

# STATE OF NEW YORK

1778

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, RAI, GOODELL, HUNTER, PHEFFER AMATO, COLTON, B. MILLER -- Multi-Sponsored by -- M. of A. M. L. MILLER -- read once and referred to the Committee on Local Governments

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

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

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

4 4. Fees and charges [~~prohibited~~] authorized. (a) Emergency and gener-  
5 al ambulance service, including emergency medical service as defined in  
6 section three thousand one of the public health law, authorized pursuant  
7 to this section [~~shall~~] may be furnished without cost to the person  
8 served; provided, however, that the authorities having control of a fire  
9 department or fire company that have authorized such fire department or  
10 fire company to provide such service or services may fix a schedule of  
11 fees or charges to be paid by persons requesting such service or  
12 services. The authorities having control of a fire department or fire  
13 company may provide for the collection of fees and charges or may formu-  
14 late rules and regulations for the collection thereof by the fire  
15 department or fire company. When fees and charges are authorized pursu-  
16 ant to this subdivision, the fees and charges collected shall be  
17 disbursed in accordance with a written contract entered into between the  
18 authority having control of a fire department of fire company and the  
19 fire department or fire company itself. The acceptance by any fire-

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

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1 fighter of any personal remuneration or gratuity, directly or indirect-  
2 ly, from a person served shall be a ground for his or her expulsion or  
3 suspension as a member of the fire department or fire company.

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

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

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

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

22 1. Whenever the town board shall have established or extended a fire  
23 protection district pursuant to the provisions of this article, the town  
24 board shall provide for the furnishing of fire protection within the  
25 district and for that purpose may (a) contract with any city, village,  
26 fire district or incorporated fire company maintaining adequate and  
27 suitable apparatus and appliances for the furnishing of fire protection  
28 in such district or (b) may acquire by gift or purchase such apparatus  
29 and appliances for use in such district and may contract with any city,  
30 village, fire district or incorporated fire company for operation, main-  
31 tenance, and repair of the same and for the furnishing of fire  
32 protection in such district, or both. The contract may also provide for  
33 the furnishing of (1) emergency service in case of accidents, calamities  
34 or other emergencies in connection with which the services of firefight-  
35 ers would be required and (2) general ambulance service subject, howev-  
36 er, to the provisions of section two hundred nine-b of the general  
37 municipal law. In the event that the fire department or fire company  
38 furnishing fire protection within the district pursuant to contract does  
39 not maintain and operate an ambulance then a separate contract may be  
40 made for the furnishing within the district of emergency ambulance  
41 service or general ambulance service, or both, with any city, village or  
42 fire district the fire department of which, or with an incorporated fire  
43 company having its headquarters outside the district which, maintains  
44 and operates an ambulance subject, however, in the case of general ambu-  
45 lance service, to the provisions of section two hundred nine-b of the  
46 general municipal law, or with an ambulance service, certified or regis-  
47 tered pursuant to article thirty of the public health law~~[, which is not~~  
48 ~~organized under the provisions of section two hundred nine-b of the~~  
49 ~~general municipal law]~~. Any such contract with any such ambulance  
50 service permitted herein shall be subject to the provisions of this  
51 section.

52 § 4. Section 3224-a of the insurance law is amended by adding a new  
53 subsection (k) to read as follows:

54 (k) Payments to nonparticipating or nonpreferred providers of ambu-  
55 ulance services licensed under article thirty of the public health law.  
56 (1) Whenever an insurer or an organization, or corporation licensed or

