Committee on Fire and Emergency Management

Josh Kingsley, Counsel

William Hongach, Senior Policy Analyst



## **THE COUNCIL**

# **BRIEFING PAPER AND COMMITTEE REPORT OF**

# **THE GOVERNMENTAL AFFAIRS DIVISION**

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**COMMITTEE ON FIRE AND EMEGERGENCY MANAGEMENT**

Hon. Joseph C. Borelli, Chair

#### June 17, 2019

**OVERSIGHT: NYC PRIVATE AMBULANCES AND CITYWIDE ACCESS TO EMERGENCY MEDICAL SERVICES**

**Int. No. 825:** By Council Members Borelli, Rivera and Levine

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on ambulance tour coverage by private ambulances.

**Admin Code:** Adds section 15-132

**Int. No. 1517:** By Council Member Borelli

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the income distribution of areas covered by private ambulance and emergency medical services.

**Admin Code:** Adds section 15-140

##### I. INTRODUCTION

On June 17, 2019, the Committee on Fire and Emergency Management, Chaired by Joseph C. Borelli, will hold a hearing on New York City private ambulances and Citywide access to emergency medical services. In addition to the oversight portion of the hearing, the Committee will hear introduction number 825 (“Int. No. 825”), a local law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on ambulance tour coverage by private ambulances, and introduction number 1517 (“Int. No. 1517”), a local law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the income distribution of areas covered by private ambulance and emergency medical services. Those invited to testify include representatives of FDNY Bureau of Emergency Medical Services (“EMS”), the Regional Emergency Services Medical Council of New York City, neighborhood/community-based volunteer ambulance Corps (“CBVAs”), numerous fire and emergency service worker unions, community groups and other interested parties.

**II. BACKGROUND**

Between 1970 and 1996, the City’s emergency medical service was operated by the New York City Health and Hospital Corporation (“HHC”).[[1]](#footnote-1) Subsequently, Local law 20 of 1996 amended the City Charter and granted the FDNY power to run EMS, transferring emergency medical and general ambulance duties from HHC. Accordingly, the FDNY’s core responsibility and expertise evolved from an exclusive emphasis on addressing traditional structural fires to providing ambulance transport and pre-hospital emergency medical services Citywide. According to the Department, since FDNY became responsible for EMS, the only ambulances routinely dispatched via the City’s Emergency 9-1-1 system (“9-1-1 system”) are municipal ambulances and voluntary hospital-based ambulances under contract with the City. Although community based volunteer ambulances respond to medical emergencies, they are not routinely dispatched via the 9-1-1 system. According to the most recent numbers published by the FDNY, there are currently 37 EMS stations Citywide and approximately 4,400 EMS personnel on staff.[[2]](#footnote-2) In calendar year 2018, those ambulances went on 1,862,159 runs, 571,633 of which involved a situation life threatening in nature.[[3]](#footnote-3) Currently, the two types of ambulances that operate in New York City are advanced life support ambulances (“ALS”), which are staffed by two paramedics, and basic life support ambulances (“BLS”), which are staffed by two emergency medical technicians (EMTs). Paramedics receive 1,500 hours of training whereas EMTs are only required to complete 120 to 150 hours.[[4]](#footnote-4)

**III. PRIVATE AMBULANCES IN NEW YORK CITY**

In addition to FDNY’s fleet of municipal ambulances, the City’s emergency medical response system includes private ambulance companies that comprise of both voluntary hospital-based ambulances and CBVAs. Currently, 73 private ambulance companies operate Citywide.[[5]](#footnote-5) As participating members of the FDNY’s EMS system, voluntary hospital EMTs and paramedics work in close partnership with FDNY to provide additional BLS and ALS services. Operationally, these hospital services are identical to EMS units in terms of level of care, [medical treatment protocols](https://en.wikipedia.org/wiki/Medical_guideline) and [equipment](https://en.wikipedia.org/wiki/Medical_equipment). As these ambulances are privately owned, vehicle markings and uniforms are distinct from municipal personnel, but the ambulances display certified FDNY EMS member insignias so that the public may identify them. Under the Emergency Medical Treatment and Active Labor Act, private ambulances participating in the 9-1-1 system are prohibited from encouraging patients to seek treatment at the hospital with which they are affiliated.[[6]](#footnote-6)

The Regional Emergency Medical Services Council of New York City (“REMSCO”), oversees ambulance medical operations and establishes protocols for the delivery of services.[[7]](#footnote-7) CBVAs receive funding through financial support from members of the community and government grants,[[8]](#footnote-8) and are governed by the New York State Department of Health and New York State Public Health Law.[[9]](#footnote-9)

It is estimated that CBVAs respond to between 10,000 and 15,000 calls per year.[[10]](#footnote-10) For the most part, CBVAs operate BLS ambulances, but several have ALS ambulances as well. Although not routinely dispatched via the 9-1-1 system, there are a number of instances where CBVAs are utilized and called to the scene of medical emergencies. According to FDNY/EMS, their “use of CBVAs is limited to special events such as the NYC Marathon and Five Borough Bike Tour, mutual aid assignments,[[11]](#footnote-11) and large-scale disaster drills and training exercises.”[[12]](#footnote-12) FDNY/EMS officials acknowledge that at times FDNY/EMS dispatchers directly contact CBVAs, but note that it is not through the City’s Computer-Aided Dispatch System (“CAD”).[[13]](#footnote-13) CBVAs also have individual emergency numbers that the public uses to request assistance.

