

7222

I N S E N A T E

May 6, 2014

Introduced by Sens. SEWARD, O'MARA, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law and the transportation law, in relation to the interagency coordinating committee on rural public transportation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 365-h of the social services law,
2 as added by section 20 of part B of chapter 109 of the laws of 2010, is
3 amended to read as follows:
4 4. The commissioner of health is authorized to assume responsibility
5 from a local social services official for the provision and reimburse-
6 ment of transportation costs under this section. If the commissioner
7 elects to assume such responsibility, the commissioner shall notify the
8 local social services official in writing as to the election, the date
9 upon which the election shall be effective and such information as to
10 transition of responsibilities as the commissioner deems prudent. The
11 commissioner is authorized to contract with a transportation manager or
12 managers to manage transportation services in any local social services
13 district. Any transportation manager or managers selected by the commis-
14 sioner to manage transportation services shall have proven experience in
15 coordinating transportation services in a geographic and demographic
16 area similar to the area in New York state within which the contractor
17 would manage the provision of services under this section. Such a
18 contract or contracts may include responsibility for: review, approval
19 and processing of transportation orders; management of the appropriate
20 level of transportation based on documented patient medical need; and
21 development of new technologies leading to efficient transportation
22 services. SUCH CONTRACT SHALL REQUIRE THAT THE TRANSPORTATION MANAGER
23 MUST FIRST OFFER THE COUNTY WHERE SERVICES ARE BEING REQUESTED THE RIGHT
24 TO COORDINATE SERVICES AND PRIORITY MUST BE GIVEN TO THE USE OF AVAIL-
25 ABLE LOCAL PUBLIC TRANSPORTATION SERVICES TO THE MAXIMUM EXTENT PRACTI-
26 CABLE FOR THE PROVISION OF TRANSPORTATION TO ELIGIBLE PERSONS. If the
27 commissioner elects to assume such responsibility from a local social

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 services district, the commissioner shall examine and, [if appropriate,]
2 adopt quality assurance measures that may include, but are not limited
3 to, global positioning tracking system reporting requirements and
4 service verification mechanisms. Any and all reimbursement rates devel-
5 oped by transportation managers under this subdivision SHALL INCLUDE
6 RATES FOR PUBLIC TRANSPORTATION THAT REFLECT THE COST TO PROVIDE SERVICE
7 TO ELIGIBLE INDIVIDUALS AND shall be subject to the review and approval
8 of the commissioner. IN REVIEWING THE REIMBURSEMENT RATES DEVELOPED BY
9 TRANSPORTATION MANAGERS, THE COMMISSIONER SHALL CONSULT WITH LOCAL OFFI-
10 CIALS RESPONSIBLE FOR PUBLIC TRANSPORTATION IN THE AFFECTED COUNTY AND
11 THE INTERAGENCY COORDINATING COMMITTEE ON RURAL PUBLIC TRANSPORTATION AS
12 DEFINED IN SECTION SEVENTY-THREE-D OF THE TRANSPORTATION LAW. Notwith-
13 standing any inconsistent provision of sections one hundred twelve and
14 one hundred sixty-three of the state finance law, or section one hundred
15 forty-two of the economic development law, or any other law, the commis-
16 sioner is authorized to enter into a contract or contracts under this
17 subdivision without a competitive bid or request for proposal process,
18 provided, however, that:

19 (a) the department shall post on its website, for a period of no less
20 than thirty days:

21 (i) a description of the proposed services to be provided pursuant to
22 the contract or contracts;

23 (ii) the criteria for selection of a contractor or contractors;

24 (iii) the period of time during which a prospective contractor may
25 seek selection, which shall be no less than thirty days after such
26 information is first posted on the website; and

27 (iv) the manner by which a prospective contractor may seek such
28 selection, which may include submission by electronic means;

29 (b) all reasonable and responsive submissions that are received from
30 prospective contractors in timely fashion shall be reviewed by the
31 commissioner; and

32 (c) the commissioner shall select such contractor or contractors that,
33 in his or her discretion, are best suited to serve the purposes of this
34 section.

