



New York State Volunteer Ambulance & Rescue Association Inc.



THE BLANKET Special Edition 2021 NYSVARA Legislative Agenda

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THE BLANKET

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MEMBERSHIP

If you are not a member of NYSVA&RA, please join today and help increase the voice of the community / volunteer / non-profit EMS / First Responder Sector in New York State.

How can you or your squad become a member of NYSVA&RA? Visit our membership page at www.nysvara.wildapricot.org

Already a member? Forget how to access your information? Contact our membership secretary for information on your login/password. She can be reached at membership@nysvara.org



Henry A. Ehrhardt, President, NYSVARA

The mission of NYSVARA is to educate, represent, promote and advocate for Volunteer and Community Based nonprofit Emergency Medical Services and Emergency Medical Responders throughout New York State.

Our vision is to maintain a leadership role in EMS by fostering EMS advocacy, education, networking and the exchange of ideas to enrich and enhance EMS and the public awareness of the valuable work and unselfish contribution that Volunteer and Community Based nonprofit Emergency Medical Services and Emergency Medical Responders provide to the people of New York.

One goal of NYSVARA's advocacy is to represent our members on the issues that impact EMS. Through advocacy, like our Legislative and Policy Agenda we help ensure that the Volunteer and Community Based nonprofit EMS perspective is understood and incorporated into the policies, plans and programs in NYS. We voice support for actions that would enhance EMS and support our members and their patients and we voice our concerns when actions are being considered that could have an adverse effect on our members and their patients.

I want to thank our members for their input and our Legislative Committee for the work they have done in developing NYSVARA's 2021 Legislative Agenda.

Henry A. Ehrhardt - President
NYS Volunteer Ambulance & Rescue Association, Inc.

NYS VOLUNTEER AMBULANCE & RESCUE ASSOCIATION LEGISLATIVE COMMITTEE

E-Mail: legislation@nysvara.org



Steven Kroll. Chairperson

Steve is Executive Director and Chief of Delmar-Bethlehem EMS in Albany County. He is a volunteer EMT and firefighter and has a Masters in Health Administration from Duke University. He has an extensive background in EMS leadership including:

- 2019-2020 NYS Advocacy Coordinator, National Association of EMTs.
- 2009-Current - Member and 2016-2017 Chair of the NYS EMS Council (SEMSCO)
- 2010-Current - Member and 2019-2020 Chair of the Hudson Mohawk Region EMS Council.

Legislative Committee members include:



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Jerry Gelbard
Glen Oaks VAC
Queens County



Sean Graves
Ridgewood VAC
Queens County



Teri Hamilton
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David Meketansky
Glen Oaks VAC
Queens County



Adam Shaver
Central Oneida County VAC
Oneida County

Message from the Legislative Committee

In just a few weeks the 2021 state legislative session will begin. This session will be consequential for the EMS community as the New York State Legislature and Governor Cuomo grapple with a large state budget deficit. Your Legislative Committee has prepared a proactive legislative agenda for 2021.

Equally important will be our advocacy on the 2021-2022 New York State budget. Policymakers will need to scrutinize spending of all types to close the multi-billion dollar state budget gap. The EMS community will need to stand strong in our advocacy to remind the Governor and the Legislature that NYSVARA members and our EMS colleagues have been critical to public health and safety as the COVID-19 pandemic has created one of the greatest challenges of our lives. EMS providers and EMS agencies are on the front lines and now is not the time to make budget cuts that reduce the capability of EMS responders to serve our communities.

- 1) Agencies that survive on insurance revenue cannot withstand budget cuts like the elimination of Medicaid crossover payments for Medicare Part B coinsurance or supplemental Medicaid payments for ambulance providers.
- 2) The State must follow-up on their own 2017 ambulance rate adequacy report that showed rates were inadequate, and increase Medicaid rates so ambulance services don't lose money on every single transport.
- 3) Our state lawmakers must continue pushing their federal congressional colleagues to pass the Heroes Act COVID-19 Relief Legislation that would provide much needed fiscal relief to the localities that provide tax support for their community's ambulance corps.
- 4) State support for EMS education and regional EMS programs must be restored to 100% so that the education pipeline that supports EMS provider training is maintained. We need people to have accessible training so that they can join the ranks of certified volunteer EMTs, AEMTs, and Paramedics.

Being an advocate for EMS will be challenging in 2021, as the ability to meet with our legislators will continue to be hampered by the practicality of COVID-19 restrictions. But, we are all learning to add Zoom, Webex Meet, GoToMeeting and other video platforms to our daily lives. Talk to your legislators during December and figure out how to set-up a video meeting with them during early 2021 so that we can ask them to join us and grow the collective ability of EMS to meet the needs of the residents of the State of New York.

CASE STUDIES NEEDED

Did your agency step-up during 2020 and take on new responsibilities to help your community cope with the COVID-19 pandemic? Did your agency assist your local government with COVID-testing, contact tracing, supporting people in quarantine, or other public service activities? If so, we would like to hear your agency's story and use it in our advocacy to demonstrate the exceptional role that NYSVARA members play in the health care and safety of their communities. E-mail your story to legislation@nysvara.org.

