STATE OF NEW YORK

9884

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to an ambulance service assessment fee

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 3033 to read as follows:

§ 3033. Ambulance service assessment. 1. The department shall charge every ambulance service a uniform ambulance assessment fee, provided that the fee shall not apply to any municipal fire department, police department, or other government entity that provides emergency medical services, any ambulance service that exclusively provides emergency medical care by aircraft, or any provider required to pay an assessment on ambulance service revenue under article twenty-eight of this chapter.

2. The uniform assessment fee shall be assessed on each ambulance service covered under this section at a rate of at least five and three-quarters percent of a covered ambulance service's annual revenue, provided however that it shall be no greater than the maximum limit allowable under 42 C.F.R. 433.68(f). The department shall set and implement such fees using the best data available in consultation with stakeholders, and shall update such fees on a periodic basis but at least annually.

3. All fees collected under this section shall be expended in a timely manner and solely for purposes of increasing medical assistance payment rates for ambulance services and shall not be used to reduce or replace other payment commitments by the state.

4. Fees collected under this section shall be held in a fund administered by the department. Such fund shall include:

(a) all revenues generated by the fee;

(b) all funds generated by increased federal financial participation from increases to the medical assistance payment rate;

(c) any other revenue authorized for and specifically designated to the fund; and

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

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(d) interest earned on any money in the fund.

5. The department may impose penalties for any ambulance service that fails to pay the fee within the time required by the department.

6. Fees under this section shall be collected only if federal financial participation is available for expenditures incurred under this section. Any fees collected but not expended in a fiscal year shall remain available for expenditure in subsequent fiscal years. The department shall submit all necessary documentation for federal approval of this program, including amendments to the state plan under title XIX of the federal social security act, necessary to implement this section in a timely manner.

§ 2. This act shall take effect immediately.