

STATE OF NEW YORK

8432

IN SENATE

March 1, 2022

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, the civil service law, the retirement and social security law and the public health law, in relation to emergency medical services

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

1 Section 1. The opening paragraph of subdivision 1 of section 122-b of
2 the general municipal law, as amended by chapter 471 of the laws of
3 2011, is amended to read as follows:

4 [~~Any~~] General ambulance services are an essential service. Every
5 county, city, town [~~or~~] and village, acting individually or jointly,
6 [~~may~~] shall provide an emergency medical service, a general ambulance
7 service or a combination of such services for the purpose of providing
8 prehospital emergency medical treatment or transporting sick or injured
9 persons found within the boundaries of the municipality or the municipi-
10 palities acting jointly to a hospital, clinic, sanatorium or other place
11 for treatment of such illness or injury, and for that purpose may:

12 § 2. Subdivision 4 of section 209-b of the general municipal law, as
13 amended by chapter 476 of the laws of 2018, is amended to read as
14 follows:

15 4. [~~Fees and charges~~] Gratuities prohibited. [~~Emergency and general~~
16 ~~ambulance service authorized pursuant to this section shall be furnished~~
17 ~~without cost to the person served.~~] The acceptance by any firefighter of
18 any personal remuneration or gratuity, directly or indirectly, from a
19 person served shall be a ground for his or her expulsion or suspension
20 as a member of the fire department or fire company.

21 § 3. Subdivision 2 of section 163 of the civil service law, as amended
22 by section 4 of part T of chapter 56 of the laws of 2010, is amended to
23 read as follows:

24 2. The contract or contracts shall provide for health benefits for
25 retired employees of the state and of the state colleges of agriculture,
26 home economics, industrial labor relations and veterinary medicine, the
27 state agricultural experiment station at Geneva, and any other institu-

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

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1 tion or agency under the management and control of Cornell university as
2 the representative of the board of trustees of the state university of
3 New York, and the state college of ceramics under the management and
4 control of Alfred university as the representative of the board of trus-
5 tees of the state university of New York, and their spouses and depend-
6 ent children as defined by the regulations of the president, on such
7 terms as the president may deem appropriate, and the president may
8 authorize the inclusion in the plan of the employees and retired employ-
9 ees of public authorities, public benefit corporations, school
10 districts, special districts, district corporations, municipal corpo-
11 rations excluding active employees and retired employees of cities
12 having a population of one million or more inhabitants whose compen-
13 sation is or was before retirement paid out of the city treasury, or
14 other appropriate agencies, subdivisions or quasi-public organizations
15 of the state, including active members of volunteer fire and volunteer
16 ambulance companies serving one or more municipal corporations pursuant
17 to subdivision seven of section ninety-two-a of the general municipal
18 law, and their spouses and dependent children as defined by the regu-
19 lations of the president. Notwithstanding any law or regulation to the
20 contrary, active members of volunteer fire and volunteer ambulance
21 companies serving one or more municipal corporations pursuant to subdivi-
22 sion seven of section ninety-two-a of the general municipal law shall
23 be eligible for health benefits regardless of the amount of funds
24 derived from public sources. Any such corporation, district, agency or
25 organization electing to participate in the plan shall be required to
26 pay its proportionate share of the expenses of administration of the
27 plan in such amounts and at such times as determined and fixed by the
28 president. All amounts payable for such expenses of administration shall
29 be paid to the commissioner of taxation and finance and shall be applied
30 to the reimbursement of funds previously advanced for such purposes.
31 Neither the state nor any other participant in the plan shall be charged
32 with the particular experience attributable to the employees of the
33 participant, and all dividends or retroactive rate credits shall be
34 distributed pro-rata based upon the number of employees of such partic-
35 ipant covered by the plan.

36 § 4. Paragraph 9 of subdivision c of section 40 of the retirement and
37 social security law, as amended by chapter 525 of the laws of 1963, is
38 amended to read as follows:

39 9. Active members of volunteer fire and volunteer ambulance companies
40 serving one or more municipal corporations pursuant to subdivision seven
41 of section ninety-two-a of the general municipal law.

42 10. Notwithstanding any inconsistent provision of subdivision e of
43 this section, or of this chapter or of any other law, an officer or
44 employee in the service of the state or of a participating employer who,
45 at the time of entering such service, was or is entitled to benefits by
46 any other pension or retirement system maintained by the state or a
47 political subdivision thereof, provided such benefits, exclusive of any
48 annuity based solely on his own contributions and interest thereon, are
49 suspended during his active membership in the retirement system. He
50 shall contribute to the retirement system as a new member.

51 § 5. Section 3000 of the public health law, as amended by chapter 804
52 of the laws of 1992, is amended to read as follows:

53 § 3000. Declaration of policy and statement of purpose. The furnishing
54 of medical assistance in an emergency is a matter of vital concern
55 affecting the public health, safety and welfare. Emergency medical
56 services and ambulance services are essential services that must be

1 available to everyone in New York in a reliable manner. Prehospital
2 emergency medical care, other emergency medical services, the provision
3 of prompt and effective communication among ambulances and hospitals and
4 safe and effective care and transportation of the sick and injured are
5 essential public health services that must be available to everyone in
6 New York in a reliable manner.