2021 LEGISLATIVE & POLICY AGENDA HIGHLIGHTS

NYSVARA represents, advocates and provides a voice for Emergency Medical Services (EMS) and emergency medical responders in the community and volunteer not-for-profit sector. The association fosters EMS legislative awareness, education, networking and the exchange of ideas to enrich and enhance EMS and the public awareness of the valuable work and unselfish contribution that community and volunteer EMS provides to the people of New York.

The advocacy of public policy that supports these organizations and activities is a crucial element of our fulfillment of that goal.

Support Direct Insurance Reimbursement (2020 Bill numbers - S3526 Breslin/A6211B Magnarelli)

We strongly support efforts such as these that at no cost to the State, would ensure that ambulance providers receive direct payment for services upon submission of an invoice to the beneficiary's insurance company, without the ambulance company needing to be a preferred provider. NYSVARA strongly believes the legislation should be amended such that it is enacted for the entire state, without exception.

Oppose Changes to General Municipal Law 209-b That Would End Medicare ALS Intercept Payments (2020 bill numbers - S3685B Brooks /A1778A Jones)

(See Statement of Concern and Opposition)

We strongly oppose changes such as these that would end Medicare ALS Intercept Payments. The legislation, which would open up new funding streams to fire department ambulances would have the unfortunate consequence of severely damaging the EMS systems in many rural communities. Proponent of this bill must come up with a solution that does not pit one type of EMS provider against another and protects the funding stream for ALS intercept payments.

Support Enabling Community Paramedicine (2020 bill numbers - S1805Rivera/A1208 Gottfried)

We strongly support authorization such as contained in this bill that would allow for emergency medical services to expand their services to patients using various delivery models other than transportation to the hospital, such as treat-at-home. This would include collaborative programs for Community Paramedicine services.

Support Payment for Volunteer Ambulance and Firefighter Death Benefits Within Ninety Days (2020 bill numbers - S3057 Gaughran/A550 Cahill)

Over the years, there have been a number of instances in which payment of death benefits were delayed. It has been documented that in certain cases beneficiaries have waited over six months to receive payment of benefits. This bill would ensure that no family endures the hardship of waiting for their benefits. This bill passed the NYS Senate in the 2020 legislative session.

Support Establishment of the New York State COVID-19 Heroes Loan Forgiveness Program (2020 bill numbers – S8650 Kaminsky/A10689 Thiele)

Adds a new Section 903-a to the Public Health Law to establish a New York State COVID-19 Heroes Loan Forgiveness Program, determines eligibility requirements for awards, and qualifying debt and loan forgiveness award amounts. Certified first responders, emergency medical technicians, and advanced emergency medical technicians that participated in direct response to the COVID-19 public health emergency would be among those eligible.

Request for Amendment and Support for the Volunteer Ambulance and Firefighters' Benefit Laws in Relation to COVID-19 Exposure (2020 bill numbers -- A10172 Jean-Pierre/S8041A Brooks)

If as a result of services performed in the line of duty during a state of emergency, a volunteer ambulance worker or firefighter is exposed to or comes in contact with COVID-19, they may obtain such examinations and treatment immediately necessary to determine whether he or she is ill. There will be a presumption that if the worker tested positive for COVID-19 the exposure to COVID-19 caused any disability or death. NYSVARA recommends that this bill be amended to cover all volunteer ambulance workers at agencies with all types of insurance arrangements, not only those covered by VAWBL benefits.

Request for Amendment and Support for Establishment of the New York State Rural Ambulance Service Task Force (2020 bill number – A8397 Santabarbara)

NYSVARA supports the concept of establishing an executive level task force to study the unique challenges facing New York State ambulance services in rural areas and to propose long-term solutions to these challenges. However, the bill, as drafted, authorizes the Office of Fire Prevention and Control to establish the task force. Emergency medical services in New York State are established in Public Health Law and regulated by the Commissioner of Health. Therefore, NYVARA recommends that the bill be modified so that the task force is established by the Department of Health.

Support Tax Credit and Incentive Programs (2020 examples: A1402, A1517, A3479, A8817, S228, S5564, S6802, S7016)

There are several bills proposed that would provide varying levels of tax credits and other benefits to volunteer ambulance workers. With many volunteer ambulance services and fire departments struggling to recruit and retain members, a comprehensive incentive program would avoid the loss of these critical resources.

Support New Crime of Reckless Endangerment for Creating Dangerous Situations for Responders (2020 bill numbers - S6264 Carlucci/A1797 Zebrowski)

To create the new crimes of reckless endangerment of a peace officer, police officer, firefighter or emergency medical services professional in the first and second degrees. The bill focuses on building alterations that can impede egress from the building and prevent a safe evacuation during emergencies. In many instances, these unsafe conditions have placed residents and firefighters at serious risk of injury or death. This bill seeks to enhance penalties that may be imposed for creating these unsafe conditions.

