

STATE OF NEW YORK

1091

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. KELLES, SANTABARBARA, SIMON, THIELE, LUPARDO,
SEAWRIGHT, CLARK -- read once and referred to the Committee on Health

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:

1 Section 1. The public health law is amended by adding a new section
2 3018 to read as follows:

3 § 3018. Consolidated assistance program for EMS departments. 1. For
4 the purposes of this section, the term "funding level" shall mean the
5 average amount of funding received over the previous two years, calcu-
6 lated for each emergency medical service department or contract with
7 other municipal departments, volunteer departments, including volunteer
8 ambulances which are based in volunteer fire departments, or non-profits
9 for the provision of emergency medical services within their jurisdic-
10 tion.

11 2. Notwithstanding any other provisions of this chapter or any other
12 law, and subject to an appropriation made therefor and in accordance
13 with the provisions of this section and with the rules and regulations
14 promulgated by the commissioner in connection therewith, the consol-
15 idated assistance program for emergency medical service departments is
16 hereby established for the purpose of making payments to municipalities
17 which operate emergency medical service departments, or contract with
18 other municipal departments, volunteer departments, including volunteer
19 ambulances which are based in volunteer fire departments, or non-profits
20 for the provision of emergency medical services within their jurisdic-
21 tion and which do not contract, directly or indirectly, with for-profit
22 entities for emergency medical services. The commissioner shall promul-
23 gate all necessary rules and regulations to carry out the program so
24 that an equitable distribution of aid shall be made to such munici-
25 palities.

26 3. On or before the twenty-fifth day of April, June, September and
27 November, there shall be distributed and paid to municipalities an

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

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1 amount equal to the moneys appropriated for the purposes of this section
2 divided by the number of payment dates in that state fiscal year. Such
3 amounts shall be distributed and paid pursuant to this section.

4 4. Amounts shall be distributed to municipalities under the consol-
5 idated assistance program for EMS departments in relative shares based
6 on rules and regulations promulgated by the commissioner, in consulta-
7 tion with the New York state emergency medical services council, which
8 shall consider for each municipality:

9 (a) its population and population density, prioritizing less densely
10 populated areas where financial strain for providing service is great-
11 est;

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

13 (c) the percentage of its annual budget which goes to providing emer-
14 gency medical services; and

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

17 5. On the first day of the third month following the end of its fiscal
18 year, each municipality which has received five thousand dollars or more
19 in total funds paid pursuant to this section during the preceding fiscal
20 year shall certify to the commissioner, pursuant to rules and regu-
21 lations promulgated by the commissioner in relation thereto, that the
22 expenditure by such municipality in such fiscal year of nonstate funds
23 raised by the municipality for the operation of or contracting for emer-
24 gency medical services was not reduced below the level of the average of
25 the previous two years. Provided, however, that in calculating the
26 expenditures and revenues of the municipality to determine the local
27 maintenance of effort for the fiscal year being certified and the
28 expenditure level of the average of the previous two years, munici-
29 palities shall not be required to include the amount of revenues and
30 expenditures for operation of or contracting for emergency medical
31 services necessitated by any unforeseen event for which the municipality
32 was officially declared a disaster area. Where a reduction in such
33 spending or non-use has occurred, the distributions above the funding
34 level to such municipality in the then-current state fiscal year shall
35 be reduced by an amount equivalent to the amount of such reduction or
36 non-use, except that no reduction to the funding level shall be taken
37 for an amount caused by any unforeseen event for which the municipality
38 was officially declared a disaster area. Municipalities not required to
39 certify under this section may continue such non-certifying status, with
40 the approval of the commissioner, if the apportionment to such munici-
41 pality is increased to more than five thousand dollars but less than
42 seven thousand dollars in any local fiscal year. For the purposes of
43 this section, a municipality shall mean a county, city, town or village
44 or two or more such jurisdictions acting jointly.

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

55 § 2. This act shall take effect immediately.