

**August 15, 2022**

A special meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, August 15, 2022, 6:00 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer, Nancy W. Jones and Benjamin J. Troche. Also present were Village Treasurer Apryl Troutman, Fire Chief Kurt Hallberg and Deputy Clerk/Treasurer Julie C. Toennis. Absent were Village Clerk Mary B. Currie, Police Chief Christopher DePonceau, Village Attorney John I. LaMancuso, DPW Supervisor Thomas Pilling and Building Inspector Jeff Swanson.

**APPROVAL OF MINUTES**

Motion by Trustee Troche, seconded by Trustee Barnes, to approve the minutes of the last special meeting of the Board of Trustees held August 1, 2022.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**DISCUSSION ON BILLING FOR EMERGENCY MEDICAL SERVICES (EMS)**

Mayor Holcomb said he felt Professional Ambulance Billing (PAB) is the best option for the village.

Trustee Barnes said she thought PAB seemed to have a little better training. She said they are willing to come to the Fire Station and also be available for any calls.

Trustee Jones said she agreed with Trustee Barnes.

Trustee Fischer said PAB's contract seems to be pretty black and white and indicated he would also be in favor of going with PAB.

Trustee Troche said he has talked with numerous other Fire Departments, as well as members of the Lakewood Fire Company, and it seems as though PAB is better at tracking down information, should the Emergency Medical Technician (EMT) miss something on the paperwork.

**RESOLUTION #129-2022 - ESTABLISHING VILLAGE EMERGENCY MEDICAL SERVICES DEPARTMENT**

Motion by Trustee Barnes, seconded by Trustee Troche, WHEREAS, the Village of Lakewood ("Village") has historically and currently intends to continue to exercise the authority conferred to it by law, including without limitation General Municipal Law §122-b, authorizing the Village to provide emergency medical services including basic life support ("BLS") and advanced life support ("ALS") ambulance services (hereinafter collectively referred to as "ambulance service[s]") within the boundaries of the Village and as otherwise authorized within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and further, to formulate such rules and regulations as the Village deems necessary relating to the provision of ambulance services; and

WHEREAS, the Village by these Resolutions and in conjunction with other related agreements, by and amongst the Village, the agencies or operators providing ambulance services in the Operating Territory, and the vendors contracting with those agencies and operators and which are incorporated by reference hereto, intends to provide a comprehensive regulatory system for the provision of ambulance services in the Village and its Operating Territory; and

WHEREAS, with the amendments to the General Municipal Law pursuant to Part KK of Chapter 55 of the Laws of 2022 and effective July 8, 2022, the Village seeks to address the impact of such amendments to its operations; and

WHEREAS, the Village Board of the Village of Lakewood ("Village Board") after due deliberation, finds it in the best interest of the Village of Lakewood to establish a Village Emergency Medical Services Department ("EMS Department") within the Village,

August 15, 2022 (continued)

NOW THEREFORE, it is

RESOLVED, that the Village Board hereby establishes a Village Emergency Medical Services Department (“EMS Department”) within the Village and directs that the EMS Department shall be managed by such person or persons as the Village Board shall direct provided, however, that such person or persons shall be answerable to the Village Board; and it is further

RESOLVED, that the Village Board hereby directs that the EMS Department shall be responsible for delivery of ambulance and emergency medical services within the Village and its Operating Territory and to such other geographic areas or municipalities as the Village may contract, subject to approval by the Village Board; and it is further

RESOLVED, that the Village Board hereby directs that the EMS Department shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Village Board for such purposes and under such terms and conditions as the Village Board may in its discretion find appropriate; and it is further

RESOLVED, that the Village Board hereby directs that the revenue recovered shall be deposited and segregated from other Village funds and used for the delivery of emergency medical and ambulance services as the Village Board may properly determine in its sole discretion; and it is further

