

STATE OF NEW YORK

3392--B

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. OTIS, BUTTENSCHON, CLARK, LUPARDO, SANTABARBARA, EACHUS, LEVENBERG, SILLITTI, KELLES, BENDETT -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal 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 and a new paragraph (g) is added 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 ~~or~~
6 in conjunction with a special district, [~~may provide~~] shall ensure that
7 an emergency medical service, a general ambulance service or a combina-
8 tion of such services are provided for the purpose of providing prehos-
9 pital emergency medical treatment or transporting sick or injured
10 persons found within the boundaries of the municipality or the munici-
11 palities acting jointly to a hospital, clinic, sanatorium or other place
12 for treatment of such illness or injury, [~~and for~~] provided, however,
13 that the provisions of this subdivision shall not apply to a city with a
14 population of one million or more. In furtherance of that purpose, a
15 county, city, town or village may:
16 (g) Establish a special district for the financing and operation of
17 general ambulance services as set forth by this section, whereby any
18 county, city, town or village, acting individually, or jointly with any
19 other county, city, town and/or village, through its governing body or

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

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bodies, following applicable procedures as are required for the establishment of fire districts in article eleven of the town law or following applicable procedures as are required for the establishment of joint fire districts in article eleven-A of the town law, with such special district being authorized by this section to be established in all or any part of any such participating county or counties, town or towns, city or cities and/or village or villages.

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

§ 3000. Declaration of policy and statement of purpose. The furnishing of medical assistance in an emergency is a matter of vital concern affecting the public health, safety and welfare. Emergency medical services and ambulance services are essential services and shall be available to every person in the state of New York in a reliable manner. Prehospital emergency medical care, other emergency medical services, the provision of prompt and effective communication among ambulances and hospitals and safe and effective care and transportation of the sick and injured are essential public health services and shall be available to every person in the state of New York in a reliable manner.

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

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

1. "Emergency medical service" means [~~initial emergency medical assistance including, but not limited to, the treatment of trauma, burns, respiratory, circulatory and obstetrical emergencies~~] a coordinated system of healthcare delivery that responds to the needs of sick and injured adults and children, by providing: essential care at the scene of an emergency, non-emergency, specialty need or public event; community education and prevention programs; ground and air ambulance services; centralized access and emergency medical dispatch; training for emergency medical services practitioners; medical first response; mobile trauma care systems; mass casualty management; medical direction; or quality control and system evaluation procedures.

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

§ 3019. Statewide comprehensive emergency medical system plan. 1. The state emergency medical services council, in collaboration and with final approval of the department, shall develop and maintain a statewide comprehensive emergency medical system plan that shall provide for a coordinated emergency medical system within the state, which shall include but not be limited to:

(a) establishing a comprehensive statewide emergency medical system, consisting of facilities, transportation, workforce, communications, and other components to improve the delivery of emergency medical service and thereby decrease morbidity, hospitalization, disability, and mortality;

1 (b) improving the accessibility of high-quality emergency medical
2 service;

3 (c) coordinating professional medical organizations, hospitals, and
4 other public and private agencies in developing alternative delivery
5 models for persons who are presently using emergency departments for
6 routine, nonurgent and primary medical care to be served appropriately
7 and economically; and

8 (d) conducting, promoting, and encouraging programs of education and
9 training designed to upgrade the knowledge and skills of emergency
10 medical service practitioners throughout the state with emphasis on
11 regions underserved by or with limited access to emergency medical
12 services.

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

18 3. Each regional emergency medical services council shall develop and
19 maintain a comprehensive regional emergency medical system plan or adopt
20 the statewide comprehensive emergency medical service system plan, to
21 provide for a coordinated emergency medical system within the region.
22 Such plans shall be subject to review by the state emergency medical
23 services council and final approval by the department.

24 4. Each county shall develop and maintain a comprehensive county emer-
25 gency medical system plan that shall provide for a coordinated emergency
26 medical system within the county, to provide essential emergency medical
27 services for all residents within the county. The county office of emer-
28 gency medical services shall be responsible for the development, imple-
29 mentation, and maintenance of the comprehensive county emergency medical
30 system plan. Such plans may require review and approval, as determined
31 by the state emergency medical services council, by such council, the
32 regional emergency medical services council and approval by the depart-
33 ment. Such plan shall outline the primary responding agency for
34 requests for service for each part of the county.

35 § 5. The public health law is amended by adding a new section 3019-a
36 to read as follows:

37 § 3019-a. Emergency medical systems training program. 1. The state
38 emergency medical services council shall make recommendations to the
39 department for the department to implement standards related to the
40 establishment of training programs for emergency medical systems that
41 include but are not limited to students, emergency medical service prac-
42 titioners, emergency medical services agencies, approved educational
43 institutions, geographic areas, facilities, and personnel, and the
44 commissioner shall fund such training programs in full or in part based
45 on state appropriations. Until such time as the department announces
46 the training program established pursuant to this section is in effect,
47 all current standards, curricula, and requirements for students, emer-
48 gency medical service practitioners, agencies, facilities, and personnel
49 shall remain in effect.

50 2. The state emergency medical services council, with final approval
51 of the department, shall establish minimum education standards, curric-
52 ula, and requirements for all emergency medical system educational
53 institutions. No person or educational institution shall profess to
54 provide emergency medical system training without meeting the require-
55 ments set forth in regulation and only after approval of the department.

1 3. The department is authorized to provide, either directly or through
2 contract, for local or statewide initiatives, emergency medical system
3 training for emergency medical service practitioners and emergency
4 medical system agency personnel, using funding including but not limited
5 to allocations to aid to localities for emergency medical services
6 training.

7 4. The department may visit and inspect any emergency medical system
8 training program or training center operating under this article to
9 ensure compliance. The department may request the state or regional
10 emergency medical services council's assistance to ensure the compli-
11 ance, maintenance, and coordination of training programs. Emergency
12 medical services institutions that fail to meet applicable standards and
13 regulations may be subject to enforcement action, including but not
14 limited to revocation, suspension, performance improvement plans, or
15 restriction from specific types of education.

16 § 6. Section 3020 of the public health law is amended by adding two
17 new subdivisions 3 and 4 to read as follows:

18 3. The department, with the approval of the state emergency medical
19 services council, may create or adopt additional standards, training and
20 criteria to become an emergency medical service practitioner credent-
21 ialled to provide specialized, advanced, or other services that further
22 support or advance the emergency medical system. The department, with
23 approval of the state emergency medical services council may also set
24 standards and requirements to require specialized credentials to perform
25 certain functions in the emergency medical services system.

26 4. The department, with approval of the state emergency medical
27 services council may also set standards for emergency medical system
28 agencies to become accredited in a specific area to increase system
29 performance and agency recognition.

30 § 7. This act shall take effect six months after it shall have become
31 a law.