§ 378. Certain cities; contracts and fees for health services. (a) In cities having a population of less than one hundred and seventy-five thousand and in those cities which have by special law established a department of health, the commissioner of health or health officer, with the consent and approval of the mayor and the board of estimate and apportionment or other board having similar power in such cities and the common council or similar legislative authority in cities having no such boards, may enter into contracts

(1) with corporations duly licensed in the state of New York to transact the business of accident and health insurance to provide to sick and disabled persons insured by them such home care, including nursing and other paramedical services (excluding physicians' services) as may be needed by them;

(2) with hospital service corporations organized and operating in accordance with article forty-three of the insurance law to provide to their subscribers nursing service and such other paramedical services as would have been available in a hospital (excluding physicians' services) at rates which shall prior to payment be approved as to reasonableness by the superintendent of financial services;

(3) with any municipal corporation or local, state or federal agency to provide such home care, including nursing and other paramedical services (excluding physicians' services) as may be needed by sick and disabled persons;

(4) with medical expense indemnity corporations organized and operating in accordance with article forty-three of the insurance law to provide their subscribers with such home care, including nursing and other paramedical services, as may be needed by them at rates which shall prior to payment be approved as to reasonableness by the superintendent of financial services; and

(5) with any non-profit corporation, agency or association established for the purpose of improvement of health services, or for the purpose of providing home care for sick and disabled persons, including nursing and other paramedical services (excluding physicians' services) as may be needed by such persons.

(6) with any dentist, physician or group of physicians, without public bidding, for the rental or use of a portion of a clinic or public health center and its equipment and furnishings provided, however, that any

such dentist, physician or group of physicians shall render such care and treatment as shall be necessary or possible under the circumstances to any person found eligible for emergency treatment including those found in an unconscious, seriously ill or wounded condition and to any person eligible for medical assistance pursuant to section three hundred sixty-six of the social services law.

(b) Such commissioner of health or health officer shall establish the fees to be charged for such services to be rendered pursuant to such contracts, collect such fees and pay the same over to the fiscal officer of the city in the manner provided by law. No contract made in accordance with the provisions of subdivision (a) of this section shall require payment for such services to an insured or subscriber at a rate in excess of the charge for the same service, if any, provided to a person afflicted with a similar disease or condition who is neither insured nor a subscriber.

(c) The commissioner of health or health officer with the consent and approval of the mayor and the board of estimates and apportionment or other board having similar power in such cities and the common council or similar legislative authority in cities having no such boards may establish and collect fees from a patient or a person or private or public agency responsible for his care for services rendered to patients in the institutions, public health centers and clinics operated by the city and for nursing and other paramedical services (excluding physicians' services) rendered to people sick at home. Fees so collected shall be paid to the fiscal officer of the city in the manner provided by law.

(d) The commissioner of health or health officer may in his discretion, in proper cases, where substantial justice will best be served thereby, waive the collection of all, or any portion of, such fees or compromise any portion of such fees. Such waiver or compromise shall be made only upon prior approval of the mayor and the board of estimate and apportionment or other board having similar power in such cities and the common council or similar legislative authority in cities having no such boards, when it is deemed to be in the best interests of the city.