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Int. No. 2400

By Council Member Brannan

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a department of emergency medical services

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 23 to read as follows:

CHAPTER 23

DEPARTMENT OF EMERGENCY MEDICAL SERVICES

§ 581. Department; commissioner. There shall be a department of emergency medical services, the head of which shall be the commissioner of emergency medical services. The commissioner may appoint deputies within available appropriations.

§ 582. Powers and duties. a. The department shall have the power and authority to provide general

ambulance services, emergency medical services and other response services necessary to preserve public health, safety and welfare, and to perform any functions relating to the provision of such services. This subdivision shall not be construed to limit or impair the powers of any other agency established pursuant to this charter.

§ 2. Subdivision f of section 487 of the New York city charter, as added by local law number 20 for the year 1996, is amended to read as follows:

f. The department shall have the power and authority to provide [general ambulance services,] emergency medical services and other response services as necessary in the course of performing the duties established pursuant to this chapter to preserve public health, safety and welfare, and to perform any functions relating to the provision of such services. This subdivision shall not be construed to limit or impair the powers of any other agency established pursuant to this charter.

§ 3. The first paragraph of section 3-401 of the administrative code of the city of New York, as amended by chapter 387 of the laws of 2017, is amended to read as follows:

The mayor is authorized and empowered to make an award to the spouse or domestic partner of a member of the uniformed force of the police department, fire department, department of emergency medical services, including emergency medical technicians and advanced emergency medical technicians employed by the department of emergency medical services or the fire department, or uniformed transit police force, maintained by the New York city transit authority, killed while engaged in the discharge of duty. Such award shall equal the annual salary of such member at the time of death, but in no case less than the full salary payable to a first grade police officer, firefighter, transit police officer, emergency medical technician or advanced emergency medical technician at the date of death of such employee.

§ 4. Subparagraphs (i) and (ii) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York, subparagraph (i) as amended by local law number 122 for the year 2018 and subparagraph (ii) as amended by chapter 430 of the laws of 2010, are amended to read as follows:

(2) Health insurance coverage for surviving spouses, domestic partners and children of police officers, firefighters and certain other city employees:

(i) Where the death of a member of the uniformed forces of the department of emergency medical services, police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the department of emergency medical services or the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those

of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation

enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

(ii) Where a retired member of the department of emergency medical services or the fire department dies and is enrolled in a health insurance plan, the surviving spouse shall be afforded the right to such health insurance coverage and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act as is provided for retirees and their dependents as set forth in subparagraph (i) of this paragraph, provided such surviving spouse pays one hundred two percent of the group rate for such coverage, with two percent intended to cover administrative costs incurred, provided such spouse elects such health insurance coverage within one year of the death of his or her spouse. For purposes of this subparagraph, “retired member of the department of emergency medical services or the fire department” shall include persons who, immediately prior to retirement, were employed by the department of emergency medical services or the fire department of the city of New York in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct

supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law).

§ 5. Paragraph (4) of subdivision a of section 12-307 of the administrative code of the city of New York, as amended by local law number 56 for the year 2005, is amended to read as follows:

(4) all matters, including but not limited to pensions, overtime and time and leave rules which affect employees in the uniformed police, fire, emergency medical, sanitation and correction services, or any other police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law who is also defined as a police officer in this code, shall be negotiated with the certified employee organizations representing the employees involved. For purposes of this paragraph only:

(i) employees of the uniformed fire service shall also include persons employed at any level of position or service by the fire department of the city of New York as fire alarm dispatchers and supervisors of fire alarm dispatchers, fire protection inspectors and supervisors of fire protection inspectors, emergency medical technicians and advanced emergency medical technicians, as those terms are defined in section three thousand one of the public health law, and supervisors of emergency medical technicians or advanced emergency medical technicians;

(ii) employees of the uniformed police service shall also include persons employed at any level of position or service by the police department of the city of New York as traffic enforcement agents and supervisors of traffic enforcement agents, and school safety agents and supervisors of school safety agents; [and]

(iii) employees of the uniformed sanitation service shall also include persons employed at any level of position or service by the sanitation department of the city of New York as sanitation enforcement agents and supervisors of sanitation enforcement agents; and

(iv) employees of the uniformed emergency medical service shall also include persons employed at any level of position or service by the department of emergency medical services as emergency medical technicians

and advanced emergency medical technicians, as those terms are defined in section three thousand one of the public health law, and supervisors of emergency medical technicians or advanced emergency medical technicians;

