

**REGIONAL EMERGENCY MEDICAL  
SERVICES COUNCIL OF NEW YORK CITY, INC.**

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In the Matter of the Application to Expand  
Primary Operating Territory by the

**REPORT &  
RECOMMENDATION**

BEDFORD STUYVESANT VOLUNTEER  
AMBULANCE CORPS., INC.,

To Include Kings County Community Boards  
5, 8, and 16 (NYPD 73rd, 75th, and 75th precincts).

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**PRELIMINARY STATEMENT**

In accordance with New York State Public Health Law Article 30 and New York State Department of Health (hereinafter “NYSDOH”) Policy Statement 06-06, a public hearing was held on October 24, 2023 at 475 Riverside Drive, New York, New York regarding the application of Bedford-Stuyvesant Volunteer Ambulance Corps., Inc. (hereinafter “the applicant”) to expand its primary operating territory to include to include Kings County Community Boards 5, 8, and 16 (NYPD 73rd, 75th, and 75th precincts) as stated in the applicant’s Narrative and on its DOH Form 3777. As stated on the applicant’s operating certificate, the applicant currently holds operating authority for Myrtle Avenue East to Broadway, Broadway Southeast to Eastern Parkway, Eastern Parkway South to Fulton Street, Fulton Street West to Bedford Avenue, and Bedford Avenue to North to Myrtle Avenue [Exhibit 1: p.21, p.23 (map)].

I, Timothy C. Hannigan Esq., served as Hearing Officer for the Regional Emergency Medical Services Council of New York City, Inc. (hereinafter “REMSCO”).

## **SUMMARY OF HEARING**

The applicant was represented by Tamsin Wolf Esq., Antoine Robinson, and James Pointer. The applicant was afforded the opportunity to amend the application prior to the commencement of the public hearing. No amendment was made [2]. Thereafter, the hearing was called to order at 5:27 P.M. [3].<sup>1</sup> Numerous members of the REMSCO and its Ambulance Committee were present. The hearing was also simulcast via YouTube and recorded by REMSCO staff.

The stenographer appeared remotely for the hearing, which proved to present significant challenges with respect to her ability to hear the Hearing Officer and the applicant [4-29]. As a result, the stenographer interrupted the hearing multiple times and significantly hindered both the applicant's ability to present the application and public hearing process more broadly. It should be noted that the applicant was clear and audible to all present at the hearing, and the stenographer's interruptions stemmed solely from the fact that she was not physically in the hearing room. The interruptions continued to the point that the Hearing Officer, in consultation with REMSCO Executive Director Marie Diglio, determined that the live stenographic recording of the hearing should be stopped and a full recording of the hearing provided to the stenographer thereafter for creation of the hearing transcript [30-32]. A transcript was subsequently created consistent with this request.

At the outset of the hearing, the applicant was instructed that it bore the burden of demonstrating public need as that term is defined in DOH Policy Statement 06-06. The applicant was afforded the opportunity to make a verbal presentation to the

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<sup>1</sup> All references contained in brackets are to the transcript of the public hearing.

Ambulance Committee and NYCREMSCO members present. Thereafter, the hearing was open for public comment. Approximately 10 people attended the hearing in addition to the REMSCO members and staff. At the conclusion of the hearing, the Applicant and all hearing attendees were provided with notice of the Council's future public meeting on November 28, 2023 relating to deliberation by the REMSCO and a determination on the present application, as well as a web address to locate relevant meeting time and attendance information [53].

**A. Exhibits**

The redacted application for a permanent operating certificate was marked as **Exhibit 1**.

A copy of the Legal Notice of Public Hearing published prior to the hearing date, together with a supporting affidavit and notice of the application made by registered or certified mail by the REMSCO to the chief executive officers of all general hospitals, ambulance services, and municipalities operating within the same county where the applicant seeks to operate, was marked as **Exhibit 2**.

Confirmation from the Department of Health attesting to the applicant's fitness and competency to operate the proposed service and noting that no further review was needed was received on October 11, 2023 by REMSCO staff and marked as **Exhibit 3**.

The timeline entitled Account of Events prepared by REMSCO Operations Assistant Michelle Klemm was marked as **Exhibit 4**.

The PowerPoint presentation transmitted by the applicant to the REMSCO before the public hearing was marked as **Exhibit 5**.

Letters in support from elected officials and community stakeholders submitted by the applicant following submission of the application but prior to the public hearing were collectively marked as **Exhibit 6**.

**B. Public Comment Upon the Application**

In addition to Mr. Pointer and Mr. Robinson who spoke on behalf of the applicant, Ms. Tiera Mack, Executive Director of the Pitkin Avenue Business Improvement District, and Warren Thomas, spoke at the public hearing offered remarks in support of the application. Ms. Mack stated that she personally observed long wait times for ambulance service in the affected area, and also cited increasing calls due to an aging population in the area as reasons why the application should be granted [44-45]. The letter in support submitted by Park Slope Ambulance echoed Ms. Mack's comments regarding increased call volume in the affected area [Exhibit 6].

Mr. Warren explained that the affected area presently suffers from an inadequate or insufficient number of ambulance services resources that lead to delays in care. Mr. Warren explained that his aunt suffered two strokes in the affected area in 2023, and experienced ambulance service response times of 23 minutes and 17 minutes, respectively [47].

