of any county, city of less than one million population, town or  
35 village, or of any district, agency, board, body or commission thereof,  
36 or any LIRR police officer as defined in paragraph two of subdivision a  
37 of section three hundred eighty-nine of the retirement and social secu-  
38 rity law whose benefits are provided in and pursuant to such section  
39 three hundred eighty-nine, or a detective-investigator or any other  
40 investigator who is a police officer pursuant to the provisions of the  
41 criminal procedure law employed in the office of a district attorney of  
42 any county, or any corrections officer of the county of Erie department  
43 of corrections, or an advanced ambulance medical technician employed by  
44 the county of Nassau, or any detention officer employed by the city of  
45 Yonkers, or any supervising fire inspector, fire inspector, fire  
46 marshal, or assistant fire marshal employed full-time in the county of  
47 Nassau fire marshal's office, or at the option of [~~the~~] any county [~~of~~  
48 ~~Nassau~~], any county probation officer [~~of the county of Nassau~~] who is  
49 injured in the performance of his or her duties or who is taken sick as  
50 a result of the performance of his or her duties so as to necessitate  
51 medical or other lawful remedial treatment shall be paid by the munic-  
52 ipality or The Long Island Rail Road Company by which he or she is  
53 employed the full amount of his or her regular salary or wages from such  
54 employer until his or her disability arising therefrom has ceased, and,  
55 in addition such municipality or The Long Island Rail Road Company shall  
56 be liable for all medical treatment and hospital care necessitated by

1 reason of such injury or illness. Provided, however, and notwithstanding  
2 the foregoing provisions of this section, the municipal or The Long  
3 Island Rail Road Company health authorities or any physician appointed  
4 for the purpose by the municipality or The Long Island Rail Road Compa-  
5 ny, as relevant, after a determination has first been made that such  
6 injury or sickness was incurred during, or resulted from, such perform-  
7 ance of duty, may attend any such injured or sick [~~policeman~~] police  
8 officer, from time to time, for the purpose of providing medical, surgi-  
9 cal or other treatment, or for making inspections, and the municipality  
10 or The Long Island Rail Road Company, as the case may be, shall not be  
11 liable for salary or wages payable to such [~~policeman~~] police officer,  
12 or for the cost of medical treatment or hospital care furnished after  
13 such date as such health authorities or physician shall certify that  
14 such injured or sick [~~policeman~~] police officer has recovered and is  
15 physically able to perform his or her regular duties. Any injured or  
16 sick [~~policeman~~] police officer who shall refuse to accept medical  
17 treatment or hospital care or shall refuse to permit medical inspections  
18 as herein authorized[~~, including examinations pursuant to subdivision~~  
19 ~~two of this section,~~] shall be deemed to have waived his or her rights  
20 under this section in respect to expenses for medical treatment or  
21 hospital care rendered and for salary or wages payable after such  
22 refusal.

23 Notwithstanding any provision of law to the contrary, a provider of  
24 medical treatment or hospital care furnished pursuant to the provisions  
25 of this section shall not collect or attempt to collect reimbursement  
26 for such treatment or care from any such [~~policeman~~] police officer, any  
27 such advanced ambulance medical technician or any such detention offi-  
28 cer.

29 § 3. This act shall take effect immediately; provided, that the amend-  
30 ments to subdivision 1 of section 207-c of the general municipal law  
31 made by section one of this act shall be subject to the expiration and  
32 reversion of such subdivision pursuant to section 7 of chapter 628 of  
33 the laws of 1991, as amended, when upon such date the provisions of  
34 section two of this act shall take effect.