§ 6. Subdivision b of section 15-129 of the administrative code of the city of New York, as amended by local law number 179 for the year 2017, is amended to read as follows:

b. The department, in collaboration with the department of emergency medical services, shall track the duration of time between a report to a 911 operator to which fire units or ambulances are required to respond and the time when the first fire unit, which shall include ladders and engines only, or the first ambulance unit, arrives on scene in the following categories:

(1) Average response time to structural fires;

(2) Average response time to non-structural fires;

(3) Average response time to non-fire emergencies;

(4) Average response time to medical emergencies by ambulance units, in total and disaggregated by segment;

(5) Average response time to medical emergencies by fire units, in total and disaggregated by segment;

(6) Percentage of response time to Advanced Life Support medical emergencies by Advanced Life support ambulances, in total and disaggregated by segment, in the following categories: (i) less than 6 minutes, (ii) between 6 and 10 minutes, (iii) between 10 and 20 minutes, and (iv) more than 20 minutes; and

(7) Percentage of response time to structural and non-structural fires by fire units in the following categories: (i) less than 5 minutes, (ii) between 5 and 10 minutes, (iii) between 10 and 20 minutes, and (iv) more than 20 minutes.

§ 7. Subdivisions b, c and d of section 15-136 of the administrative code of the city of New York, as added by local law number 126 for the year 2018, are amended to read as follows:

b. Beginning with the calendar quarter starting on January 1, 2019, the commissioner, in collaboration with the department of emergency medical services, shall submit to the speaker of the council and the department of health and mental hygiene, within 25 days of the end of each quarter and post to the department's website five days thereafter, a report [compromised] comprised of de-identified patient information relating to the administration of opioid antagonists.

c. Such report shall include:

1. The number of opioid antagonists the department [has] and the department of emergency medical services have available, disaggregated by borough and division;

2. The number of emergency medical technicians and other first responders employed by the department and the department of emergency medical services that are trained to administer opioid antagonists, disaggregated by borough and division;

3. The number of instances in the quarter that an emergency medical technician or other first responder employed by the department or the department of emergency medical services administered an opioid antagonist to a patient, disaggregated by borough, division, and by method of administration, such as syringe injection or nasal atomizer; and

4. The number, expressed in both absolute terms and as a percentage of all administrations, of instances in which the patient responded to the administration of an opioid antagonist.

d. The report created pursuant to this section shall be provided within 30 days of the end of the quarter to which the report corresponds. Where necessary, the department may use preliminary data to prepare the required report. If preliminary data is used, the department shall include an acknowledgment that such preliminary data is non-final and subject to change.

§ 8. Section 15-138 of the administrative code of the city of New York, as added by local law number 8 for the year 2019, is amended to read as follows:

§ 15-138 Annual report on the potential impact of certain rezonings on department services.

a. [Definitions. For purposes of this section, the term "emergency medical services" means the services provided by the bureau of emergency medical services within the department.

b.] No later than February 1 of each year, the department, in consultation with the department of city planning, shall submit to the council a report, as set forth in subdivision [c]b of this section, stating the potential impact of certain rezonings that occurred during the previous fiscal year on the services the department provides, in terms of fire protection[and emergency medical services], in areas for which certain rezonings were approved in the previous fiscal year.

[c.]b. Such report shall consider rezonings for which the department provided input in the city environmental quality review process and shall include for such rezonings, but need not be limited to, the following information:

1. The rezoned area, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning;

2. For each such rezoned area, a brief description of the type of rezoning that took place, including any substantial change in zoning district classification; and

3. For each such rezoned area, the potential impact of such rezoning on the services the department provides, as provided by the department in the city environmental quality review process, in terms of fire protection personnel and staffing, equipment, vehicles and stations, where applicable[, with a separate category including information on the impact of such rezoning on the services the department provides in terms of emergency medical services personnel and staffing, equipment, vehicles and station locations, where applicable].

§ 9. The administrative code of the city of New York is amended by adding a new title 15-A to read as follows:

TITLE 15-A

DEPARTMENT OF EMERGENCY MEDICAL SERVICES

CHAPTER 1

GENERAL PROVISIONS

§ 15-501 Definitions. As used in this title, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of emergency medical services.

Department. The term "department" means the department of emergency medical services.

Emergency medical services. The term "emergency medical services" means the services provided by the department.

§ 15-502 Annual report on the potential impact of certain rezonings on department services.

a. No later than February 1 of each year, the department, in consultation with the department of city planning, shall submit to the council a report, as set forth in subdivision b of this section, stating the potential impact of certain rezonings that occurred during the previous fiscal year on the services the department provides, in terms of emergency medical services, in areas for which certain rezonings were approved in the previous fiscal year.

b. Such report shall consider rezonings for which the department provided input in the city environmental quality review process and shall include for such rezonings, but need not be limited to, the following information:

1. The rezoned area, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning;

2. For each such rezoned area, a brief description of the type of rezoning that took place, including any substantial change in zoning district classification; and

3. For each such rezoned area, the potential impact of such rezoning on the services the department

provides, as provided by the department in the city environmental quality review process, in terms of emergency medical services personnel and staffing, equipment, vehicles and station locations, where applicable.

