

# NEW YORK CITY FIRE DEPARTMENT

## NOTICE OF OPPORTUNITY TO COMMENT

Notice of Opportunity to Comment on Proposed Amendments to  
Charges for Fire Department Ambulance Transport Service,  
and on the Promulgation of a New Rule, 3 RCNY §4900-02, entitled  
“Schedule of Charges for Fire Department Ambulance Transport Service”

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Fire Commissioner of the City of New York pursuant to Section 487(f) 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 intends to amend its charges for the ambulance transport service provided in the New York City 911 System by the Fire Department’s Emergency Medical Service Command, and to promulgate a new rule, 3 RCNY §4900-02, entitled “Schedule of Charges for Fire Department Ambulance Service,” incorporating such schedule of charges. The entire proposed rule is underlined to indicate that it is new.

A public hearing will be held on Tuesday, January 20, 2009, at 2:15 p.m., in the Auditorium at Fire Department Headquarters at 9 MetroTech Center, Brooklyn, New York 11201-3857. Written comments regarding this ratemaking may be submitted to the Counsel to the Department, at Fire Department Headquarters, by the above date.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are requested to notify the Counsel to the Department at the foregoing address by January 5, 2009.

All written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m., at the office of the Counsel to the Department.

The Notice of Opportunity to Comment, Proposed Rule and Statement of Basis and Purpose will be available on the Fire Department Internet Website at:

[www.nyc.gov/fdny](http://www.nyc.gov/fdny)

The Fire Department hereby proposes to amend its charges for the ambulance transport service provided in the New York City 911 System by the Fire Department's Emergency Medical Service Command, and to incorporate such charges into a new Fire Department rule, as follows:

1. The Schedule of Charges for Fire Department Ambulance Service is proposed to be amended as follows:

Schedule of Charges for Fire Department Ambulance Transport Service  
(effective [October 22, 2006] \_\_\_\_\_)

<u>Type of Service</u>	<u>Charge</u>
Basic Life Support Ambulance	\$ [475.00] <u>515.00</u>
Advanced Life Support Ambulance Service— Level 1 (ALS1)	\$ [600.00] <u>750.00</u>
Advanced Life Support Ambulance Service— Level 2 (ALS2)	\$ [700.00] <u>850.00</u>

Additional Charges:

– Mileage (distance traveled to hospital)	\$ 7.00/mile
– Provision of Oxygen (as applicable)	\$ 50.00

2. The Fire Department proposes to amend Title 3 of the Rules of the City of New York by repealing Appendix A to Title 3 of the Rules of the City of New York (following Chapter 43 thereof), entitled “Schedule of Charges for Fire Department Ambulance Transport Service,” and adding a new rule, to read as follows:

§ 4900-02 Schedule of Charges for Fire Department Ambulance Transport Service

(a) Scope. This section sets forth the charges for Fire Department ambulance transport service.

(b) Schedule of Charges. Effective [INSERT EFFECTIVE DATE], the charges for Fire Department ambulance transport service are as follows:

<u>Type of Service</u>	<u>Charge</u>
<u>Basic Life Support Ambulance</u>	<u>\$ 515.00</u>
<u>Advanced Life Support Ambulance Service– Level 1 (ALS1)</u>	<u>\$ 750.00</u>
<u>Advanced Life Support Ambulance Service– Level 2 (ALS2)</u>	<u>\$ 850.00</u>

Additional Charges:

<u>– Mileage (distance traveled to hospital)</u>	<u>\$ 7.00/mile</u>
<u>– Provision of Oxygen (as applicable)</u>	<u>\$ 50.00</u>

STATEMENT OF BASIS AND PURPOSE FOR PROPOSED RULE:

The Fire Department is proposing to increase the amounts it charges patients and insurers for Emergency Medical Service (EMS) ambulance 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 Fire Department is further proposing to incorporate into a rule the Schedule of Charges for Fire Department Ambulance Transport Service, currently appended as Appendix A to Title 3 of the Rules of the City of New York.

Justification For Proposed Ratemaking

The Department currently charges \$475 for an ambulance response (including treatment and transport) by a Basic Life Support (BLS) ambulance staffed by two Fire Department Emergency Medical Technicians; \$600 for an ambulance response (including treatment and transport) by an Advanced Life Support (ALS) ambulance, staffed by two Fire Department Paramedics, providing standard ALS service (ALS1); and \$700 for an ambulance response by an ALS ambulance, staffed by two Fire Department Paramedics, providing ALS2 level of service (ambulance transport and the provision of certain more advanced ALS treatment and/or administration of medication). (The ALS1 and ALS2 levels of service are defined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.)

The Department currently charges \$7.00/per mile in mileage charges and \$50.00 for the provision of oxygen. These rates are proposed to remain unchanged.

The charges for ambulance service were last increased in October 2006. The Department proposes to adjust the ambulance service charges to more closely reflect the cost of providing these services. The fully allocated costs of providing BLS and ALS ambulance transports are \$546 and \$798, respectively. The higher costs associated with ambulance transports result from collectively bargained salary increases for EMS personnel and increased operating costs. The proposed rates, together with the mileage and oxygen charges, will bring the new charges for ambulance service more in line with the Fire Department's actual cost of providing these essential services.

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

Neither the current nor proposed rates apply to emergency medical care provided by Fire Department firefighters as certified first responders. The Fire Department does not charge for such services.

#### Promulgation of New Rule Incorporating Schedule of Charges

In connection with the enactment of the new New York City Fire Code, the Fire Department is in the process of repealing and repromulgating all of its rules. Chapter 49 of the Fire Department's new rules will consolidate miscellaneous rules not relating to Fire Code provisions.

The Schedule of Charges for Fire Department Ambulance Transport Service is currently appended as Appendix A to the Fire Department's rules (Title 3 of the Rules of the City of New York). For convenient reference, the Fire Department is proposing to incorporate the Schedule of Charges into its rules as Section 4900-02.

4900-02 (schedule of ambulance charges) (12/12/08 publication)