

INTRO 7-2

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS RATH, MILLS, DIXON, HARDWICK & LORIGO

Re: Supporting the Ability of Volunteer Emergency Medical Providers to Recover Costs for Services Provided

WHEREAS, New York State General Municipal Law currently prohibits emergency rescue and first aid squads created under General Municipal Law from charging a fee for transporting sick or injured individuals to a hospital for medical treatment; and

WHEREAS, private ambulance companies providing similar services are allowed to charge fees, which are frequently paid by an insurance carrier; and

WHEREAS, a number of volunteer emergency rescue and first aid squads have expressed an interest in establishing a fee schedule, to allow for recovery from insurance companies for services provided; and

WHEREAS, such permission would result in less need for tax dollars paid by taxpayers in the districts covered by the emergency rescue and first aid squads; and

WHEREAS, several local emergency rescue and first aid squads have established or are establishing separate not-for-profit 501(c)(3) corporations in order to seek reimbursement from insurance companies; and

WHEREAS, these not-for-profits, upon collecting reimbursement from insurance companies, do not seek co-payments from individuals receiving services or from those without insurance; and

WHEREAS, the New York State Comptroller has recently questioned the propriety of establishing separate not-for-profit entities to provide emergency services in conjunction with local fire companies; and

WHEREAS, New York State Senate Bill 4856 and Assembly Bill 7291 would allow for a fee schedule to be created by emergency rescue and first aid squads; and

WHEREAS, signing the bills into law would allow emergency services provider to bill insurance companies for services provided, thus reducing the need for tax dollars, and obviate the need for separate not-for-profit first aid squads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as supporting New York State Senate Bill 4856 and Assembly Bill 7291, which would amend General Municipal Law to allow emergency rescue and first aid squads to establish fee schedules; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo and the Western New York Delegation of the New York State Senate and Assembly.

Fiscal Impact: Positive for Erie County taxpayers

S T A T E O F N E W Y O R K

4856

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the town law, in relation to authorizing fees and charges for emergency medical services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 209-b of the general municipal
2 law, as amended by chapter 718 of the laws of 1958, is amended to read
3 as follows:

4 4. Fees and charges [prohibited] AUTHORIZED. Emergency and general
5 ambulance service, INCLUDING EMERGENCY MEDICAL SERVICE AS DEFINED IN
6 SECTION THREE THOUSAND ONE OF THE PUBLIC HEALTH LAW, authorized pursuant
7 to this section [shall] MAY be furnished without cost to the person
8 served; PROVIDED, HOWEVER, THAT THE AUTHORITIES HAVING CONTROL OF A FIRE
9 DEPARTMENT OR FIRE COMPANY THAT HAVE AUTHORIZED SUCH FIRE DEPARTMENT OR
10 FIRE COMPANY TO PROVIDE SUCH SERVICE OR SERVICES MAY FIX A SCHEDULE OF
11 FEES OR CHARGES TO BE PAID BY PERSONS REQUESTING SUCH SERVICE OR
12 SERVICES. THE AUTHORITIES HAVING CONTROL OF A FIRE DEPARTMENT OR FIRE
13 COMPANY MAY PROVIDE FOR THE COLLECTION OF FEES AND CHARGES OR MAY FORMU-
14 LATE RULES AND REGULATIONS FOR THE COLLECTION THEREOF BY THE FIRE
15 DEPARTMENT OR FIRE COMPANY. WHEN FEES AND CHARGES ARE AUTHORIZED PURSU-
16 ANT TO THIS SUBDIVISION, THE FEES AND CHARGES COLLECTED SHALL BE
17 DISBURSED IN ACCORDANCE WITH A WRITTEN CONTRACT ENTERED INTO BETWEEN THE
18 AUTHORITY HAVING CONTROL OF A FIRE DEPARTMENT OR FIRE COMPANY AND THE
19 FIRE DEPARTMENT OR FIRE COMPANY ITSELF. The acceptance by any fireman
20 of any personal remuneration or gratuity, directly or indirectly, from a
21 person served shall be a ground for his expulsion or suspension as a
22 member of the fire department or fire company.

23 S 2. Paragraph (e) of subdivision 1 of section 122-b of the general
24 municipal law, as amended by chapter 303 of the laws of 1980, is amended
25 to read as follows:

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

LBD05811-02-1

S. 4856

2

1 (e) [No] A contract [shall] MAY be entered into pursuant to the
2 provisions of this section for the services of an emergency rescue and
3 first aid squad of a fire department or fire company which is subject to
4 the provisions of section two hundred nine-b of the general municipal
5 law;

6 S 3. Subdivision 1 of section 184 of the town law, as amended by chap-
7 ter 599 of the laws of 1994, is amended to read as follows:

8 1. Whenever the town board shall have established or extended a fire

9 protection district pursuant to the provisions of this article, the town
10 board shall provide for the furnishing of fire protection within the
11 district and for that purpose may (a) contract with any city, village,
12 fire district or incorporated fire company maintaining adequate and
13 suitable apparatus and appliances for the furnishing of fire protection
14 in such district or (b) may acquire by gift or purchase such apparatus
15 and appliances for use in such district and may contract with any city,
16 village, fire district or incorporated fire company for operation, main-
17 tenance, and repair of the same and for the furnishing of fire
18 protection in such district, or both. The contract may also provide for
19 the furnishing of (1) emergency service in case of accidents, calamities
20 or other emergencies in connection with which the services of firefight-
21 ers would be required and (2) general ambulance service subject, howev-
22 er, to the provisions of section two hundred nine-b of the general
23 municipal law. In the event that the fire department or fire company
24 furnishing fire protection within the district pursuant to contract does
25 not maintain and operate an ambulance then a separate contract may be
26 made for the furnishing within the district of emergency ambulance
27 service or general ambulance service, or both, with any city, village or
28 fire district the fire department of which, or with an incorporated fire
29 company having its headquarters outside the district which, maintains
30 and operates an ambulance subject, however, in the case of general ambu-
31 lance service, to the provisions of section two hundred nine-b of the
32 general municipal law, or with an ambulance service, certified or regis-
33 tered pursuant to article thirty of the public health law[, which is not
34 organized under the provisions of section two hundred nine-b of the
35 general municipal law]. Any such contract with any such ambulance
36 service permitted herein shall be subject to the provisions of this
37 section.

38 S 4. This act shall take effect on the ninetieth day after it shall
39 have become a law.

S T A T E O F N E W Y O R K

7291

2011-2012 Regular Sessions

I N A S S E M B L Y

April 28, 2011

Introduced by M. of A. CANESTRARI -- read once and referred to the
Committee on Local Governments

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to authorizing fees and charges for emergency medical services

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16 ANT TO THIS SUBDIVISION, THE FEES AND CHARGES COLLECTED SHALL BE
17 DISBURSED IN ACCORDANCE WITH A WRITTEN CONTRACT ENTERED INTO BETWEEN THE
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