The aforementioned comments supplemented the statements of support and public need contained within Exhibit 6 and offered by the following:

- NYC Councilmember Charles Barron
- NYC Councilmember Crystal Hudson
- NYS Assemblymember Latrice Walker
- NYS Assemblymember Stefani Zinerman
- NYS Assemblymember Phara Souffrant Forrest
- NYS Assemblymember Stefani Zinerman
- NYS Senator Roxanne Persaud

- Park Slope Volunteer Ambulance Corps

In addition to those letters contained within Exhibit 6 noted above, multiple letters in support from persons not in attendance at the public hearing were also received and incorporated into Exhibit 1. These written letters of support are contained within Exhibit 1 and include the following:

- Brooklyn Community Board #3
- Brooklyn Community Board #5
- Brooklyn Community Board #8
- Brooklyn Community Board #16
- NYC Councilmember Chi Ossé
- NYC Councilmember Sandy Nurse
- NYC Council Speaker Adrienne Adams
- NYC Public Advocate Jumaane Williams
- NYS Assemblymember Brian Cunningham
- NYS Assemblymember Erik Dilan
- NYS Assemblymember Latrice Walker
- NYS Assemblymember Nikki Lucas
- NYS Senator Julia Salazar
- NYS Senator Zellnor Myrie
- US Representative Hakeem Jeffries
- US Representative Nydia Velazquez
- Brooklyn Borough President Antonio Reynoso
- Brookdale Medical Center
- Interfaith Medical Center
- Kingsbrook Jewish Medical Center
- Jamaica Hospital Medical Center
- Wyckoff Heights Medical Center EMS
- NYS Volunteer Ambulance & Rescue Association, District #4
- NYS Volunteer Ambulance & Rescue Association, District #18
- Broad Channel Volunteer Fire Department
- Flatlands Volunteer Ambulance and First Aid Corps, Inc.
- Glen Oaks Volunteer Ambulance Corps
- Jamaica Estates Holliswood South Bayside Volunteer Ambulance Corps.
- Park Slope Volunteer Ambulance Corps
- Ridgewood Volunteer Ambulance Corps

- Volunteer Heart Ambulance
- Central Brooklyn Economic Development Corporation

No person or entity opposed the application.

### **FINDINGS OF FACT AND DISCUSSION**

The present application – and the delivery of emergency medical services in New York State more broadly – is governed by Article 30 of the Public Health Law, New York State Department of Health Policy Statement 06-06, and the NYCREMSCO Policy entitled “The Process For Determination Of Public Need For A New Ambulance Service And/Or Expansion Of An Existing Ambulance Service”. The question before the Ambulance Committee and REMSCO is whether the record evidence demonstrates that public need exists in the geographical area at the subject of the application (See Policy Statement 06-06). For the reasons set forth below, it is submitted that the record demonstrates that public need exists in the area at the subject of the application, and that the application should be granted.

**1. The evidence presented demonstrates the existence of public need as defined by Policy Statement 06-06.**

To support the pending application, the burden of proof for the demonstration of public need rested with the applicant. Public need is defined as “the demonstrated absence, reduced availability or an inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctable through the reallocation or improvement of existing resources” (See Policy Statement 06-06, at 4). The applicant explained that the application was intended to provide timely, needed community-based volunteer EMS/ambulance service to the neighborhoods included in

the proposed expansion area. The applicant cited current response times for life-threatening emergencies as averaging 12 minutes and response times for non-life-threatening calls as averaging 16 minutes [19-20]. The applicant explained that this response data was collected from publicly available call information [Exhibit 1: Narrative p.4, Footnote 10]. Member of Assembly Forrest also cited ambulance service response times as problematic, explaining “current ambulance response times in the area are simply too long” [Exhibit 6].

There is significant support for the application from community stakeholders and elected officials contained in the record. Nearly all of the letters of support noted above from elected officials commented that public need exists in the affected area [Exhibit 1; Exhibit 6]. Senator Persaud explained that her district includes the area at the subject of the application, and explained that the applicant’s proposed ambulance service expansion “cannot be replicated by other municipal, commercial and hospital systems without an expenditure of considerable resources” [Exhibit 6]. Member of Assembly Zinerman explained that “current ambulance response times are too long” and that granting the application “will help alleviate the burdens on existing EMS resources available to the community . . .[and] reduce response times” [Exhibit 6]. Senator Brisport echoed these comments [Exhibit 6].

In response to a question from Daniel Meisels regarding whether the applicant possesses the resources to serve the affected area, the applicant’s Commanding Officer, Antoine Robinson, explained that the applicant is prepared to serve the area now and will, if necessary, procure used ambulances to ensure it can serve the area [42-43]. It is also noted that the letter in support submitted by Congressman Hakeem

Jeffries set forth certain legislative aid and support initiatives already in progress to support the applicant's ongoing and future operations [Exhibit 1; p. 128].

### **RECOMMENDATION**

Pursuant to DOH Policy Statement 06-06, the question to be voted on by the REMSCO is whether to approve the application. Based on the entire record, the applicant has shown that a public need exists for additional services in the affected area, and that those needs are not readily correctable through the reallocation or improvement of existing resources. It is the recommendation of the hearing officer that the application should be approved.

Dated: November 10, 2023

Respectfully submitted,

*Timothy C. Hannigan, Esq.*  
Hearing Officer