7 It is the purpose of this article to promote the public health, safety
8 and welfare by providing for certification of all advanced life support
9 first response services and ambulance services; the creation of regional
10 emergency medical services councils; and a New York state emergency
11 medical services council to develop minimum training standards for
12 certified first responders, emergency medical technicians and advanced
13 emergency medical technicians and minimum equipment and communication
14 standards for advanced life support first response services and ambu-
15 lance services.

16 § 6. Subdivision 1 of section 3001 of the public health law, as
17 amended by chapter 804 of the laws of 1992, is amended to read as
18 follows:

19 1. "Emergency medical service" means [~~initial emergency medical~~
20 ~~assistance including, but not limited to, the treatment of trauma,~~
21 ~~burns, respiratory, circulatory and obstetrical emergencies~~] care of a
22 person to, from, at, in, or between the person's home, scene of injury,
23 hospitals, health care facilities, public events or other locations, by
24 emergency medical services practitioners as a patient care team member,
25 for emergency, non-emergency, specialty, low acuity, preventative, or
26 interfacility care; emergency and non-emergency medical dispatch; coor-
27 ordination of emergency medical system equipment and personnel; assess-
28 ment; treatment, transportation, routing, referrals and communications
29 with treatment facilities and medical personnel; public education, inju-
30 ry prevention and wellness initiatives; administration of immunizations
31 as approved by the state emergency medical services council; and
32 follow-up and restorative care.

33 § 7. Section 3002 of the public health law is amended by adding a new
34 subdivision 9 to read as follows:

35 9. The state council shall advise the commissioner on such issues as
36 the commissioner may require related to the provision of emergency
37 medical service, specialty care, designated facility care, and disaster
38 medical care, and assist in the coordination of such service and care.
39 This shall include, but is not limited to, the recommendation, periodic
40 revision, and application of rules and regulations, appropriateness
41 review standards, treatment protocols, and quality improvement stand-
42 ards. Such rules, regulations, standards and protocols shall be region-
43 alized, as necessary. The state council shall meet as frequently as
44 determined necessary by the commissioner.

45 § 8. Section 3003 of the public health law is amended by adding two
46 new subdivisions 11 and 12 to read as follows:

47 11. Each regional council shall advise the state emergency medical
48 services council, the commissioner and the department on such issues as
49 the state emergency medical services council, the commissioner and the
50 department may require related to the provision of emergency medical
51 service, specialty care, designated facility care, and disaster medical
52 care, and assist in the regional coordination of such service and care.

53 12. Each regional council shall advise the state emergency medical
54 services council, the commissioner and the department on the appropriate
55 regional standards required for the provision of emergency medical
56 services.

1 § 9. The public health law is amended by adding a new section 3004 to
2 read as follows:

3 § 3004. Emergency medical services quality and sustainability assur-
4 ance program. The commissioner, with the advice of the state emergency
5 medical advisory committee, may create an emergency medical services
6 quality and sustainability assurance program. Standards and requirements
7 of the quality and sustainability assurance program may include but not
8 be limited to, clinical standards, quality metrics, safety standards,
9 emergency vehicle operator standards, clinical competencies, sustaina-
10 bility metrics and minimum requirements for quality assurance and
11 sustainability assurance programs to be followed by emergency medical
12 services agencies, to promote positive patient outcomes, safety, and
13 emergency medical services system sustainability throughout the state.
14 Standards and requirements of the quality and sustainability assurance
15 program may be regionalized. The commissioner is hereby authorized to
16 promulgate regulations related to the standards and requirements of the
17 quality and sustainability assurance program. Quality and sustainability
18 assurance programs shall require each emergency medical services agency
19 to perform regular and periodic review of quality and sustainability
20 assurance program metrics, identification of agency deficiencies and
21 strengths, development of programs to improve agency metrics, strengthen
22 system sustainability, and continuous monitoring of care provided. The
23 department may contract for services with subject matter experts to
24 assist in the oversight of these metrics statewide. The department may
25 delegate authority to oversee these metrics and regulations to counties
26 or other contractors as determined by the commissioner. Emergency
27 medical services agencies that do not meet the standards and require-
28 ments set forth in the quality assurance program set by the commissioner
29 may be subject to enforcement actions, including but not limited to
30 revocation, suspension, performance improvement plans, or restriction
31 from specific types of responses including, but not limited to, suspen-
32 sion of the ability to respond to requests for emergency medical assist-
33 ance or to perform emergency medical services.

