



New York State Volunteer Ambulance & Rescue Association
214 Kent Avenue #278, Endwell NY 13760

Phone: 877-NYS-VARA • Website: www.nysvara.org

2023 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 and unselfish contributions of community and volunteer EMS to the people of New York. The advancement of public policies that supports these EMS organizations and their activities is a crucial element of NYSVARA's fulfillment of that goal.

NEW YORK STATE BUDGET

The NYS Executive Budget is an opportunity to make investments in emergency medical services to ensure that the system is sustainable into the future. NYSVARA has several recommendations for necessary investments in EMS.

EMS Workforce Shortage and Education – A Public Health Emergency

EMS staffing in New York State is in crisis. This systemic EMS provider shortage is a threat to public health and requires aggressive public policy action. It is crucial that New York State's elected officials, public policy leaders, and health care system leaders are aware of the gravity of the situation and need to act.

The number of volunteer and career (paid) Emergency Medical Technicians (EMTs) and Paramedics is insufficient to meet the needs of communities. EMS began in the late 1960's as a solution to the country's growing motor vehicle trauma problem. EMS has grown over the decades and today has vital societal responsibilities in health care, public safety, public health, and disaster response. In addition to providing 911-emergency response services, today's EMS agencies are the mainstay of both emergent and nonemergent inter-facility patient transportation. EMS has evolved to become a safety net supplier and has the responsibility of providing care to all commers, regardless of one's ability to pay for services.

Prior to the COVID-19 pandemic, a majority of New York State volunteer and career EMS agencies reported that staffing shortages impacted their ability to adequately serve their communities. (EMS Workforce Shortage in NYS: Where Are the Emergency Medical Responders -- <https://ubmdems.com/wp-content/uploads/2020/01/Download-2019-NYS-EMS-Workforce-Report.pdf>).

The situation has continued to deteriorate. Data provided by the NYS Department of Health shows that the number of certified EMS personnel declined from about 80,000 to about 70,000 between

2019 and 2021, a decrease of approximately 13%. Equally troubling, less than half of these 70,000 certified providers were working in EMS, as only 30,000 of them were named on a patient care report (PCR) during 2021.

Many ambulance services can't staff the necessary number of units, resulting in delays in both emergency and non-emergency responses, including interfacility transportation. With EMS agencies forced to rely on an undersized number of responders, the responders feel the stress of the increased workload. Volunteers feel pressured to take additional shifts and career responders feel pressure to work overtime. Today it is common place for an EMS responder to leave the field due to the increased individual demands, adding to the negative workforce spiral.

EMS education is grossly underfunded at a time when NYS needs a massive influx of new EMTs and Paramedics in both volunteer and career positions.

Increased Funding for EMS Education and Aggressive Action to Increase the Number of NYS Certified EMS Responders by at Least 20,000 for a Total of 90,000 by 2025

1. NYSVARA recommends that NYS fund 100% of the cost for a volunteer to complete EMT and AEMT training and receive NYS certification.
 - Training volunteers is expensive and New York State has not increased the amount of money allocated for the training of a volunteer EMT for many years. As a result, EMS squads or individual volunteers must shoulder an increasing portion of the cost of EMT training. The budget should increase NYS training reimbursement for the tuition and fees for a volunteer to complete EMT training and certification from the current \$700 to a number more reflective of a cost that is much higher. In addition, NYSVARA recommends adoption of the payment policy being used in the current EMT demonstration program so that partial reimbursement is issued if a student does not ultimately achieve certification.
 - NYS should expand funding for an increased number of tuition-free EMT courses, similar to those piloted in 2022, to rapidly increase the number of certified providers.
2. Paramedic training must also be affordable to mitigate the severe Paramedic shortage.
 - State EMS training funding should be increased to defray the individual's cost of attending Paramedic school by at least 50 percent.
 - SUNY school's Paramedic tuition should be partially or fully subsidized for students willing to commit to working as a Paramedic in New York State. This could be through starting and funding an "EMS Across NY" program, modeled of Doctors Across NY and Nurses Across NY programs, to fund increased Paramedic education.
3. Funding a three-year \$5 million campaign to promote EMS volunteerism and careers in EMS.
 - Partner the campaign with a centralized "Recruit NY EMS" program, similar to the FASNY fire department program, to help individuals get matched with agencies and education.

- Targeting diverse communities that are underrepresented in the EMS profession.
 - Add a matching service for college EMS professionals to serve with local EMS agencies when home for school breaks.
4. Funding a statewide evidence-based EMS workforce data collection initiative, potentially with the SUNY Center for Health Workforce Studies (<https://www.chwsny.org/>), to document the size, strengths, and vulnerabilities of the EMS profession in NYS, including understanding why EMS providers are leaving the profession.

