STATE OF NEW YORK

9164--A

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. KELLES, SANTABARBARA, SIMON, THIELE, ENGLEBRIGHT, LUPARDO, LAWLER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing the consolidated assistance program for EMS departments which creates a sustainable state financing mechanism for emergency medical services

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

Section 1. The public health law is amended by adding a new section 3018 to read as follows:

§ 3018. Consolidated assistance program for EMS departments. 1. For the purposes of this section, the term "funding level" shall mean the average amount of funding received over the previous two years, calculated for each emergency medical service department or contract with other municipal departments, volunteer departments, including volunteer ambulances which are based in volunteer fire departments, or non-profits for the provision of emergency medical services within their jurisdiction.

2. Notwithstanding any other provisions of this chapter or any other law, and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, the consolidated assistance program for emergency medical service departments is hereby established for the purpose of making payments to municipalities which operate emergency medical service departments, or contract with other municipal departments, volunteer departments, including volunteer ambulances which are based in volunteer fire departments, or non-profits for the provision of emergency medical services within their jurisdiction and which do not contract, directly or indirectly, with for-profit entities for emergency medical services. The commissioner shall promulgate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made to such municipalities.

3. On or before the twenty-fifth day of April, June, September and November, there shall be distributed and paid to municipalities an amount equal to the moneys appropriated for the purposes of this section

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

LBD14331-04-2

divided by the number of payment dates in that state fiscal year. Such amounts shall be distributed and paid pursuant to this section.

4. Amounts shall be distributed to municipalities under the consolidated assistance program for EMS departments in relative shares based on rules and regulations promulgated by the commissioner, in consultation with the New York state emergency medical services council, which shall consider for each municipality:

(a) its population and population density, prioritizing less densely populated areas where financial strain for providing service is greatest;

(b) emergency medical services call volume and call type;

(c) the percentage of its annual budget which goes to providing emergency medical services; and

(d) any other factor the commissioner, in consultation with the New York state emergency medical services council, deems relevant.

5. On the first day of the third month following the end of its fiscal year, each municipality which has received five thousand dollars or more in total funds paid pursuant to this section during the preceding fiscal year shall certify to the commissioner, pursuant to rules and regulations promulgated by the commissioner in relation thereto, that the expenditure by such municipality in such fiscal year of nonstate funds raised by the municipality for the operation of or contracting for emergency medical services was not reduced below the level of the average of the previous two years. Provided, however, that in calculating the expenditures and revenues of the municipality to determine the local maintenance of effort for the fiscal year being certified and the expenditure level of the average of the previous two years, municipalities shall not be required to include the amount of revenues and expenditures for operation of or contracting for emergency medical services necessitated by any unforeseen event for which the municipality was officially declared a disaster area. Where a reduction in such spending or non-use has occurred, the distributions above the funding level to such municipality in the then-current state fiscal year shall be reduced by an amount equivalent to the amount of such reduction or non-use, except that no reduction to the funding level shall be taken for an amount caused by any unforeseen event for which the municipality was officially declared a disaster area. Municipalities not required to certify under this section may continue such non-certifying status, with the approval of the commissioner, if the apportionment to such municipality is increased to more than five thousand dollars but less than seven thousand dollars in any local fiscal year. For the purposes of this section, a municipality shall mean a county, city, town or village or two or more such jurisdictions acting jointly.

6. For any city, town, or village which consolidates or merges with another municipality, the resulting successor government shall file with the office of the state comptroller a certificate of any such consolidation, merger and any accompanying dissolution. If the amount which would otherwise be apportioned to the individual governments exceeds the amount which is payable to the successor government pursuant to this section, such successor government shall receive no less in consolidated assistance program for EMS department apportionments than the predecessor governments would have received in the aggregate had the merger or consolidation not occurred.

§ 2. This act shall take effect immediately.