34 § 10. The public health law is amended by adding a new section 3018 to
35 read as follows:

36 § 3018. Statewide comprehensive emergency medical system plan. 1. The
37 department, in consultation with the state emergency medical advisory
38 committee, shall develop and maintain a statewide comprehensive emergen-
39 cy medical system plan that shall provide for a coordinated emergency
40 medical system within the state, which shall include but not be limited
41 to:

42 (a) establishing a comprehensive statewide emergency medical system,
43 incorporating facilities, transportation, workforce, communications, and
44 other ways to improve the delivery of emergency medical service and
45 thereby decrease morbidity, hospitalization, disability, and mortality;

46 (b) improving the accessibility of high-quality emergency medical
47 service;

48 (c) coordinating with professional medical organizations, hospitals,
49 and other public and private agencies to develop approaches for persons
50 who are presently using emergency departments for routine, nonurgent and
51 primary medical care to be served appropriately and economically; and

52 (d) conducting, promoting, and encouraging programs of education and
53 training designed to upgrade the knowledge and skills of emergency
54 medical service practitioners throughout the state with emphasis on
55 regions underserved by emergency medical services.

1 2. The statewide comprehensive emergency medical system plan shall be
2 reviewed, updated if necessary, and published every five years on the
3 department's website, or at such earlier times as may be necessary to
4 improve the effectiveness and efficiency of the state's emergency
5 medical service system.

6 3. Each regional emergency medical advisory committee shall develop
7 and maintain a comprehensive regional emergency medical system plan that
8 shall provide for a coordinated emergency medical system within the
9 region. Such plans shall be subject to review by the state emergency
10 medical advisory committee and approval by the department.

11 4. Each county shall develop and maintain a comprehensive county emer-
12 gency medical system plan that shall provide for a coordinated emergency
13 medical system within the county. The county office of emergency medical
14 services shall be responsible for the development and maintenance of the
15 comprehensive county emergency medical system plan. Such plans shall be
16 subject to review by the regional emergency medical advisory committee,
17 the state advisory council and approval by the department. The depart-
18 ment shall be responsible for oversight of each county's compliance with
19 its plan.

20 5. The commissioner may promulgate regulations to ensure compliance
21 with this section.

22 § 11. Section 3008 of the public health law is amended by adding a new
23 subdivision 8 to read as follows:

24 8. (a) Notwithstanding any provision of law other than paragraph (b)
25 of this subdivision to the contrary, all determinations of need shall be
26 consistent with the state emergency medical system plan established in
27 section three thousand eighteen of this article. The commissioner may
28 promulgate regulations to provide for standards on the determination of
29 need. The department shall issue a new emergency medical system agency
30 certificate only upon a determination that a public need for the
31 proposed service has been established pursuant to regulation. If the
32 department determines that a public need exists for only a portion of a
33 proposed service, a certificate may be issued for that portion. Prior to
34 reaching a final determination of need, the department shall forward a
35 summary of the proposed service including any documentation received or
36 subsequent reports created thereto, to the state emergency medical
37 services advisory council for review and recommendation to the depart-
38 ment on the approval of the application. An applicant or other concerned
39 party may appeal any determination made by the department pursuant to
40 this section within fourteen days. Appeals shall be heard pursuant to
41 the provisions of section twelve-a of this chapter, and a final determi-
42 nation as to need shall be made by the commissioner upon review of the
43 report and recommendation by the presiding administrative law judge.

44 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
45 sion, the commissioner may promulgate regulations to provide for the
46 issuance of an emergency medical system agency certificate without a
47 determination of public need.

48 § 12. The public health law is amended by adding a new section 3019 to
49 read as follows:

50 § 3019. Emergency medical systems training program. 1. There is hereby
51 established a training program for emergency medical systems that
52 includes students, emergency medical service practitioners, agencies,
53 facilities, and personnel, and the commissioner may provide funding
54 within the amount appropriated to conduct such training programs. Until
55 such time as the department announces the training program established
56 pursuant to this section is in effect, all current standards, curricula,

1 and requirements for students, emergency medical service practitioners,
2 agencies, facilities, and personnel shall remain in effect.

3 2. The department, in consultation with the state emergency medical
4 advisory council, shall establish minimum education standards, curric-
5 ula, and requirements for all emergency medical system training
6 programs. No person shall profess to provide emergency medical system
7 training without the approval of the department.

8 3. The department is authorized to provide, either directly or through
9 contract, emergency medical system training for emergency medical
10 service practitioners and emergency medical system agency personnel,
11 develop and distribute training materials for use by instructors, and to
12 recruit additional instructors to provide training.

13 4. The department may visit and inspect any emergency medical system
14 training program or training center operating under this article and the
15 regulations adopted therefore to ensure compliance.

16 5. The commissioner shall, within amounts appropriated, establish a
17 public service campaign to recruit additional personnel into the emer-
18 gency medical system fields.

19 6. The commissioner shall, within amounts appropriated, establish an
20 emergency medical system mental health and wellness program that
21 provides resources to emergency medical service practitioners to reduce
22 burnout; prevent depression, suicide and other negative mental health
23 outcomes; and increase safety.

24 7. The department may create or adopt with the approval of the commis-
25 sioner additional standards, training and criteria to become a credent-
26 ialled emergency medical service practitioner to provide specialized,
27 advanced, or other services that further support or advance the emergen-
28 cy medical system.

29 § 13. This act shall take effect immediately.