§ 10. Section 15-137 of the administrative code of the city of New York, as added by local law number 7 for the year 2019, is re-designated as a new section 15-503 of the administrative code of the city of New York and amended to read as follows:

[§ 15-137]§ 15-503 Report on emergency medical services supervisor to emergency medical services station staffing ratios. a. Definitions. For 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.]

Emergency medical services division. The term "emergency medical services division" means a collection of several emergency medical services stations, provided that if a division extends to two or more boroughs, the department shall report the information set forth below separately for each such borough.

Emergency medical services station. The term "emergency medical services station" means a location that houses ambulances, or other emergency vehicles, and emergency medical services staff.

Emergency medical services unit. The term "emergency medical services unit" means an individual ambulance or other emergency vehicle staffed by department personnel.

b. No later than January 1, 2019, and at the beginning of each subsequent quarter, the department shall submit to the council a report on emergency medical services divisions and stations.

c. Such report shall include, but need not be limited to, the following information:

1. The assigned number of each emergency medical services division and the general geographic area each such division covers;

2. The assigned number of each emergency medical services station within each emergency medical

services division, the geographic area each such emergency medical services station covers, including any formal and commonly known names and the area in square miles, and the number of department personnel assigned to each such emergency medical services station;

3. The total number of emergency medical services units within each emergency medical services station;

4. The total number of designated emergency medical services supervising officers for each emergency medical services station within each emergency medical services division; and

5. For each emergency medical services division, the ratio of emergency medical services supervising officers to emergency medical services stations within each such division.

§ 11. The definition of "EMS transports" in section 21-982 of the administrative code of the city of New York, as added by local law number 93 for the year 2015, is amended to read as follows:

EMS transports. The term "EMS transports" means transports performed by emergency medical services, whether provided by the department of emergency medical services, the fire department or another authorized ambulance service, in which a student is taken from a New York city public school to a hospital.

§ 12. Subdivisions (f) and (g) of section 24-702 of the administrative code of the city of New York, subdivision (f) as added by local law number 92 for the year 1993 and subdivision (g) as added by local law number 26 for the year 1988 and renumbered by local law number 92 for the year 1993, are amended to read as follows:

(f) "emergency response agencies": the departments of fire, emergency medical services, police, environmental protection, health, transportation and sanitation, and the division of emergency medical services of the health and hospitals corporation.

(g) "emergency response personnel": any member of the departments of fire, emergency medical services, police, environmental protection, health, transportation and sanitation, the division of emergency services of health and hospitals corporation and any other government agency participating in response

measures undertaken in connection with a fire, or a spill, or release or threatened release of a hazardous substance into the environment. For purposes of this chapter, the term "response measures" shall include actions taken by a city agency within the meaning of subdivision (f) of section 24-603.

§ 13. The commissioner of emergency medical services shall exercise the functions, powers and duties assigned by this local law in continuation of their exercise by the fire commissioner and shall have power to continue any business, proceeding or other matter commenced by the fire commissioner relating to such functions, powers and duties. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to their exercise by the fire commissioner shall, so far as not inconsistent with the provisions of this local law, apply to the department and commissioner of emergency medical services.

§ 14. All records, property and equipment relating to emergency medical services shall be transferred and delivered from the fire commissioner to the commissioner of emergency medical services within 90 days of the effective date of this local law.

§ 15. No civil or criminal action or proceeding pending when this local law takes effect shall be affected or abated by the adoption of this local law. All such actions and proceedings may be continued notwithstanding the functions, powers and duties of the fire commissioner that have been transferred to the commissioner of emergency medical services by this local law.

§ 16. All officers and employees in the classified city civil service who are transferred to the department of emergency medical services pursuant to this local law shall be transferred without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employee

§ 17. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement plan rights and any other rights or privileges of officers or

employees of the city generally or officers of any agency.

§ 18. Any rule relating to emergency medical services promulgated by the fire commissioner and in force on the effective date of this local law shall continue in force as a rule of the department of emergency medical services, except insofar as it may be duly amended or repealed after such date.

§ 19. No right or remedy accruing to the city of New York shall be lost or impaired by reason of the adoption of this local law.

§ 20. This local law takes effect 180 days after it becomes law.

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