§ 207-a. Payment of salary, medical and hospital expenses of firefighters with injuries or illness incurred in performance of duties. 1. Any paid firefighter which term as used in this section shall mean any paid officer or member of an organized fire company or fire department of a city of less than one million population, or town, village or fire district, or any paid firefighter of a county airport or county aviation department which performs fire response or fire rescue duties, who is injured in the performance of his or her duties or who is taken sick as a result of the performance of his or her duties so as to necessitate medical or other lawful remedial treatment, shall be paid by the municipality or fire district by which he or she is employed the full amount of his or her regular salary or wages until his or her disability arising therefrom has ceased, and, in addition, such municipality or fire district shall be liable for all medical treatment and hospital care furnished during such disability. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for the purpose by the municipality or fire district, may attend any such injured or sick firefighter, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality or fire district shall not be liable for salary or wages payable to such a firefighter, or for the cost of medical or hospital care or treatment furnished, after such date as the health authorities or such physician shall certify that such injured or sick firefighter has recovered and is physically able to perform his or her regular duties in the company or department. Any injured or sick firefighter who shall refuse to accept such medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations resulting from the application of subdivision two hereof, shall be deemed to have waived his or her rights under this section in respect to expenses incurred for medical treatment or hospital care or salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such member of the fire department

of any such city.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any firefighter who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of his or her duties if such firefighter is granted an accidental disability retirement allowance pursuant to section three hundred sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance pursuant to section three hundred sixty-three-c of the retirement and social security law or similar accidental disability pension provided by the pension fund of which he or she is a member; provided, however, that in any such case such firefighter shall continue to receive from the municipality or fire district by which he or she is employed, until such time as he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service, the difference between the amounts received under such allowance or pension and the amount of his or her regular salary or wages. Any payment made by a municipal corporation or fire district pursuant to the provisions of this subdivision shall be deemed to have been made for a valid and lawful public purpose. If application for such retirement allowance or pension is not made by such firefighter, application therefor may be made by the head of the fire company or fire department or as otherwise provided by the fire district or by the chief executive officer or local legislative body of the municipality by which such firefighter is employed. If such application for accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance is denied, the fire district or municipal corporation by which such firefighter is employed may appeal such determination.

3. If such a firefighter is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension and is nevertheless, in the opinion of such health

authorities or physician, unable to perform his or her regular duties as a result of such injury or sickness but is able, in their opinion, to perform specified types of light duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such firefighter if he or she shall refuse to perform such light duty if the same is available and offered to him or her, provided, however, that such light duty shall be consistent with his or her status as a firefighter and shall enable him or her to continue to be entitled to his or her regular salary or wages, including increases thereof and fringe benefits, to which he or she would have been entitled if he or she were able to perform his or her regular duties.

4. If such a firefighter is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension, he or she shall not be entitled to further payment of the full amount of regular salary or wages, as provided by subdivision one of this section, after he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service. Where such a firefighter retires or is retired under any procedure applicable to him or her, including but not limited to circumstances described in subdivision two of this section or in this subdivision, he or she shall thereafter, in addition to any portion of regular wages or salary and/or any retirement allowance or pension to which he or she is then entitled, continue to be entitled to medical treatment and hospital care necessitated by reason of such injury or illness.

4-a. Any benefit payable pursuant to subdivision two of this section to a person who is granted retirement for disability incurred in performance of duty pursuant to section three hundred sixty-three-c of the retirement and social security law shall be reduced by the amount of the benefits that are finally determined payable under the workers' compensation law by reason of accidental disability.

5. The appropriate municipal or fire district officials may transfer such a firefighter to a position in the same or another agency or department where they are able to do so pursuant to applicable civil service requirements and provided the firefighter shall consent thereto.

6. Any firefighter receiving payments or benefits pursuant to this section, who engages in any employment other than as provided in subdivision three or five of this section shall on the commencement of such employment, forfeit his or her entitlement to any payments and benefits hereunder, and any such payment or benefit unlawfully received by such firefighter shall be refunded to and may be recovered by the municipal corporation or fire district employing such firefighter in a civil action. For the purposes of this section, employment shall not include income derived from passive involvement with: gains derived from dealings in property, interest income, rents from real property, royalties, dividends, alimony and separate maintenance payments, annuities, income from life insurance and endowment contracts, other pensions, income from the discharge of indebtedness, income in the respect of a decedent, and income from an interest in an estate or trust.

7. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality or fire district aforesaid for reimbursement in such sum or sums actually paid as a salary or wages and/or for medical or hospital treatment, as against any third party against whom the firefighter shall have a cause of action for the injuries sustained.