Increase the NYS Volunteer Ambulance Workers NYS Tax Credit

Increase the NYS Volunteer Ambulance Workers Tax Credit from the current \$200 to \$1,000 annually. EMS retention payments under the New York State Health Care and Mental Hygiene Worker Bonus Program are limited to career EMTs and Paramedics. Volunteer retention deserves similar consideration. The tax credit should be allowed independent of any local property tax exemptions for EMS volunteers.

Increase Medicaid Rates for Ambulance Services

EMS providers lose money on every Medicaid transport. According to the NYSDOH 2017 Medicaid Rate Adequacy Review, ambulance agencies – volunteer and paid – are paid much less than it costs to transport a Medicaid patient. Despite our crucial role in public safety and the commitment to responding 24-7-365, the Medicaid program doesn't pay its share of costs.

NYSVARA Recommends:

- Incrementally increasing Medicaid ambulance rates until they equal the rates paid by the Medicare program. The Executive Budget should add a sixth year of Medicaid ambulance rates increases, equal to at least the average amount implemented in each of the last five years (approximately \$6.3 million), to continue narrowing the gap between payments and costs. NYSVARA recommends \$10 million be invested in this priority. This should be done while maintaining current Medicaid crossover payments for Medicare Part B coinsurance and supplemental Medicaid payments for ambulance providers.
- The Department of Health complete an updated 2023 Medicaid Rate Adequacy Review that can provide up-to-date data on the gap between Medicaid payments and the cost of providing ambulance services.
- On-going NYS funding to support the cost of continuing EMS agency disaster preparedness as a public utility.
- Making statutory changes to establish EMS as an essential service in NYS and requiring the beneficial stakeholders – local government, state government, health insurers, and hospitals – to share in both the cost of adequately funding the service and the cost of continuous disaster readiness.

Definition of EMS in NYS Law

- Over the last year there has been robust debate over modernizing the statutory definition of EMS in NYS law. NYSVARA recommends that the definition of EMS be broadened to facilitate EMS provider's ability to become engaged in community-based programs to improve the health of communities. EMS providers must be allowed to use their cognitive abilities and clinical skills in non-emergency situations designed to improve health status. These patient-centered activities at the intersection of health care, public health, and public safety, such as wellness checks for recovering and chronically ill persons and filling gaps in care not readily available in the community should be encouraged and certainly not precluded an outdated statutory definition of EMS.

NEW YORK STATE LEGISLATION

Support Direct Insurance Reimbursement (2022 bill numbers - S5566 Breslin/A1309 Magnarelli)

We strongly support this bill, 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.

Support Enactment of the Uniform Ambulance Assessment Program (2022 bill numbers - S8868 Rivera/A3033 Gottfried)

NYSVARA supports the UNYAN proposed provider assessment program that would generate additional federal Medicaid funding for non-governmental EMS providers, at no cost to the state. The Department of Health will use these provider-supplied dollars to significantly increase the federal funding coming to New York and use these new funds to increase Medicaid rates for the EMS providers. This program has the potential to generate tens of millions of dollars in increased federal reimbursement for ambulance providers and will be budget-neutral to the State.

Support Tax Credit, Exemption, and Incentive Programs (2022 examples: A886, A1320, S204, S2033, S1960, S2245, S3989)

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 support retention of these critical volunteers. NYSVARA supports achieving this through either the State Budget or the regular legislative process.

Urge Governor Hochul to Sign into Law Authorization for Local Property Tax Exemptions (S9131/A10155 Passed the Senate and Assembly)

Signed into Law by Governor Hochul – December 2022)

NYSVARA urges Governor Hochul to enact into law S9131/A10155, that has passed the Senate and Assembly, which would authorize local governments to adopt laws that grant property tax exemptions of up to 10% of the assessed value for persons who serve with volunteer ambulance services and fire departments for a minimum of two years. Once signed into law, ambulance services would work with their local jurisdictions to enact exemptions.

Support Enabling Community Paramedicine (2022 bill numbers - S1590 Rivera/A151 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. The current COVID emergency Executive Orders that allow some Community Paramedicine activities are very narrow and only pertain to COVID vaccination.

Support Payment for Volunteer Ambulance and Firefighter Death Benefits Within Ninety Days (2022 bill numbers - S952 Gaughran/A602 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

This bill passed the NYS Senate on February 17, 2022.

Request Amendments to and Conceptually Support Development of a Consolidated Assistance Program for Not-For-Profit and Municipal EMS Services (2022 bill numbers - A.9164 Kelles/S.8189-A Hinchey)

This bill would establish a new tax supported funding model for not-for-profit and municipal EMS services that would create a sustainable state financing mechanism for emergency medical services. Funding would be distributed according to a formula that takes into account population, population density prioritizing less densely populated areas where the financial strain for providing service is greatest, emergency medical services call volume and call type, and the percentage of an agencies annual budget which goes to providing emergency medical services.

