

# STATE OF NEW YORK

1778--A

2019-2020 Regular Sessions

## IN ASSEMBLY

January 17, 2019

Introduced by M. of A. JONES, McDONOUGH, RA, LAVINE, D'URSO, WOERNER, BLAKE, DiPIETRO, BYRNE, STECK, COOK, BUCHWALD, JEAN-PIERRE, MORINELLO, NORRIS, GALEF, FAHY, BRONSON, LUPARDO, ABINANTI, BARRETT, SOLAGES, RAIA, GOODELL, HUNTER, PHEFFER AMATO, COLTON, B. MILLER, BUTTENSCHON, BRABENEC, DeSTEFANO, BURKE, WALSH, CROUCH, MONTESANO, PALUMBO, LAWRENCE, SMULLEN, MANKTELOW, SAYEGH, LiPETRI, ARROYO, JAFFEE, WALCZYK, TAGUE -- Multi-Sponsored by -- M. of A. BYRNES, ENGLEBRIGHT, M. L. MILLER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the town law, in relation to authorizing fees and charges for emergency medical services

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

Section 1. Subdivision 4 of section 209-b of the general municipal law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

4. Fees and charges [~~prohibited~~] authorized. (a) Emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the public health law, authorized pursuant to this section [~~shall~~] may be furnished without cost to the person served; provided, however, that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide such service or services may fix a schedule of fees or charges to be paid by persons requesting such service or services. The authorities having control of a fire department or fire company may provide for the collection of fees and charges or may formulate rules and regulations for the collection thereof by the fire department or fire company. When fees and charges are authorized pursuant to this subdivision, the fees and charges collected shall be disbursed in accordance with a written contract entered into between the

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

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1 authority having control of a fire department of fire company and the  
2 fire department or fire company itself. The acceptance by any fire-  
3 fighter of any personal remuneration or gratuity, directly or indirect-  
4 ly, from a person served shall be a ground for his or her expulsion or  
5 suspension as a member of the fire department or fire company.

6 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
7 sion, a basic life support service which establishes a schedule of fees  
8 for service shall enter into a contract with a provider or providers of  
9 advanced life support services to provide such advanced life support  
10 services. Such contract shall at a minimum establish the fees for  
11 advanced life support services and the means by which said provider will  
12 be reimbursed when the ambulance service bills for emergency medical  
13 service.

14 (c) An emergency and general ambulance service, including emergency  
15 medical service as defined by this section which does not establish a  
16 schedule of fees for service, requesting an Advanced Life Support (ALS)  
17 intercept from another furnishing service in an area that is designated  
18 as a rural area by any law or regulation of the state or that is located  
19 in a rural census tract of a metropolitan statistical area (as deter-  
20 mined under the most recent Goldsmith Modification) shall be subject to  
21 payment of an ALS Rural Intercept Fee to such furnishing service at  
22 rates negotiated between the providers of such services. In the absence  
23 of any agreed upon rates, the service receiving such intercept shall pay  
24 for such services at the usual and customary rate, which shall not be  
25 excessive or unreasonable. Nothing in this section shall restrict any  
26 ambulance providers from establishing mutually agreeable alternate fees  
27 for services provided to and/or for each respective ambulance service.

28 § 2. Paragraph (e) of subdivision 1 of section 122-b of the general  
29 municipal law, as amended by chapter 303 of the laws of 1980, is amended  
30 to read as follows:

31 (e) [~~No~~] A contract [~~shall~~] may be entered into pursuant to the  
32 provisions of this section for the services of an emergency rescue and  
33 first aid squad of a fire department or fire company which is subject to  
34 the provisions of section two hundred nine-b of [~~the general municipal~~  
35 ~~law~~] this chapter;

36 § 3. Subdivision 1 of section 184 of the town law, as amended by chap-  
37 ter 599 of the laws of 1994, is amended to read as follows:

38 1. Whenever the town board shall have established or extended a fire  
39 protection district pursuant to the provisions of this article, the town  
40 board shall provide for the furnishing of fire protection within the  
41 district and for that purpose may (a) contract with any city, village,  
42 fire district or incorporated fire company maintaining adequate and  
43 suitable apparatus and appliances for the furnishing of fire protection  
44 in such district or (b) may acquire by gift or purchase such apparatus  
45 and appliances for use in such district and may contract with any city,  
46 village, fire district or incorporated fire company for operation, main-  
47 tenance, and repair of the same and for the furnishing of fire  
48 protection in such district, or both. The contract may also provide for  
49 the furnishing of (1) emergency service in case of accidents, calamities  
50 or other emergencies in connection with which the services of firefight-  
51 ers would be required and (2) general ambulance service subject, howev-  
52 er, to the provisions of section two hundred nine-b of the general  
53 municipal law. In the event that the fire department or fire company  
54 furnishing fire protection within the district pursuant to contract does  
55 not maintain and operate an ambulance then a separate contract may be  
56 made for the furnishing within the district of emergency ambulance

1 service or general ambulance service, or both, with any city, village or  
2 fire district the fire department of which, or with an incorporated fire  
3 company having its headquarters outside the district which, maintains  
4 and operates an ambulance subject, however, in the case of general ambu-  
5 lance service, to the provisions of section two hundred nine-b of the  
6 general municipal law, or with an ambulance service, certified or regis-  
7 tered pursuant to article thirty of the public health law[~~, which is not~~  
8 ~~organized under the provisions of section two hundred nine-b of the~~  
9 ~~general municipal law~~]. Any such contract with any such ambulance  
10 service permitted herein shall be subject to the provisions of this  
11 section.  
12 § 4. This act shall take effect on the ninetieth day after it shall  
13 have become a law.