



# 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*

June 3, 2010

Beth Harrington, EMT-P  
Assistant Director, EMS  
Tompkins County Department of Emergency Response

Via email to [bharrington@tompkins-co.org](mailto:bharrington@tompkins-co.org)

Dear Ms. Harrington:

I received a copy of your letter to Medicaid Inspector General James Sheehan indicating that my February 1, 2010 letter to ambulance providers appeared to imply that the Medicaid program will not permit "mutual aid" agreements because they violate the Article 30 Public Health Law provision that ambulance companies can only receive patients within their primary territory.

As my staff indicated in their phone conversation with you, the letter was in part intended to convey that both the Medicaid program and Bureau of Emergency Medical Services are concerned that some ambulance services are operating outside their prescribed territory when not part of a mutual aid agreement.

Please understand that the Medicaid program is complying with the Article 30 provisions for mutual aid agreements and recognizes that they are necessary in order to provide adequate emergency medical response in many areas of this geographically diverse state. My letter specifically stated that claims may be submitted only when the "services originate within the ambulance services approved territory or meet the statutorily prescribed exceptions". One of the four "statutorily prescribed exceptions" cited in Article 30 §3010(1)(b) is "fulfillment of a mutual aid agreement authorized by the regional council..".

I hope that this clarification alleviates your concerns. If you have any additional questions, please contact Timothy Perry-Coon, of my staff, at (518) 474-5187; or via email to [MedTrans@health.state.ny.us](mailto:MedTrans@health.state.ny.us). Thank you for the invaluable emergency medical services your office provides to the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory S. Allen'.

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

cc: Mr. Perry-Coon  
Ms. Burns