

## **NEW YORK CITY FIRE DEPARTMENT**

### **Notice of Adoption of Amendments to Fire Department Rule 3 RCNY §4900-02, “Schedule of Charges for Fire Department Ambulance Treatment and Transport Services”**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York pursuant to Section 487(f) and 1043(a) of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department has adopted the above final rule amendments.

A virtual public hearing was held on March 24, 2023. The rule and the revised schedule of charges shall take effect on May 1, 2023.

The Notice of Adoption, final rule and the Statement of Basis and Purpose of Final Rule, will be available on the Fire Department’s website ([www.nyc.gov/fdny](http://www.nyc.gov/fdny)) and NYCRULES ([www.nyc.gov/NYCRULES](http://www.nyc.gov/NYCRULES)).

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

The Fire Department is revising 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 two years ago, in January 2021. The new rates in part reflect increases (including recent EMS collective bargaining increases and inflation) in personal services (PS) costs and other than personal services (OTPS) costs required to provide emergency ambulance service. The rate increases have been calculated to reduce the portion of such costs that is currently borne by City taxpayers.

The revised 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 Federal Department of Health and Human Services’ Centers for Medicare and Medicaid Services. The most important rate increases proposed in this rule relate to BLS service and mileage charges.

The revised rates reflect 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.

## Public Comment

The Fire Department received 46 comments from members of the public. Most objected to the proposed rate increases as unwarranted, as summarized below. The Fire Department responds to these comments as follows:

Comment: The ambulance rates should not be raised because the cost of ambulance services is already paid for by taxes.

Response: Ambulance treatment and transport are health care services which are covered by government and private health insurance programs. The Fire Department bills these programs for the emergency ambulance services it provides so that the cost of providing 24/7 emergency ambulance service to the public through the New York City 911 System is not borne entirely by New York City taxpayers. The increase in ambulance rates is intended to recoup a greater percentage of such cost.

Comment: The rate increases will burden the public, including low-income individuals and senior citizens.

Response: The impact of these rate increases on the public will be mitigated for persons with Medicare, Medicaid or private health insurance. Medicaid covers emergency ambulance service with no out-of-pocket expense to recipients. Medicare also covers emergency ambulance service, and while there is a co-pay, it is based on Medicare's reimbursement rates, not the provider's billing rates, so this increase will not affect recipients. Private health insurance policies typically cover emergency ambulance services. Persons with private health insurance pay the co-pays and deductibles specified by their insurance policy, and in many cases pay standard co-pays and deductibles. The Fire Department has programs to address the needs of low-income persons who have difficulty paying ambulance bills.

Comment: There must be public information available and resources available for impoverished New Yorkers who cannot afford ambulance services. The Fire Department website does not address all means of resolving ambulance bills.

Response: The Fire Department's website has a link to its charitable care policy for ambulance service, [www.nyc.gov/site/fdny/about/resources/policy-and-agreements/fee-schedule.page](http://www.nyc.gov/site/fdny/about/resources/policy-and-agreements/fee-schedule.page). Additional information on such programs is provided on the ambulance invoice itself.

Terms used in the final rule that are defined in the Fire Code or elsewhere in the Fire Department's rules are indicated by *italics*.

New material is underlined. Material to be deleted is in [brackets]. Asterisks (\*\*\*) indicate unamended text.

Section 1. The Fire Department hereby amends subdivision (b) of §4900-02 of Title 3 of the Rules of the City of New York to adopt the following schedule of charges for ambulance treatment and transport services provided by the Fire Department through the New York City 911 System:

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

\* \* \*

(b) Effective [January 1, 2021] May 1, 2023, 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	\$ [900.00] <u>1,385.00</u>
Basic Life Support Ambulance Facilitation of Treatment in Place	\$ 630.00
Advanced Life Support Ambulance Service Level 1 (ALS1)	\$ [1,525.00] <u>1,680.00</u>
Advanced Life Support Ambulance Service Level 2 (ALS2)	\$ [1,625.00] <u>1,692.00</u>
Advanced Life Support Ambulance Facilitation of Treatment in Place	\$ 1,050.00
Additional Charges:	
– Mileage (distance traveled to hospital or medical facility with patient)	\$[15.00/mi] <u>20.00/mile</u>
– Provision of Oxygen (as applicable)	\$ 66.00

4900-02 (ambulance rates) (3/28/23 promulgation)