

# STATE OF NEW YORK

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1929

2019-2020 Regular Sessions

## IN SENATE

January 17, 2019

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Introduced by Sens. GALLIVAN, AKSHAR, HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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 55 of chapter 476 of the laws of 2018, 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 or any member of a police force  
6 of any county, city of less than one million population, town or  
7 village, or of any district, agency, board, body or commission thereof,  
8 or any LIRR police officer as defined in paragraph two of subdivision a  
9 of section three hundred eighty-nine of the retirement and social secu-  
10 rity law whose benefits are provided in and pursuant to such section  
11 three hundred eighty-nine, or a detective-investigator or any other  
12 investigator who is a police officer pursuant to the provisions of the  
13 criminal procedure law employed in the office of a district attorney of  
14 any county, or any corrections officer of the county of Erie department  
15 of corrections, or an advanced ambulance medical technician employed by  
16 the county of Nassau, or any detention officer employed by the city of  
17 Yonkers, or any supervising fire inspector, fire inspector, fire  
18 marshal, or assistant fire marshal employed full-time in the county of  
19 Nassau fire marshal's office, or at the option of [~~the~~ any county [~~of~~  
20 ~~Nassau~~], any county probation officer [~~of the county of Nassau~~] who is  
21 injured in the performance of his or her duties or who is taken sick as  
22 a result of the performance of his or her duties so as to necessitate  
23 medical or other lawful remedial treatment shall be paid by the munici-  
24 pality or The Long Island Rail Road Company by which he or she is

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

LBD07020-01-9

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

26 Notwithstanding any provision of law to the contrary, a provider of  
27 medical treatment or hospital care furnished pursuant to the provisions  
28 of this section shall not collect or attempt to collect reimbursement  
29 for such treatment or care from any such police officer, any such  
30 advanced ambulance medical technician or any such detention officer.

31 § 2. Subdivision 1 of section 207-c of the general municipal law, as  
32 amended by section 56 of chapter 476 of the laws of 2018, is amended to  
33 read as follows:

34 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of  
35 the sheriff's department of any county (hereinafter referred to as a  
36 "police officer") or any member of a police force of any county, city of  
37 less than one million population, town or village, or of any district,  
38 agency, board, body or commission thereof, or a detective-investigator  
39 or any other investigator who is a police officer pursuant to the  
40 provisions of the criminal procedure law employed in the office of a  
41 district attorney of any county, or any corrections officer of the coun-  
42 ty of Erie department of corrections, or an advanced ambulance medical  
43 technician employed by the county of Nassau, or any detention officer  
44 employed by the city of Yonkers, or any supervising fire inspector, fire  
45 inspector, fire marshal or assistant fire marshal employed full-time in  
46 the county of Nassau fire marshal's office, or at the option of [~~the~~  
47 ~~any~~ county [~~of Nassau~~], any ~~county~~ probation officer [~~of the county of~~  
48 ~~Nassau~~] who is injured in the performance of his or her duties or who is  
49 taken sick as a result of the performance of his or her duties so as to  
50 necessitate medical or other lawful remedial treatment shall be paid by  
51 the municipality by which he or she is employed the full amount of his  
52 or her regular salary or wages until his or her disability arising ther-  
53 efrom has ceased, and, in addition such municipality shall be liable for  
54 all medical treatment and hospital care necessitated by reason of such  
55 injury or illness. Provided, however, and notwithstanding the foregoing  
56 provisions of this section, the municipal health authorities or any

1 physician appointed for the purpose by the municipality, after a deter-  
2 mination has first been made that such injury or sickness was incurred  
3 during, or resulted from, such performance of duty, may attend any such  
4 injured or sick police officer, from time to time, for the purpose of  
5 providing medical, surgical or other treatment, or for making  
6 inspections and the municipality shall not be liable for salary or wages  
7 payable to such police officer, or for the cost of medical treatment or  
8 hospital care furnished after such date as such health authorities or  
9 physician shall certify that such injured or sick police officer has  
10 recovered and is physically able to perform his or her regular duties.  
11 Any injured or sick police officer who shall refuse to accept medical  
12 treatment or hospital care or shall refuse to permit medical inspections  
13 as herein authorized, including examinations pursuant to subdivision two  
14 of this section, shall be deemed to have waived his or her rights under  
15 this section in respect to expenses for medical treatment or hospital  
16 care rendered and for salary or wages payable after such refusal.

17 Notwithstanding any provision of law to the contrary, a provider of  
18 medical treatment or hospital care furnished pursuant to the provisions  
19 of this section shall not collect or attempt to collect reimbursement  
20 for such treatment or care from any such police officer, a member of a  
21 police force of any county, city, any such advanced ambulance medical  
22 technician, any such detention officer or any such detective-investiga-  
23 tor or any other such investigator who is a police officer pursuant to  
24 the provisions of the criminal procedure law.

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