

10/22/17

Governor Andrew M. Cuomo today (finally) signed legislation to deliver health care benefits to volunteer firefighters who have been diagnosed with certain cancers. The Senate and assembly approved this legislation on June 20, and the bill has been awaiting action by the governor since then. Thanks to the many in the fire service who took the time to contact the governor and ask him to sign this legislation into law.

Gov. Cuomo: "New York is forever grateful to the 96,000 volunteer firefighters who selflessly put their own personal safety at risk in order to keep their neighbors and communities safe," **Governor Cuomo said.** "With this measure, we will provide these courageous New Yorkers the protections they need and the peace of mind they deserve."

Currently, volunteer firefighters are eligible for accidental disability and death benefits through Workers' Compensation if they are injured in the line of duty. **Effective January 1, 2019**, firefighters will also be eligible for health benefits to support treatment for life-threatening cancers. Under the bill (S1411B- A711B), volunteer firefighters who contract certain cancers will receive access to tax free disability and death benefits. Specifically, volunteer firefighters diagnosed with lung, prostate, breast, lymphatic, hematological, digestive, urinary, neurological, reproductive systems, or melanoma cancer will be automatically eligible. Note that the critical documents to insure coverage for a volunteer firefighter will be:

- His/Her initial physical upon joining the fire department showing no signs of cancer AND
- At least five years active membership - which will be demonstrated by annual SCBA mask fit test reports

so it is critical that you are certain to reserve these documents for any future claims.

The bills reads, as follows:

TITLE OF BILL : An act to amend the general municipal law and the tax law, in relation to the "New York state volunteer firefighter gap coverage cancer disability benefits act"

PURPOSE :

To create the New York State Volunteer Firefighter Gap Coverage Cancer Disability Benefits Act to provide volunteer firefighters who contract certain forms of cancer with enhanced disability benefits.

SUMMARY OF PROVISIONS :

Section 1. State that this act shall be known and cited as the "New York State Volunteer Firefighter Gap Coverage Cancer Disability Benefits Act."

Section 2. Amends the general municipal law by adding a new section 205-CC to require that any political subdivision liable for benefits provided under the volunteer firefighters' benefit law shall provide and maintain an enhanced cancer disability benefit insurance program for each eligible volunteer firefighter.

A volunteer firefighter will be eligible for enhanced cancer disability benefits if the following criteria is met:

- The volunteer has served for at least five years as an interior firefighter **as evidenced by passage of the mask fit test** which is required of all volunteer firefighters with an interior firefighting rating;
- Upon entrance into the volunteer service the volunteer firefighter **successfully passed a physical examination;** and
- The volunteer firefighter has a disease caused by an uncontrolled division of abnormal cells in any part of the body or a malignant growth or tumor affecting the lymphatic or hematological systems or digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma.

A volunteer who meets the eligibility requirements of the bill shall be eligible for the following disability benefits:

- For medically serious forms of cancer the volunteer firefighter will be eligible for a lump sum payment of \$25,000 which may be drawn from a pool of \$50,000 which is available if there is more than one negative diagnosis over the volunteer firefighters' lifetime;

- In the case of others medically treatable cancers, a lump sum benefit may be drawn from a pool of \$50,000 which is available if there is more than one negative diagnosis over the volunteer firefighters' lifetime;
- If the volunteer firefighter is totally disabled, a monthly benefit of \$1,500 per month payable up to 36 consecutive monthly payments; and
- In case of death, the volunteer firefighters' family will be eligible for an accidental death benefit in the amount of \$50,000.

Allows a legally organized fire department to use proceeds from real property taxes for purposes of providing such disability insurance.

Requires that any fire department whose member has received a disability payment under the provisions of this act shall report such payments to the Office of Fire Prevention and Control. Beginning in January 1, 2020 the Office of Fire Prevention and Control shall report yearly to the legislature the number of firefighters who have received benefits under this act.

Authorizes the Office of Fire Prevention and Control to adopt rules and regulations as are reasonably necessary to implement the provisions of this act.

Section 3. Provides that fund received by the volunteer firefighter as insurance payments for cancer benefits shall not be subject to New York State income taxes.

Section 4. This act shall take effective on January 1, 2019.