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Fire Departments May Not Bill for Rescue Services

by Bradley M. Pinsky

In his first opinion of the year, New York state's comptroller has opined that emergency rescue and first aid squads of a fire district or fire department may not charge for rescue services. The opinion was given in response to a question posed by a fire district in Onondaga County represented by Brad Pinsky.

The comptroller's opinion makes clear that this practice is not permitted by law. The opinion cites General Municipal Law Section 209-b (4), entitled "Fees and Charges Prohibited," and interprets the language as prohibiting the imposing of fees and charges not only for ambulance services but also for rescue services.

Readers should understand that the comptroller provides opinions only to municipalities, so it should not limit this opinion just to fire districts. General Municipal Law section 209-b applies to town-controlled (i.e. independent) fire companies, whether part of a village, city, town or fire district.

The comptroller's interpretation of the statute makes clear that a fire department's charging for rescue services is prohibited by law.

This is not to state that this should be the end of the matter. We believe that under proper lobbying efforts, a law could be passed permitting billing for rescue services, so long as the definition of rescue did not include ambulance services. We have forwarded the matter to the Association of Not For Profit and Municipal Emergency Medical Service Providers for consideration to be put on their agenda.