RESOLVED, that the Village Board hereby directs the EMS Department shall adopt such rules and regulations, policies and procedures as it may find necessary to achieve the purposes of these Resolutions. Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #130-2022 – SELECT EMS BILLING COMPANY**

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Village of Lakewood Board of Trustees to select Professional Ambulance Billing, LLC, Williamsville, N.Y., as the billing service agency for the Village Emergency Medical Services Department and authorize Mayor Holcomb to execute said agreement/contract with PAB.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #131-2022 - AUTHORIZE FEES AND CHARGES FOR EMS AND AMBULANCE SERVICE**

Motion by Trustee Troche, seconded by Trustee Barnes, WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the “Law”) provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company that when fees and charges are authorized pursuant to General Municipal Law section 209-b(4), the fees and charges collected shall be disbursed in accordance with a written contract entered into between the authority having control of a fire department or fire company and the fire department or fire company itself; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

August 15, 2022 (continued)

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

WHEREAS, the Village of Lakewood ("Village") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Village to provide emergency medical services including basic life support ("BLS") and advanced life support ("ALS") ambulance services (hereinafter collectively referred to as "ambulance services") within the boundaries of the Village and Town of Busti and as otherwise authorized within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and further, in the discretion of the Village Board to formulate such rules and regulations as such Board deems necessary relating to the provision of ambulance services; and WHEREAS, the Board of the Village of Lakewood ("Board") after due deliberation, finds it in the best interest of the Village of Lakewood to authorize fees and charges for emergency medical services and ambulance services as authorized by Law and these Resolutions;

NOW THEREFORE, it is hereby

RESOLVED, that the Village of Lakewood hereby authorizes fees and charges for emergency medical services and ambulance services as authorized by Law and as provided for by these Resolutions and such other determinations, rules, regulations, policies and procedures as may be made from time to time by the Board; and it is further

RESOLVED, that the net fees and charges collected shall be disbursed in accordance with a written contract to be agreed and entered into between the Village, as the authority having control of the Lakewood Volunteer Fire Company, Inc. whereby the Lakewood Volunteer Fire Company, Inc. shall be compensated a portion of the fees collected by the Village for such emergency medical services and ambulance services as provided for herein, pursuant to the authorization and requirements of General Municipal Law 209-b(4); and it is further

RESOLVED, that the Board hereby directs that it shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Board for such purposes and under such terms and conditions as the Board may in its discretion find appropriate; and it is further

August 15, 2022 (continued)

RESOLVED, that the Board hereby authorized the engagement of Professional Ambulance Billing, LLC as and for the billing service agency for the Village of Lakewood, pursuant the written proposal for such billing and revenue recovery agency dated July 8, 2022, and upon the review and approval by Village legal counsel of the form of contract with such billing service agency pursuant to such proposal; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

RESOLVED, that the Board hereby directs that it commence negotiations with a provider or providers of advanced life support services to provide such advanced life support services, which such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider(s) will be reimbursed when the ambulance service bills for emergency medical service ALS services within the Village as required by General Municipal Law 209-b(4)(b); and it is further

RESOLVED, that the Board hereby determines that commencing at 12:01 a.m. on July 8, 2022 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Village or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

RESOLVED, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Village, waive any co-pay due from any resident of the Village; and it is further

RESOLVED, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Village funds and used for the delivery of emergency medical and ambulance services as the Board may properly determine in its sole discretion; and it is further

RESOLVED, that the Board hereby directs that the fees and charges authorized by these Resolutions and the Law shall apply and be billed only within primary response territory as set forth in the Village's current ambulance service certificate issued by the Commissioner of Health and such mutual aid as such is authorized by law; and it is further

RESOLVED, that the Board hereby directs that it shall not, directly or indirectly, by Village personnel or its agents and employees, including the Village's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e).

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

Motion by Trustee Troche, seconded by Trustee Barnes to adjourn the Special Meeting at 6:50 PM.

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Julie C. Toennis, Deputy Clerk