§ 3002. New York state emergency medical services council. 1. There is hereby created in the department of health the New York state emergency medical services council. The state council shall consist of thirty-two members. Fourteen members to the state council shall be appointed by the commissioner and shall be representative of each geographic area of the state. At least one member shall be representative of the interests of the general public. Other members shall be knowledgeable in various aspects of emergency medical services and shall include, but not be limited to, representatives of voluntary ambulance services, advanced life support first response services, ambulance services operating for profit, municipal ambulance services, hospitals, a statewide organization representing volunteer fire services, municipal tax districts providing ambulance services, physicians, and nurses. The commissioner shall also appoint a representative from each regional council, from nominations received from the appropriate regional council. The members of the state council shall elect a chairperson from among the members of the state council by a majority vote of those present, who shall serve for a term of one year and until a successor is elected.

1-a. The state emergency medical services council shall advise and assist the commissioner on such issues as the commissioner may require related to the provision of emergency medical service, specialty care, designated facility care, and disaster medical care. This shall include, but shall not be limited to, the recommendation, periodic revision, and application of rules and regulations, appropriateness review standards, treatment protocols, workforce development, and quality improvement standards. The state emergency medical services council shall meet at least three times per year or more frequently at the request of the chairperson or department and approved by the commissioner.

2. The state council shall have the power, by an affirmative vote of a majority of those present, subject to approval by the commissioner, to enact, and from time to time, amend and repeal, rules and regulations establishing minimum standards for ambulance services, ambulance service certification, advanced life support first response services, the provision of prehospital emergency medical care, public education, the

development of a statewide emergency medical services system, the provision of ambulance services outside the primary territory specified in the ambulance services' certificate and the training, examination, and certification of certified first responders, emergency medical technicians, and advanced emergency medical technicians; provided, however, that such minimum standards must be consistent with the staffing standards established by section three thousand five-a of this article. Such training shall be made available by video or computer to the maximum extent possible. Until January first, nineteen hundred ninety-seven, no minimum standards shall be established for services provided by a voluntary ambulance service operating solely pursuant to a statement of registration issued under section three thousand four. The curriculum for certified first responder training shall not exceed fifty-one hours including prerequisites. The state council shall have the same powers granted to regional councils by this article in any region of the state in which a regional council has not been established.

2-a. In furtherance of the powers set forth in subdivision two of this section, the state council shall provide to the trustees of the state university of New York such information and recommendations as may be requested by such trustees to assist such trustees' study of the feasibility of community colleges' and state university of New York agricultural and technical colleges' offering credit and noncredit courses which would satisfy the educational requirements for certification and recertification of emergency medical technicians and advanced emergency medical technicians.

2-b. The commissioner, in consultation with the state emergency medical services council, shall develop a program to allow certified first responders, emergency medical technicians and advanced emergency medical technicians who have been in continuous practice, who have demonstrated competence in applicable behavioral and performance objectives, and who have demonstrated completion of appropriate continuing education, to renew their certification under subdivision two of this section without requiring the completion of a written examination. In implementing this program, the commissioner shall

contract with and use the standards established by a nationally recognized organization that certifies certified first responders, emergency medical technicians and advanced emergency medical technicians. Renewals of certification under the program shall be deemed equivalent to renewals under subdivision two of this section for purposes of this article.

3. Upon appeal from the appropriate regional council, the state council shall have the power, by an affirmative vote of a majority of those present, to amend, modify and reverse determinations of the regional councils made pursuant to subdivision five of section three thousand three and section three thousand eight of this article. All determinations of the state council respecting applications for ambulance service certificates or statements of registration or respecting the revocation, suspension (except temporary suspension), limitation or annulment of an ambulance service certificate shall be subject to review as provided in article seventy-eight of the civil practice law and rules. Application for such review must be made within sixty days after service in person or by registered or certified mail of a copy of the determination upon the applicant or holder of the certificate.

3-a. Upon appeal from the applicant, the department, or any concerned party, the state council shall have the power, by an affirmative vote of a majority of those present, to amend, modify and reverse determinations of the regional councils made pursuant to subdivision five-a of section three thousand three of this article. All determinations of the state council with respect to exemptions shall be subject to review as provided in article seventy-eight of the civil practice law and rules. Application for such review must be made within sixty days after service in person or by registered or certified mail.

4. The term of office of each member shall be two years. Vacancies shall be filled by appointment for the remainder of an unexpired term. The members shall continue in office until the expiration of their terms and until their successors are appointed and have qualified. No member shall be appointed to the state council for more than four consecutive

terms.

5. The state council shall meet as frequently as its business may require. The presence of a majority of the members shall constitute a quorum. The members of the state council shall receive no compensation for their services as members, but each shall be allowed the necessary and actual expenses incurred in the performance of his or her duties under this section.

6. The commissioner, upon request of the state council, shall designate an officer or employee of the department to act as secretary of the state council, and shall assign from time to time such other employees as the state council may require.

7. No civil action shall be brought in any court against any member, officer or employee of the state council for any act done, failure to act, or statement or opinion made, while discharging his or her duties as a member, officer or employee of the state council, without leave from a justice of the supreme court, first had and obtained. In no event shall such member, officer or employee be liable for damages in any such action if he or she shall have acted in good faith, with reasonable care and upon probable cause.

8. The state council shall, after consultation with the department and the regional councils, forward to the commissioner not later than December first an estimate of the amounts needed to provide adequate funding for emergency medical services training including advanced life support at the local level, regional medical emergency services councils, emergency medical services program agencies, the state emergency medical services council or other emergency medical services training programs to carry out the purposes of this article and article thirty-A of this chapter. Such estimate shall be transmitted without change by the commissioner to the governor, the division of the budget, the temporary president of the senate, the speaker of the assembly, and the fiscal and health committees of each house of the legislature.