January 2020

The New York State Volunteer Ambulance and Rescue Association (NYSVARA) has been notified by many ambulance departments, fire agencies and individual members expressing concerns about “Discovery Reform” in New York State under Article 245 of the Criminal Procedure Law. In addition, several individual prehospital care providers have shared, through social media, posts that assert some alarming claims. As a result, having talked with counsel, we thought it important to share some information about a few of the concerns we have heard the most about:

Personal Contact Information
Agencies may want to remind their personnel and caution them about using their personal information when conducting official business on behalf of their agency. If needed, personnel can give their name, title, rank and badge # along with the agency’s general address and telephone number.

Contact by Defense Attorneys
Defense lawyers may attempt to contact personnel involved in an incident. Laws concerning protected health information (PHI) are unchanged. Before discussing such matters agencies may want to advise their personnel to consult the agency’s public information officer or attorney.

NYSVARA hopes that this clarifies some of the recent concerns that have spread. We will continue to monitor this situation and disseminate any new or changed information as it becomes available. If you or your agency has any questions or concerns, please contact our Legislative and Governmental Affairs Committee at Legislation@nysvara.org

Sean Graves and Dave Meketansky, Co-Chairs
Legislative & Government Affairs Committee

NOTICE: This document is intended for general information purposes to inform members of recent legislative changes. This does not create an attorney client relationship and as may be needed you should seek competent legal counsel to assist you and your agency.