NYSVARA has suggested amendments that would:

- have the funds distributed according to a formula determined by the Commissioner of Health, in consultation with the NYS Emergency Medical Services Council (SEMSCO),

- ensure the incorporation of the fire districts that operate ambulance services,
- include a maintenance of effort provision so this funding would supplement, but not supplant, existing local government funding, and
- set a standard that ties long-term funding for an ambulance agency to demonstrating progress towards an acceptable level of emergency medical services for their community, as determined by DOH, in consultation with SEMSCO.

In addition, NYSVARA asked the bill sponsors to remember that our EMS system is made up of many types of EMS agencies that need support to be sustainable and that our commercial (for-profit) ambulance colleagues are also struggling and are a critical part of the system for both 911 responses and inter-facility transfers. NYVARA suggested that this legislation could be packaged with other initiatives that help commercial EMS agencies on the path to sustainability and a stronger EMS system for all of NYS.

Support Establishment of New York State COVID-19 Health Care Worker Loan Forgiveness Program (2022 bill number - A3870 Burke/no same as)

A3870 establishes the New York state COVID-19 health care worker loan forgiveness program which forgives up to twenty thousand dollars in student loan debt from certain health care workers. EMTs and Paramedics that worked during the coronavirus disease COVID-19 state of emergency would be eligible.

Support Establishment of the New York State Volunteer First Responder Loan Forgiveness Incentive Program (2022 bill number - S3915 Kennedy)

The bill would provide for student loan forgiveness to volunteer first responders who make a five-year commitment to be a volunteer fire or ambulance responder in New York State. Loan forgiveness of \$10,000 per year could be granted to qualified applicants, not to exceed a duration of five years and not to exceed the total amount of the applicant's student loan debt.

Support Establishment of Low-Interest Rate Mortgage Program for Volunteer Ambulance Workers and Firefighters (2022 bill number - S1018 Kaminsky)

Individuals who have served as volunteers for at least twelve consecutive months will be eligible to participate in the State of New York Mortgage Agency Low-Interest Rate Program, regardless of program income limits, for the purchase of residential property which shall be owner-occupied. The interest rate for thirty-year mortgages shall be the rate offered to all other participants in such low interest rate program, which would be 1.5 percent below the standard interest rate.

Request for Amendment and Support for the Volunteer Ambulance and Firefighters' Benefit Laws in Relation to COVID-19 Exposure (2022 bill numbers - A1560 Jean-Pierre/S1963 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.

Support Free Use of State Parks and Campsites by Volunteer Ambulance Workers and Firefighters (2022 bill number – S3190 Ortt/A4345 Morinello)

2021-2022 Legislative Accomplishments

These bills supported by NYSVARA became law during 2021-2022.

- **Establishment of the NYS Rural Ambulance Services Task Force** – Chapter 778 of the Laws of 2021 [A-1561-C / S-3503-C] was signed into Law by Governor Hochul on December 22, 2021.
- **Designates Public Safety Dispatchers as "First Responders in Communications"** -- Chapter 462 of the Laws of 2021 was signed into Law by Governor Hochul on December 22, 2021

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.

NYSVARA supports [NAEMT's EMS Workforce Legislative Initiatives](#), including:

- **Congressional Hearings on EMS Workforce Shortage** – Congress should hold hearings in the appropriate Committees to develop long-term solutions to the EMS provider workforce shortage and focus the country's attention on these urgent issues.
- **Join the Congressional EMS Caucus** – NYSVARA and NAEMT ask all members of the House of Representatives to join the EMS Caucus, which is a forum where Members of Congress can learn about the issues impacting EMS and work towards solutions, especially the workforce shortage.

As of September 2022, the following NYers had joined the Congressional EMS Caucus :

- Rep. Sean Patrick Maloney (NY-18)
 - Rep. Kathleen M. Rice (NY-4)
 - Rep. Elise Stefanik (NY-21)
 - Rep. Paul Tonko (NY-20)
- **HRSA EMS Training Funding** - Congress should provide specific direction and funds to the Health Resources and Services Administration (HRSA) to help solve this workforce crisis by paying for training and professional development programs. For example, funding public-private partnerships between community colleges and EMS to increase the applicant pool and EMS training.

- **COVID-19 Medicare Reimbursement Increase** - With capitated payments by federal payors, there are limited funds to transfer into workforce initiatives. Congress should increase Medicare payments temporarily, to help infuse additional funds into EMS workforce initiatives.
- **Paramedic and EMT Direct Pay Bump** - To help ambulance services retain paramedics and EMTs, Congress should appropriate funds through HRSA to be paid directly to EMS responders. These earmarked funds could be distributed to each state with specific guidance that the State Offices of EMS distribute the funds to all ground ambulance services that have paid staffing.

https://www.naemt.org/docs/default-source/advocacy-documents/letters-and-comments/10-1-2021-aaa-naemt-workforce-shortage-letter.pdf?Status=Temp&sfvrsn=d17beb93_2