STATE OF NEW YORK

10280

IN ASSEMBLY

April 8, 2020

Introduced by M. of A. STERN -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to providing volunteer emergency medical technician enhanced cancer disability benefits

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

Section 1. The general municipal law is amended by adding a new section 205-ccc to read as follows:

§ 205-ccc. Volunteer emergency medical technician enhanced cancer disability benefits. A legally organized ambulance district, department or company shall provide and maintain for each eligible volunteer emergency medical technician, an enhanced cancer disability benefit insurance program.

1. As used in this section:

a. "Eligible volunteer emergency medical technician" means:

(i) A volunteer emergency medical technician having five or more years of faithful and actual service in emergency medical treatment who successfully passed a physical examination on entry to service, which examination failed to reveal any evidence of cancers as defined in paragraph b of this subdivision; and

(ii) Having submitted proof of five years of service by providing verification that he or she has met minimum standards for certification as an emergency medical technician under section three thousand two of the public health law.

b. "Cancer" means:

(i) A disease caused by an uncontrolled division of abnormal cells in a part of the body or a malignant growth or tumor resulting from the division of abnormal cells; and

(ii) Affecting the prostate or breast, lymphatic, hematological, digestive, urinary, neurological, or reproductive systems, or melanoma.

2. An eligible volunteer emergency medical technician shall be entitled to payment of enhanced cancer benefits as follows:

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

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a. A lump sum benefit of twenty-five thousand dollars for each diagnosis payable to such emergency medical technician upon acceptable proof to the insurance carrier or other payor of a diagnosis by a board certified physician in the medical specialty appropriate for the type of cancer diagnosed that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that either:

(i) There is metastasis; and

(1) surgery, radiotherapy, or chemotherapy is medically necessary; or

(2) there is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; or

(ii) The emergency medical technician has terminal cancer, his or her life expectancy is twenty-four months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy.

b. A lump sum benefit of six thousand two hundred fifty dollars for each diagnosis payable to such emergency medical technician upon acceptable proof to the insurance carrier or other payor of a diagnosis by a board certified physician in the medical specialty appropriate for the type of cancer involved that either:

(i) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy has been determined to be medically necessary;

(ii) There are malignant tumors which are treated by endoscopic procedures alone; or

(iii) There are malignant melanomas.

c. A monthly benefit of one thousand five hundred dollars, of which the first payment shall be made six months after total disability and submission of acceptable proof of said disability to the insurance carrier or other payor that such disability is caused by cancer and that such cancer precludes the emergency medical technician from performing his or her duties in that service. Such benefit shall continue for up to thirty-six consecutive monthly payments.

(i) Such monthly benefit shall be subordinate to any other benefit actually paid to the emergency medical technician solely for such disability from any other source, not including private insurance purchased solely by the emergency medical technician, and shall be limited to the difference between the amount of such other paid benefit and the amount specified herein; and

(ii) Any emergency medical technician receiving such monthly benefits may be required to have his or her condition reevaluated. In the event any such reevaluation reveals that such person has regained the ability to perform duties as an emergency medical technician, then his or her monthly benefits shall cease the last day of the month of reevaluation.

(iii) In the event that there is a subsequent reoccurrence of a disability caused by cancer which precludes the emergency medical technician from performing his or her duties, he or she shall be entitled to receive any remaining monthly payments.

d. An eligible volunteer emergency medical technician shall also be entitled to an additional payment of enhanced cancer death benefits in the amount of fifty thousand dollars which is payable to such volunteer or his or her beneficiary upon acceptable proof by a board certified physician that such emergency medical technician's death resulted from complications associated with cancer.

e. Provided however, an eligible volunteer emergency medical technician shall be ineligible for these benefits if they are already provided paid benefits under this article.

3. The combined total of all benefits received by any eligible volunteer emergency medical technician pursuant to paragraphs a and b of subdivision two of this section during his or her lifetime shall not exceed fifty thousand dollars.

4. An eligible volunteer emergency medical technician shall remain eligible for benefits pursuant to paragraphs a, b and d of subdivision two of this section for sixty months after the formal cessation of the volunteer emergency medical technician's status as an active volunteer emergency medical technician. The ambulance district, department or company in which such emergency medical technician served shall be responsible for payment of all premiums or other costs associated with benefits provided under paragraphs a, b and d of subdivision two of this section throughout the duration of the eligible volunteer emergency medical technician's coverage.

5. An ambulance district, department or company shall, no later than January first, two thousand twenty-one, show proof of insurance coverage that meets the requirements of this section or shall show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible volunteer emergency medical technicians. Such coverage shall remain in effect until sixty months after the ambulance district, department or company no longer has any volunteer emergency medical technicians who could qualify for this benefit.

6. Any ambulance district, department or company that has had a volunteer emergency medical technician file a claim for or receive an enhanced cancer disability benefit under the provisions of this section shall report such claims filed, claims paid and types of claims to the New York state emergency medical services council. Beginning on January first, two thousand twenty-two, New York state emergency medical services council shall report annually to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee the number of emergency medical technicians who have filed claims pursuant to this section and the number of emergency medical technicians who have received benefits under the provisions of this section.

7. The New York state emergency medical services council, in consultation with the department of financial services and the workers' compensation board, shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Such regulations shall include the process by which an emergency medical technician files a claim for the enhanced cancer disability benefit, how the beneficiary of such eligible volunteer emergency medical technician files a claim for the enhanced cancer death benefit, the process by which claimants can appeal a denial of benefits and what proof is deemed acceptable to qualify for such benefits.

§ 2. This act shall take effect immediately.