**IV. ISSUES AND CONCERNS**

The delivery of efficient and effective ambulance service, and pre-hospital care are among the most vital roles that the City plays in providing services to residents and visitors. There are concerns that fiscal constraints may lead to the elimination of various ambulance tours throughout the City. The Committee seeks to discuss this and other concerns to ensure that New York City continues to meet a standard of excellence in delivering emergency medical services.

The Committee is also interested in ensuring that private ambulance services are utilized to their maximum potential. The Committee recognizes that FDNY/EMS must establish and maintain standards for its EMS operations, but additionally, utilization of private ambulances to enhance service to the City, without sacrificing the City’s standards or quality of the care, should be monitored and maximized.

**V. ANALYSIS OF INT. NO. 825**

Int. No. 825 would require the FDNY to submit to the Council, and post on its website, a report including the following information for the previous year: (i) how many ambulance tours ceased coverage by private ambulances; (ii) how many ambulance tours began coverage by private ambulances; (iii) and the net increase or decrease in such tours. The report would disaggregate the information by council district.

**VI. ANALYSIS OF INT. NO. 1517**

Int. No. 1517 would require the FDNY to study and report on the areas covered by FDNY emergency medical services and private ambulances. Specifically, it would require the FDNY to report on the areas that private ambulances have stopped covering and began to cover, as well as the median income of each geographical area covered by emergency medical services and private ambulances.

No. 825

By Council Members Borelli and Rivera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on ambulance tour coverage by private ambulances

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 Report on ambulance tour coverage by private ambulances. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Ambulance tour. The term “ambulance tour” means an eight-hour shift when an ambulance is in service in the 911 system.

Private ambulance. The term “private ambulance” means any ambulance that the department does not operate.

b. No later than April 1 of each year, the department shall submit to the council and post on the department’s website a report setting forth information about the coverage of ambulance tours by private ambulances. The report shall be disaggregated by council district and shall include the following information with respect to the previous calendar year:

1. The number of ambulance tours that private ambulances ceased to cover;

2. The number of ambulance tours that private ambulances began to cover; and

3. The net increase or decrease in the number of ambulance tours covered by private ambulances.

§ 2.  This local law takes effect 90 days after it becomes law.

Int. No. 1517

By Council Member Borelli

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the income distribution of areas covered by private ambulance and emergency medical services

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-140 to read as follows:

§ 15-140 Report on ambulance coverage area and income distribution. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Emergency medical services. The term “emergency medical services” means the services provided by the bureau of emergency medical services within the department.

Private ambulance. The term “private ambulance” means any ambulance that the department does not operate.

b. No later than June 1, 2019, and every June 1 thereafter, the department shall complete a study of coverage areas by emergency medical services and private ambulances and shall file with the mayor and the speaker of the council, and post on the department’s website, a report disclosing the following:

1. The coverage areas of emergency medical services;

2. The coverage areas of private ambulances;

3. The areas that private ambulances ceased to cover;

4. The areas that private ambulances began to cover; and

5. The median income of each private ambulance and emergency medical services coverage area.

§ 2. This local law takes effect immediately.

1. N.Y. City Fire Dep’t, *History and Heritage / EMS: Part II of III*, http://www.nyc.gov/html/fdny/html/history/ems\_article2.shtml. [↑](#footnote-ref-1)
2. FDNY Vital Statistics 2016 Calendar Year at <https://www1.nyc.gov/assets/fdny/downloads/pdf/vital_stats_2016.pdf> [↑](#footnote-ref-2)
3. FDNY Citywide Performance Indicators at <https://www1.nyc.gov/assets/fdny/downloads/pdf/about/citywide-stat-2018-annual-report.pdf> [↑](#footnote-ref-3)
4. Bernard O’Brien, *Two Paramedics on an Ambulance—Only in New York*, IBO Web Blog, Jul. 27, 2009, http://ibo.nyc.ny.us/cgi-park/?p=77. [↑](#footnote-ref-4)
5. Listing of Ambulance and Advanced Life Support First Response Services in New York at <https://www.health.ny.gov/professionals/ems/pdf/agency_list_aalffrs.pdf> [↑](#footnote-ref-5)
6. Emergency Medical Treatment and Active Labor Act at <https://www.cms.gov/regulations-and-guidance/legislation/emtala/> [↑](#footnote-ref-6)
7. Regional Emergency Med. Servs. Council of N.Y. City, *Newsflash: New York City Emergency Medical Services Agencies*, <http://www.nycremsco.org/> [↑](#footnote-ref-7)
8. Liz Rhoades, *City Shuts Out Ambulance Corps*, The Queens Chronicle*,* Jan. 21, 2010. [↑](#footnote-ref-8)
9. N.Y. State Pub. Health Law § 3000 *et seq.* [↑](#footnote-ref-9)
10. Ginger Adams Otis, *FDNY’s Siren-ara to EMTs*, The N.Y. Post, Jan. 17, 2010. [↑](#footnote-ref-10)
11. FDNY/EMS enter into Mutual Aid Agreements with various ambulance service providers, including CBVAs, which dictate the terms under which their services will be called upon. These agreements are mostly for unusual events for which the City needs assistance. [↑](#footnote-ref-11)
12. Letter from FDNY on file with Committee. [↑](#footnote-ref-12)
13. Victor G. Mimoni, *Bogus New York Post Story Fools*, The Queens Courier*,* Jan. 20, 2010. [↑](#footnote-ref-13)