STATE OF NEW YORK

534--B

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, RA, LAVINE, WOERNER, DiPIETRO, BYRNE, STECK, COOK, JEAN-PIERRE, NORRIS, GALEF, FAHY, BRONSON, LUPARDO, ABINANTI, BARRETT, SOLAGES, GOODELL, HUNTER, PHEFFER AMATO, COLTON, B. MILLER, BUTTENSCHON, BRABENEC, DeSTEFANO, BURKE, WALSH, MONTESANO, SMULLEN, MANKTELOW, SAYEGH, TAGUE, JACOBSON, MIKULIN, HAWLEY, WALLACE, STIRPE, ZEBROWSKI, STERN, GUNTHER, McMAHON, ASHBY, SALKA, GRIFFIN, DURSO, SIMPSON, LAWLER, SILLITTI, GANDOLFO, J. D. RIVERA, LUNSFORD, KELLES, BURDICK, ANGELINO, J. M. GIGLIO, RAMOS, FITZPATRICK, DARLING, BROWN, JOYNER, HEVESI, SMITH -- Multi-Sponsored by -- M. of A. BYRNES, ENGLEBRIGHT, M. MILLER -- read once and referred to the Committee on Local Governments -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- 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**. [~~Emergency~~] **(a) Subject to the restrictions set forth in paragraph (d) of this subdivision, 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**

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

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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 authority having control of a fire department or fire company and the fire department or fire company itself. The acceptance by any firefighter of any personal remuneration or gratuity, directly or indirectly, from a person served shall be a ground for his or her expulsion or suspension as a member of the fire department or fire company.

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

(c) An 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 which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services. In the absence of any agreed upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable.

(d) An 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 to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the commissioner of health pursuant to section three thousand five of the public health law, on or before January first, two thousand twenty-two.

(e) An 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 not directly issue a bill for its services to any uninsured recipient of such services.

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

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

§ 3. Subdivision 1 of section 184 of the town law, as amended by chapter 599 of the laws of 1994, is amended to read as follows:

1. Whenever the town board shall have established or extended a fire protection district pursuant to the provisions of this article, the town board shall provide for the furnishing of fire protection within the district and for that purpose may (a) contract with any city, village, fire district or incorporated fire company maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such district or (b) may acquire by gift or purchase such apparatus and appliances for use in such district and may contract with any city, village, fire district or incorporated fire company for operation, maintenance, and repair of the same and for the furnishing of fire protection in such district, or both. The contract may also provide for the furnishing of (1) emergency service in case of accidents, calamities or other emergencies in connection with which the services of firefighters would be required and (2) general ambulance service subject, however, to the provisions of section two hundred nine-b of the general municipal law. In the event that the fire department or fire company furnishing fire protection within the district pursuant to contract does not maintain and operate an ambulance then a separate contract may be made for the furnishing within the district of emergency ambulance service or general ambulance service, or both, with any city, village or fire district the fire department of which, or with an incorporated fire company having its headquarters outside the district which, maintains and operates an ambulance subject, however, in the case of general ambulance service, to the provisions of section two hundred nine-b of the general municipal law, or with an ambulance service, certified or registered pursuant to article thirty of the public health law[~~, which is not organized under the provisions of section two hundred nine-b of the general municipal law~~]. Any such contract with any such ambulance service permitted herein shall be subject to the provisions of this section.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to health care claims submitted on or after such date.