

Employee Benefits Division Policy Memorandum

Number: Policy Memo 149

Date Issued: February 10, 2023

Subject: Eligibility for Volunteer Ambulance and EMS Organizations to Join NYSHIP

Purpose:

To establish and clarify rules for eligibility of volunteer ambulance and Emergency Medical Services (EMS) organizations to participate in the New York State Health Insurance Program (NYSHIP).

Background:

In accordance with Civil Service Law, Section 163.2, “active members of volunteer fire and volunteer ambulance companies serving one or more municipal corporations” are eligible to participate in the New York State Health Insurance Program (NYSHIP).

Volunteer ambulance and EMS agencies have traditionally been viewed by NYSHIP as “quasi-public organizations” because of the way in which such agencies are established and funded. As a result, these agencies were classified as Participating Employers (PE). Agencies classified as PEs who request to join NYSHIP are evaluated using a “three-prong test” to confirm the agency is *primarily* a public entity. An organization must adhere to the three following criteria to be eligible to join NYSHIP:

1. The entity must have been created or authorized by a governmental body;
2. The entity must receive at least 50% of its funding from governmental sources; and
3. The entity must perform a governmental function.

Volunteer ambulance and EMS organizations are frequently funded through insurance billing, rather than public funds. Therefore, such agencies have not met the requirement of receiving at least 50% of their funding from governmental sources. As a result, their applications to participate in NYSHIP have often been denied.

Upon reexamination, this result feels contrary to the spirit of the law. Since many EMS companies are acting as extensions of one or more local New York State municipalities, EBD has determined it is more logical to extend eligibility to such organizations as NYSHIP Participating Agencies (PAs), as opposed to PEs. As such, admitting ambulance and EMS agencies as PAs would eliminate the need for the three-prong test and allow for an easier path to participation going forward.

Policy:

Emergency Medical Services (EMS) organizations may apply to join NYSHIP as Participating Agencies.

Volunteer ambulance and EMS agency participation in NYSHIP comes with certain special requirements. In accordance with Civil Service Law Section 163.2 and NY General Municipal Law Section 92-a, Subdivision 7, active volunteer ambulance and EMS personnel will be required to pay the full cost of coverage. Volunteer ambulance and EMS personnel will not be eligible for NYSHIP retiree benefits, and volunteer ambulance and EMS personnel who separate from service with the organization will not be eligible for COBRA benefits.