

## NEW YORK CITY FIRE DEPARTMENT

Notice of Public Hearing and Opportunity to Comment on  
Proposed Amendments to Fire Department Rule  
3 RCNY 4900-02,  
“Schedule of Charges for Fire Department Ambulance Transport Service”

**What are we proposing?** The Fire Department is proposing to amend §4900-02 of Title 3 of the Rules of the City of New York to revise the amounts it charges patients and insurers for Emergency Medical Service (EMS) ambulance service.

**When and where is the hearing?** In the interest of public safety, an in-person public hearing on the proposed rule will not be held. Instead, the Fire Department will conduct an on-line public hearing, using the “Go To Meeting” application, as set forth below. The public hearing will take place at **11:00 a.m. on Monday, November 2, 2020.**

**How do I comment on the proposed rule?** Anyone can comment on the proposed rules by:

- **Website** - You can submit comments to the Fire Department through the NYC rules website at <http://rules.cityofnewyork.us>, or on the “FDNY Rules” page of the Fire Department’s website, <http://www1.nyc.gov/site/fdny/codes/fire-department-rules/fire-dept-rules.page>.
- **Mail** - You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3N2, Brooklyn, NY 11201.
- **Speaking at the hearing** - **Anyone who wants to comment on the proposed rule at the on-line public hearing must sign up by emailing [code.develop@fdny.nyc.gov](mailto:code.develop@fdny.nyc.gov). You will receive by reply email a link to the GoToMeeting and call-in information.** The time that you can speak at the hearing may be limited.

### Join through Internet:

To join the hearing, use your Internet browser to click on the URL link that will be sent to you (or copy the link and paste it into your browser’s address bar). Then follow the prompts to enter the meeting password and attendee ID.

When joining the meeting choose either “use computer for audio” or “call in” for the audio portion of the public hearing. The information needed to connect (phone number, access code and/or attendee ID) will be provided after you join the Go To Meeting. If you have low bandwidth or inconsistent Internet connection, we suggest you use the “call-in” option.

### Join by phone only (conference call):

To join the hearing only by phone, use the phone number and access code that you will receive by reply email

**Is there a deadline to submit written comments?** Yes, you must submit written comments by **November 2, 2020.**

**What if I need assistance to participate in the hearing?** You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify us by **October 14, 2020**.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Sections 487(f) and 1043(a) of the New York City Charter authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** The Fire Department rules are codified in Title 3 of the Rules of the City of New York and can be viewed on the Fire Department's website, [www.nyc.gov/fdny](http://www.nyc.gov/fdny) and at <http://rules.cityofnewyork.us>.

**What laws govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the New York City Charter. An analysis of this proposed rule pursuant to Section 1043(d) of the New York City Charter was not performed because this proposed rule is exempt from such analysis under Section 1043(d)(4)(iii) as a rule which is solely concerned with the modification of the amounts of fees. This rule was not included in Fire Department's FY2020 Regulatory Agenda because the need for it was not anticipated.

### **Statement of Basis and Purpose of Proposed Rule**

The Fire Department is proposing to revise the amounts it charges patients and insurers for Emergency Medical Service (EMS) ambulance treatment and/or transport service provided through the New York City 911 System, to reflect increased costs and help defray the City's cost of providing these services.

The charges for ambulance service were last increased 3½ years ago, in March 2017. The proposed rates reflect increases personal services (PS) costs and other than personal service (OTPS) costs required to provide emergency ambulance services, while at the same time reduce the portion of such costs that is currently borne by City taxpayers.

The proposed schedule of charges represents a single rate for Basic Life Support (BLS) service, and separate rates for Advanced Life Support (ALS) levels of service (ALS1 and ALS2). The definition of BLS, ALS1 and ALS2 are determined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

The proposed schedule of charges also includes, for the first time new BLS and ALS charges for a "treatment in place" initiative. This new health care initiative, which we

anticipate will be implemented by the Centers for Medicare and Medicaid Services in 2021, utilizes ambulance personnel who have responded to a call for emergency medical assistance to facilitate remote evaluation of the patient by a higher level qualified healthcare professional (through an audio and video link).

The new rates, for “facilitation of treatment in place,” compensate the City for the time spent by BLS and/or ALS ambulance personnel in providing such services, equipping ambulances with the necessary communications equipment, and other program costs. If there is facilitation of treatment in place and the patient is not transported by ambulance, Fire Department charges would be limited to the applicable facilitation rate, and oxygen if provided.

The current and proposed rates set forth below are the amounts that the Fire Department would bill for EMS ambulance treatment and transport service. The rates do not necessarily reflect the amounts accepted by the Fire Department as payment for such services from government and private health insurance plans.

Pursuant to Section 1043(d)(4)(iii) of the New York City Charter, review and certification of this rule by the Law Department and the Office of Operations is not required.

Section 1. The Fire Department hereby proposes to amend the title of §4900-02 of Title 3 of the Rules of the City of New York and the schedule of charges for ambulance treatment and transport services provided by the Fire Department through the New York City 911 System, set forth in subdivision (b) of such section, to read as follows:

**§4900-02** Schedule of Charges for Fire Department Ambulance Treatment and Transport Services

\* \* \*

(b) Effective [March 12, 2017] EFFECTIVE DATE, the charges for Fire Department ambulance treatment and transport services are as follows:

<u>Type of Service</u>	<u>Charge</u>
Basic Life Support Ambulance	\$ [775.00] <u>900.00</u>
<u>Basic Life Support Ambulance Facilitation of Treatment in Place</u>	<u>\$ 630.00</u>
Advanced Life Support Ambulance Service Level 1 (ALS1)	\$ [1,310.00] <u>1,525.00</u>
Advanced Life Support Ambulance Service Level 2 (ALS2)	\$ [1,420.00] <u>1,625.00</u>
<u>Advanced Life Support Ambulance Facilitation of Treatment in Place</u>	<u>\$ 1,050.00</u>

Additional Charges:

- Mileage (distance traveled to hospital  
or medical facility with patient) \$ 15.00/mile
- Provision of Oxygen (as applicable) \$ 66.00

*Note: **Highlighted** text is existing underlined text. Retain underlining in publication of final rule.*

4900-02 (ambulance rates) (9/24/20 publication)