1 certified pursuant to article forty-three or forty-seven of this chapter  
2 or article forty-four of the public health law provides that any health  
3 care claims submitted under contracts or agreements issued or entered  
4 into pursuant to this article or article forty-two, forty-three or  
5 forty-seven of this chapter and article forty-four of the public health  
6 law are payable to a participating or preferred provider of ambulance  
7 services for services rendered, the insurer, organization, or corpo-  
8 ration licensed or certified pursuant to article forty-three or forty-  
9 seven of this chapter or article forty-four of the public health law  
10 shall be required to pay such benefits either directly to any similarly  
11 licensed nonparticipating or nonpreferred provider at the usual and  
12 customary charge, which shall not be excessive or unreasonable, when the  
13 provider has rendered such services, has a written assignment of bene-  
14 fits, and has caused written notice of such assignment to be given to  
15 the insurer, organization, or corporation licensed or certified pursuant  
16 to article forty-three or forty-seven of this chapter or article forty-  
17 four of the public health law or jointly to such nonparticipating or  
18 nonpreferred provider and to the insured, subscriber, or other covered  
19 person; provided, however, that in either case the insurer, organiza-  
20 tion, or corporation licensed or certified pursuant to article forty-  
21 three or forty-seven of this chapter or article forty-four of the public  
22 health law shall be required to send such benefit payments directly to  
23 the provider who has the written assignment. When payment is made  
24 directly to a provider of ambulance services as authorized by this  
25 section, the insurer, organization, or corporation licensed or certified  
26 pursuant to article forty-three or forty-seven of this chapter or arti-  
27 cle forty-four of the public health law shall give written notice of  
28 such payment to the insured, subscriber, or other covered person.

29 (2) An insurer shall provide reimbursement for those services  
30 prescribed by this section at rates negotiated between the insurer and  
31 the provider of such services. In the absence of agreed upon rates, an  
32 insurer shall pay for such services at the usual and customary charge,  
33 which shall not be excessive or unreasonable.

34 (3) Nothing contained in this section shall be deemed to prohibit the  
35 payment of different levels of benefits or from having differences in  
36 coinsurance percentages applicable to benefit levels for services  
37 provided by participating or preferred providers and nonparticipating or  
38 nonpreferred providers.

39 The provisions of this section shall not apply to policies that do not  
40 include coverage for ambulance services.

41 § 5. Subparagraphs (C) and (D) of paragraph 24 of subsection (i) of  
42 section 3216 of the insurance law, as added by chapter 506 of the laws  
43 of 2001, are amended to read as follows:

44 (C) An insurer shall provide reimbursement for those services  
45 prescribed by this section at rates negotiated between the insurer and  
46 the provider of such services. In the absence of agreed upon rates, an  
47 insurer shall pay for such services at the usual and customary charge,  
48 which shall not be excessive or unreasonable. The insurer shall send  
49 such payments directly to the provider of such ambulance services, if  
50 the ambulance service includes an executed assignment of benefits form  
51 with the claim.

52 (D) The provisions of this paragraph shall have no application to  
53 transfers of patients between hospitals or health care facilities by an  
54 ambulance service as described in subparagraph (A) of this paragraph  
55 unless such services are covered under the policy.

1 § 6. Subparagraphs (C) and (D) of paragraph 15 of subsection (1) of  
2 section 3221 of the insurance law, as added by chapter 506 of the laws  
3 of 2001, are amended to read as follows:

4 (C) An insurer shall provide reimbursement for those services  
5 prescribed by this section at rates negotiated between the insurer and  
6 the provider of such services. In the absence of agreed upon rates, an  
7 insurer shall pay for such services at the usual and customary charge,  
8 which shall not be excessive or unreasonable. The insurer shall send  
9 such payments directly to the provider of such ambulance services, if  
10 the ambulance service includes an executed assignment of benefits form  
11 with the claim.

12 (D) The provisions of this paragraph shall have no application to  
13 transfers of patients between hospitals or health care facilities by an  
14 ambulance service as described in subparagraph (A) of this paragraph  
15 unless such services are covered under the policy.

16 § 7. Paragraphs 3 and 4 of subsection (aa) of section 4303 of the  
17 insurance law, as added by chapter 506 of the laws of 2001, are amended  
18 to read as follows:

19 (3) An insurer shall provide reimbursement for those services  
20 prescribed by this section at rates negotiated between the insurer and  
21 the provider of such services. In the absence of agreed upon rates, an  
22 insurer shall pay for such services at the usual and customary charge,  
23 which shall not be excessive or unreasonable. The insurer shall send  
24 such payments directly to the provider of such ambulance services, if  
25 the ambulance service includes an executed assignment of benefits form  
26 with the claim.

27 (4) The provisions of this subsection shall have no application to  
28 transfers of patients between hospitals or health care facilities by an  
29 ambulance service as described in paragraph one of this subsection  
30 unless such services are covered under the policy.

31 § 8. This act shall take effect on the ninetieth day after it shall  
32 have become a law, except that sections four, five, six and seven of  
33 this act shall take effect January 1, 2022, and shall apply to health  
34 care claims submitted on or after such date.