Support Ambulance Subscription Programs (legislation needed)

New York State currently does not allow people to join an ambulance subscription program. In return for a contribution, these programs promise a reduced cost or co-pay free ambulance transport to subscription holders. New York's non-profit community-based ambulance services provide critical emergency response and medical transport services that rely on philanthropic charitable donations to provide the financial means to operate. When called, not-for-profit ambulance service providers transport ALL patients, without any regard to or knowledge of a patient's ability to pay. Philanthropy provides the fundamental means of a not-for-profit ambulance provider to fulfill its mission to the community and covers the transport costs for an individual that does not have any insurance or has reduced insurance reimbursements from public insurance programs (such as Medicare and Medicaid).

District/Region Legislative Support

NYSVARA's Committee for Legislative and Regulatory Affairs and District/Region Officers are constantly working together to address local issues including advocating with town councils, providing educational literature for mass distribution, and establishing partnerships with regional and municipal agencies.

National Partnerships for EMS

NYSVARA has partnered with the National Association of EMTs (NAEMT) and several other organizations to represent and advocate for many nationwide legislative efforts. These partnerships prove especially valuable when addressing federal legislation and working with Centers for Medicare & Medicaid Services and other federal agencies that have a significant impact on all of our member organizations.



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January 2021

STATEMENT OF CONCERN AND OPPOSITION

S3685B Brooks /A1778A Jones -- 2020 Legislative Session

Changes to General Municipal Law 209-b

An Act to amend the general municipal law and the town law, in relation to authorizing fees and charges for emergency medical services – titled the Fair Play Cost Recovery Bill

The bill is to amend General Municipal Law (“GML”) 209-b to remove the prohibition against volunteer fire departments billing for Emergency Medical Services (“EMS”). This proposed legislation creates serious public policy concerns and needs significant revision. **NYSVARA urges that no action be taken on this bill until all stakeholders – including fire-based, commercial, and volunteer ambulance services – can agree on an approach that does not put the Legislature in the position of unnecessarily hurting some New York communities.**

Passage of this bill will effectively end advanced life support (ALS) services in many communities. In many rural areas, ALS is only available through an ALS intercept that meets up with the local Basic Life Support (BLS) ambulance on the scene of the call or on the way to the hospital. A commercial or not-for-profit ALS service typically intercepts with multiple BLS agencies and can receive Medicare payments to support the cost of the ALS response.

Unfortunately, the Fair Play Cost Recovery Bill is anything but fair. Passage of the legislation will end those Medicare ALS intercept payments. The federal law that allows Medicare to pay for the ALS intercept services will only provide these payments as long as New York State continues the prohibition on fire districts billing for EMS services. Should this bill pass, the “limited exceptions” in federal law that are integral to intercepting ALS providers would end and they would be forced to end these services or bill patients out-of-pocket for these critical, life-saving services.

When an ambulance is needed, the last thought on patients or providers minds should be how the services are going to be paid. Over the last several years there have been several legislative proposals to amend GML 209-B to allow fire services to bill for their EMS services and each one of these bills would bring about the end of Medicare payments for ALS intercept services. This would place a financial burden on already struggling EMS services in already fragile rural and small community EMS systems. If no longer paid, ALS agencies will likely stop offering ALS intercepts, placing patients at risk.

Over the last several months the EMS community has prepared for and faced one of the greatest challenges of our lives. EMS professionals have been critical to public health and safety in these uncertain times. Policy solutions must support all of our EMS responders, not pit one type of EMS service against another.

NYSVARA understands the desire of fire districts that operate ambulance services to bill and recoup expenditures. However, we know that patients served by EMS agencies that count on ALS intercepts, especially in rural areas, will be adversely affected.

Proponents of this bill who are looking for “fair treatment” must consider the fairness of their position to these rural communities. How can we reward one set of communities by devastating another group of communities? It should be incumbent on fire districts to come up with a legislative proposal that achieves their goals in a way that protects ALS intercept payments. This could include the incorporation of a funding mechanism that replaces the lost federal intercept payments with other funds.

Further, it has been demonstrated that there are mechanisms that allow volunteer fire districts to access health care dollars without undermining the ALS intercept system. This includes creation of not-for-profit ambulance corps or an ambulance district. Many volunteer fire districts have already converted their ambulance squads into not-for-profit volunteer ambulance corps, which are permitted to conduct billing to support operations. This has the further advantage of segregating EMS and fire funds, ensuring that health care dollars stay with the health care program. These solutions have successfully assisted volunteer fire departments who truly are in need of additional revenue for their EMS operations and these methods also provide safeguards to ensure the money is being used appropriately.

Therefore, as currently written, NYSVARA opposes and seeks your OPPOSITION to A1778A & S3685B and any successor legislation introduced in the 2021 New York State legislative session.

The New York State Volunteer Ambulance & Rescue Association (NYSVARA) is the not-for-profit membership association representing community volunteer Emergency Medical Services, including independent not-for-profit volunteer ambulance companies, fire district and fire-related ambulance services, college-based services, first response medical squads, and combination ambulance services (both volunteer and/career).