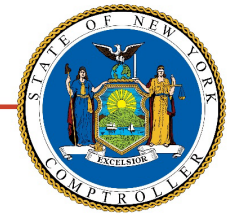


OFFICE OF THE NEW YORK STATE COMPTROLLER



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April 2024

To: City, Town, Village and Fire District Officials
From: Division of Local Government and School Accountability
Subject: Amendment to General Municipal Law Allowing Fire Departments and Fire Companies to Bill for Emergency and General Ambulance Services

Please share this document with others who would benefit from this information.

Purpose of Bulletin

This bulletin provides guidance on amendments to General Municipal Law (GML) Section 209-b, which authorizes authorities having control of fire departments and fire companies¹ (i.e. cities, villages, towns or fire districts) that provide emergency and general ambulance services (services) to charge fees for certain emergency and ambulance services. This bulletin includes accounting guidance as well as general internal controls and best practices that should be considered when implementing billing for these services in accordance with the amended law.

Background

On April 9, 2022, the Governor signed into law the 2022-23 New York State budget which, among other things, amended GML Sections 122-b and 209-b.² The amendment allows, but does not require, authorities (i.e., cities, villages, towns or fire districts) that provide emergency and general ambulance services³ to fix a schedule of fees or charges to be paid by the persons requesting certain emergency medical services or ambulance services. Prior to this amendment, only counties, cities, towns and villages providing emergency or general ambulance service as a function separate from a fire department or company were authorized to charge individuals for certain ambulatory services and were expressly prohibited from contracting with a fire company or fire department's rescue squad as a means of providing emergency or general ambulance services.⁴

GML Section 209-b now allows authorities to collect such fees or charges directly, or, alternatively to develop rules and regulations allowing the fire department or fire company to collect the fees and charges. Any fees and charges collected are required to be disbursed in accordance with a written contract between the authority and the fire department or fire company. The amendment, however, expressly prohibits a fire department or fire company from directly issuing a bill to any

¹ Hereafter referred to as "authorities".

² See, Chapter 55 of the Laws of 2022, Part KK.

³ Including emergency medical services as defined in Section 3001 of the New York State Public Health Law.

⁴ See, former GML Section 122-b.

uninsured recipient of services. In addition, such fees or charges may only be applied within the emergency or general ambulance service's primary response territory.⁵

Authorities that authorize fire departments or fire companies to bill individuals for emergency or general ambulance services should consult with their municipal attorney to ensure compliance with the amendments to GML Section 209-b. Authorized fire departments or fire companies should also consult with their municipal attorney on additional requirements, including, but not limited to:

If an authority authorizes a fire department or fire company to fix a schedule of fees or charges and intends to seek reimbursement from the medical assistance program, the authority must adhere to any medical assistance enrollment and billing requirements applicable to such service prior to reimbursement.⁶

When an authority establishes a schedule of fees for service but only offers basic life support service, the authority must enter into a contract with a provider of advanced life support services.⁷

Internal Controls and Best Practices

In addition to consulting with their municipal attorney, local officials should develop written procedures for all aspects of the billing process, including, but not limited to, assigning responsibility for filing claims, collecting cash and reconciling cash receipts. Local officials should refer to our Local Government Management Guide [The Practice of Internal Controls](#) for guidance on establishing internal controls over the ambulance billing and collections process.

Furthermore, local officials, in consultation with their municipal attorney, should review the costs and benefits of performing billing and collection services internally compared to contracting with a third party to perform these duties. Local officials should refer to the "Outsourced Services" section of our Local Government Management Guide [The Practice of Internal Controls](#) for guidance on establishing internal controls over outsourcing billing and collections for emergency or general ambulance services.

Accounting

Local governments should use preexisting revenue code 1640 – Ambulance Charges to report ambulance and EMS billing payments received. This account code has been activated for fire districts.

Additional Information

If you have questions pertaining to the guidance described in this bulletin, please contact the State Comptroller's regional office that serves your local government. Contact information can be found at <https://www.osc.ny.gov/files/local-government/pdf/regional-directory.pdf>

⁵ Pursuant to the new GML section 209-b(4)(d), an emergency or general ambulance services primary response territory is "assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to Section 3008 of Public Health Law, on or before January 1st, 2022."

⁶ See, GML section 209-b(4)(a).

⁷ See, GML section 209-b(4)(b).