

# STATE OF NEW YORK

7186

2021-2022 Regular Sessions

## IN SENATE

June 4, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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. [~~Emergency~~] (a) Subject  
5 to the restrictions set forth in paragraph (d) of this subdivision,  
6 emergency and general ambulance service, including emergency medical  
7 service as defined in section three thousand one of the public health  
8 law, authorized pursuant to this section [~~shall~~] may be furnished with-  
9 out cost to the person served; provided, however, that the authorities  
10 having control of a fire department or fire company that have authorized  
11 such fire department or fire company to provide such service or services  
12 may fix a schedule of fees or charges to be paid by persons requesting  
13 such service or services. The authorities having control of a fire  
14 department or fire company may provide for the collection of fees and  
15 charges or may formulate rules and regulations for the collection there-  
16 of by the fire department or fire company. When fees and charges are  
17 authorized pursuant to this subdivision, the fees and charges collected  
18 shall be disbursed in accordance with a written contract entered into  
19 between the authority having control of a fire department or fire compa-  
20 ny and the fire department or fire company itself. The acceptance by  
21 any firefighter of any personal remuneration or gratuity, directly or  
22 indirectly, from a person served shall be a ground for his or her expul-  
23 sion or suspension as a member of the fire department or fire company.

24 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
25 sion, a basic life support service which establishes a schedule of fees

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

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1 for service shall enter into a contract with a provider or providers of  
2 advanced life support services to provide such advanced life support  
3 services. Such contract shall at a minimum establish the fees for  
4 advanced life support services and the means by which said provider will  
5 be reimbursed when the ambulance service bills for emergency medical  
6 service.

7 (c) An emergency and general ambulance service, including emergency  
8 medical service as defined in section three thousand one of the public  
9 health law, authorized pursuant to this section which does not issue a  
10 bill for its services and which requests an Advanced Life Support (ALS)  
11 intercept from another ambulance service furnishing service in an area  
12 that is designated as a rural area by any law or regulation of the  
13 state, or that is located in a rural census tract of a metropolitan  
14 statistical area (as determined under the most recent Goldsmith Modifi-  
15 cation), shall pay the ambulance service providing the ALS intercept an  
16 ALS Rural Intercept Fee at rates negotiated between the providers of  
17 such services. In the absence of any agreed upon rates, the service  
18 receiving such ALS intercept shall pay the service providing the ALS  
19 intercept for such services at the usual and customary charge, which  
20 shall not be excessive or unreasonable.

21 (d) An emergency and general ambulance service, including emergency  
22 medical service as defined in section three thousand one of the public  
23 health law, authorized pursuant to this section to fix a schedule of  
24 fees or charges to be paid by persons requesting such service or  
25 services, may apply such fees and charges only within such service's  
26 primary response territory as assigned and evidenced by a valid ambu-  
27 lance service certificate issued by the commissioner of health pursuant  
28 to section three thousand five of the public health law, on or before  
29 January first, two thousand twenty-one.

30 (e) An emergency and general ambulance service, including emergency  
31 medical service as defined in section three thousand one of the public  
32 health law, authorized pursuant to this section shall not directly issue  
33 a bill for its services to any uninsured recipient of such services.

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

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

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

44 1. Whenever the town board shall have established or extended a fire  
45 protection district pursuant to the provisions of this article, the town  
46 board shall provide for the furnishing of fire protection within the  
47 district and for that purpose may (a) contract with any city, village,  
48 fire district or incorporated fire company maintaining adequate and  
49 suitable apparatus and appliances for the furnishing of fire protection  
50 in such district or (b) may acquire by gift or purchase such apparatus  
51 and appliances for use in such district and may contract with any city,  
52 village, fire district or incorporated fire company for operation, main-  
53 tenance, and repair of the same and for the furnishing of fire  
54 protection in such district, or both. The contract may also provide for  
55 the furnishing of (1) emergency service in case of accidents, calamities  
56 or other emergencies in connection with which the services of firefight-

ers 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.