

➤ **Memorandum in Support: A.6843 Dinowitz/ S.3554 Breslin
No Fault Insurance Coverage of Emergency Treatment**

The New York Chapter of the American College of Emergency Physicians (New York ACEP) strongly supports A.6843/ S.3554, sponsored by Assemblyman Dinowitz and Senator Breslin. This legislation would amend the insurance law by requiring no-fault insurance coverage for emergency health services provided to a patient regardless of whether the patient has been injured as a result of operating a motor vehicle while in an intoxicated state.

There is an alcohol-related traffic fatality every 30 minutes and an alcohol-related traffic injury every 2 minutes in the United States, according to the Insurance Information Institute. Further, the National Highway Traffic Safety Administration found that in 2005, 37% of all auto crash fatalities in New York were alcohol-related. And according to the National Trauma Data Bank Report, emergency departments in New York State provided care for 6,419 intoxicated drivers injured in motor vehicle accidents in 2002.

Physicians are required by Federal law (EMTALA) to provide emergency department care to all patients, regardless of whether the patient is intoxicated and/or insured. However, current law does not allow health care providers to receive compensation for their services under a patient's No-Fault automobile insurance policy if the patient was intoxicated. In many of these situations, the health care providers must absorb the cost of the treatments provided.

Medical treatment for individuals who have been injured in a motor vehicle accident is almost always an emergency situation. This is magnified and medically more complicated when the victim is in an intoxicated state. Physicians do not discriminate by withholding necessary health care services to any individual.

With the exorbitant cost of treating an individual for injuries from alcohol-related crashes, health care providers, including emergency physicians, can no longer bear the burden of such costs. This legislation corrects this inequity by ensuring that health care providers are not put in the untenable position of absorbing the high costs of providing treatment to these patients, but rather are properly compensated.

The New York Chapter of the American College of Emergency Physicians represents 2100 physicians statewide and is one of the largest indigent care providers in the state, serving all people that require emergency treatment and services 24 hours a day, 365 days a year. **New York ACEP strongly urges the passage of A.6843/ S.3554 this legislative session.**