§ 122. Refusal to take persons to hospital prohibited; exception for cities with a population of one million or more. 1. (a) Except as otherwise provided in subdivision two of this section, in any city, county, town or village of this state wherein exists, or is hereafter created, an ambulance system, supported wholly or partly at public expense, or which is wholly or partly under the care, management or control of the public authorities, no person in charge of an ambulance, hospital, or house or place of reception for the sick or injured, shall refuse, in answer to a call or demand for an ambulance, if such call has been answered by the attendance of an ambulance, to take such person for whom a call may be made to the hospital or place of reception for the sick or injured from which the ambulance came, for examination and treatment by the house authorities of the said hospital or place of reception for the sick or injured.

(b) Except as otherwise provided in subdivision two of this section, any person neglecting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

(c) This subdivision shall apply to the drivers of and to the physician in charge of an ambulance.

2. In cities with a population of one million or more, nothing contained in subdivision one of this section shall be construed to require the transportation of any person when: (a) an emergency medical technician, advanced emergency medical technician or paramedic, employed by or under the supervision of a public benefit corporation authorized by law to maintain an emergency medical service, called to transport such person, physically examines such person; (b) such emergency medical technician, advanced emergency medical technician or paramedic transmits the findings made during such examination to a physician in communication authorized to provide medical control by such city's emergency medical service; and (c) such physician determines, based solely upon the medical condition of such person being considered for ambulance transportation, that such person either is not in need of emergency medical care or is neither sufficiently ill nor injured to necessitate transportation to a hospital by means of an ambulance.