



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

July 15, 2010

Dear Ambulance Provider:

The Medicaid Program and the Bureau of Emergency Medical Services (BEMS) have been asked to further clarify the Department's policy related to Medicaid billing and Department-approved territory as addressed in the Medicaid Program's February 1 policy reminder letter to ambulance providers, as excerpted below:

*"Ambulance services are certified to operate in an explicit primary geographic area, or territory. Per Article 30 PHL§3010, an ambulance company may receive patients only within the primary territory specified on the [Department-issued] operating certificate, or outside the territory with the exceptions indicated (such as the approval of [the Department of Health] and the emergency medical services council to meet an emergency need). Consequently, claims for ambulance services may be submitted only when those services originate within the ambulance services' approved territory of operation **or meet the statutorily prescribed exceptions.**" [Emphasis added.]*

One of the four "statutorily prescribed exceptions" cited at Article 30 PHL §3010 is "fulfillment of a mutual aid agreement authorized by the regional council..." The intent of the February 1 letter was, in part, to convey that both the Medicaid Program and BEMS are concerned that **some** ambulance services are operating outside their prescribed territory when **not** part of a mutual aid agreement. The Medicaid Program recognizes that mutual aid agreements are essential in order to provide adequate emergency response in many areas of this geographically diverse state.

I hope that this letter provides the necessary clarification. If you have any questions, please contact Medicaid Transportation policy staff at (518) 473-2160 or via email to MedTrans@health.state.ny.us; or BEMS staff at (518) 402-0996. Thank you for the invaluable emergency medical services you provide to the community.

Sincerely,

Gregory S. Allen, Director
Division of Financial Planning and Policy
Office of Health Insurance Programs

cc: Ms. Lee Burns, BEMS