

NY SUPREME COURT OVERRIDES PART OF EMS POLICY STATEMENT 2009-01

The Town of Covert, Seneca County, submitted a municipal Certificate of Need (CON) application to establish an ambulance service covering the town as well as the Incorporated Village of Interlaken which is entirely within town boundaries. NYS DOH EMS Policy Statement 2009-01, however provides "With the exception of an entire county, a municipality may only declare operating authority for the geography over which it has direct jurisdiction (e.g. an incorporated village contained within the borders of a town would not be included within the authority of an EMS agency established by the town". The town appealed in an Article 78 proceeding to the NY Supreme Court which rejected the DOH's arguments that the Village of Interlaken needed to submit its own municipal CON application and ordered the DOH to issue to the Town of Covert an amended Ambulance Service Certificate which included the Village of Interlaken. The Decision and Judgment has Index No. 46740 and is dated 1/18/13. EMS service for the Town of Covert is presently provided under a contract with the Village of Trumansburg EMS Department which is located in Tompkins County