

# STATE OF NEW YORK

8868

## IN SENATE

April 26, 2022

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. The public health law is amended by adding a new section  
2 3033 to read as follows:

3 § 3033. Ambulance service assessment. 1. The department shall charge  
4 every ambulance service a uniform ambulance assessment fee, provided  
5 that the fee shall not apply to any municipal fire department, police  
6 department, or other government entity that provides emergency medical  
7 services, any ambulance service that exclusively provides emergency  
8 medical care by aircraft, or any provider required to pay an assessment  
9 on ambulance service revenue under article twenty-eight of this chapter.

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

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

22 4. Fees collected under this section shall be held in a fund adminis-  
23 tered by the department. Such fund shall include:

24 (a) all revenues generated by the fee;

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

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

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

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

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

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

12 § 2. This act shall take effect immediately.