

STATE OF NEW YORK

1091--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. KELLES, SANTABARBARA, SIMON, THIELE, LUPARDO, SEAWRIGHT, CLARK, LEVENBERG, GUNTHER, BORES, DARLING, BENDETT, DeSTEFANO, McDONOUGH, MILLER, MCGOWAN, WOERNER, GONZALEZ-ROJAS, SHIMSKY, BUTTENSCHON, EACHUS, OTIS, BLUMENCRANZ, J. M. GIGLIO, MAHER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 3019 to read as follows:

3 § 3019. 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-profit
9 or for-profit entities for the provision of emergency medical services
10 within their jurisdiction.

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-profit

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

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1 or for-profit entities for the provision of emergency medical services
2 within their jurisdiction for emergency medical services. The commis-
3 sioner shall promulgate all necessary rules and regulations to carry out
4 the program so that an equitable distribution of aid shall be made to
5 such municipalities.

6 3. On or before the twenty-fifth day of April, June, September and
7 November, there shall be distributed and paid to municipalities an
8 amount equal to the moneys appropriated for the purposes of this section
9 divided by the number of payment dates in that state fiscal year. Such
10 amounts shall be distributed and paid pursuant to this section.

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

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

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

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

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

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

52 6. For any city, town, or village which consolidates or merges with
53 another municipality, the resulting successor government shall file with
54 the office of the state comptroller a certificate of any such consol-
55 idation, merger and any accompanying dissolution. If the amount which
56 would otherwise be apportioned to the individual governments exceeds the

1 amount which is payable to the successor government pursuant to this
2 section, such successor government shall receive no less in consolidated
3 assistance program for EMS department apportionments than the predeces-
4 sor governments would have received in the aggregate had the merger or
5 consolidation not occurred.

6 § 2. This act shall take effect immediately.