Memorandum In Opposition

S7013c Little

An Act to amend the public health law, in relation to eliminating the requirement to prove public need for the establishment and operation of advanced life support services or municipal ambulance services by a municipality or fire district in the Cities of Utica and Glens Falls.

The New York State Volunteer Ambulance and Rescue Association represents non-profit community and volunteer EMS and emergency medical first responder services throughout New York State.

Existing law already affords Municipalities preferential treatment when making application for a new ambulance service. These special privileges have already impacted the EMS systems in NYS and provide an unfair advantage. This bill authorizes the cities of Utica and Glens Falls to circumvent the current CON requirements by legislating a permanent CON for ambulance services without having to prove public need.

While we understand that the most recent version of the bill narrows the impact on the EMS System to the cities of Utica and Glens Falls, it sets an extremely dangerous precedent.

When a true public need is demonstrated, rather than purely financial need, a process exists whereby a municipality may receive a permanent operating certificate. Had Utica and Glens Falls provided examples of this need, their operating certificate would have been granted as has been the case in several other municipal CON application processes.

In the event someone feels that the wrong decision was made, an appeals process exists. As is the case of both Utica and Glens Falls, the appeals process has not reached its conclusion. Instead, these two municipalities have sought a legislative resolution to their appeals thereby making a mockery of both the court system and the many hours of deliberation and consideration this matter has occupied.

While this bill limits its effect to these two cities, should this legislation become law, it sets precedent for other municipalities who feel that they can obtain a certificate to operate an ambulance through the Legislature rather than following the process that has worked for many years.

NYSVARA believes in the principles of the CON process as regulated in article 30. We ask that an issue of this magnitude and one that could have such a detrimental effect on the EMS system in New York State be carefully considered. It requires thoughtful deliberation and input from all stakeholders to determine the true issues.

For the above stated reasons, NYSVARA strongly opposes this bill and we respectively ask our Legislators to reject its passage into law.