35 S 2. Section 73-d of the transportation law, as amended by chapter 562
36 of the laws of 1987, is amended to read as follows:

37 S 73-d. Interagency coordinating committee on rural public transporta-
38 tion. 1. There is hereby created a committee to be known as the "intera-
39 gency coordinating committee on rural public transportation", to be
40 comprised of [nineteen] SIXTEEN members. The commissioner or his or her
41 designee shall serve as chairperson. [Twelve] EIGHT of such members
42 shall be the following or his or her duly designated representative: the
43 director of the office for the aging; the commissioner of education; the
44 commissioner of labor; the commissioner of health; the commissioner of
45 the office of mental health; the commissioner of the [office of mental
46 retardation and developmental disabilities] OFFICE OF PERSONS WITH
47 DEVELOPMENTAL DISABILITIES; the commissioner of social services; [state
48 advocate for the disabled; secretary of state;] AND THE commissioner of
49 agriculture and markets[; the director of the office of rural affairs
50 and the director of the division for youth]. [Six] EIGHT additional
51 members, all of whom shall be transportation providers or consumers
52 representing rural counties shall be appointed to serve a term of three
53 years as follows: [two] THREE by the president pro-tempore of the
54 senate, [two] THREE by the speaker of the assembly, one by the minority
55 leader of the senate, and one by the minority leader of the assembly.
56 Efforts shall be made to provide a broad representation of consumers and

1 providers of transportation services in rural counties when making such
2 appointments. Members of the committee shall receive no salary.

3 The commissioner shall cause the department to provide staff assist-
4 ance necessary for the efficient and effective operation of the commit-
5 tee.

6 2. The committee shall:

7 A. identify programs and the annual amounts and sources of funds from
8 such programs that are eligible to be used to support a coordinated
9 public transportation service, and the annual amounts and sources of
10 such funds that are actually used for client transportation or for
11 transportation of persons in connection with agency-affiliated programs
12 or services; such data shall be provided on a county basis;

13 b. identify restrictions on existing programs that inhibit funds from
14 such programs being used to pay for a coordinated public transportation
15 service in rural counties;

16 c. recommend changes in state or local laws or regulations that would
17 improve the coordination of funds, facilities, vehicles or equipment and
18 other resources used for transportation at the local level;

19 d. upon request, compile and forward to the commissioner any data or
20 other information required by this section.

21 3. THE COMMITTEE SHALL BE REQUIRED TO REPORT TO THE SPEAKER OF THE
22 ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE GOVERNOR BIAN-
23 NUALLY BEGINNING OCTOBER FIRST, TWO THOUSAND FOURTEEN REGARDING THE
24 MANAGEMENT OF NON-EMERGENCY MEDICAID TRANSPORTATION IN RURAL AREAS AS
25 DEFINED BY SECTION FOUR HUNDRED EIGHTY-ONE OF THE EXECUTIVE LAW. THIS
26 SHALL INCLUDE BUT NOT BE LIMITED TO, A BREAKDOWN BY COUNTY OF COST
27 SAVINGS, MODES OF TRANSPORTATION PROVIDED TO MEDICAID PATIENTS, AND
28 RATES OF UTILIZATION OF PUBLIC TRANSPORTATION.

29 4. THE COMMITTEE SHALL BE REQUIRED TO EXAMINE REIMBURSEMENT RATES
30 DEVELOPED BY TRANSPORTATION MANAGERS PURSUANT TO SUBDIVISION FOUR OF
31 SECTION THREE HUNDRED SIXTY-FIVE OF THE SOCIAL SERVICES LAW FOR COUNTIES
32 WITH A POPULATION OF TWO HUNDRED THOUSAND OR LESS. THE COMMITTEE SHALL
33 SUBMIT RECOMMENDATIONS FOR PROPOSED AND EFFECTIVE RATES FOR RURAL COMMU-
34 NITIES TO THE COMMISSIONER OF HEALTH WITH RECOMMENDATIONS INCLUDING, BUT
35 NOT LIMITED TO, ADJUSTMENTS TO INDIVIDUAL RIDERSHIP FARES FOR PUBLIC
36 TRANSPORTATION UTILIZATION, RATES FOR LOW-COST COORDINATED TRANSPORTA-
37 TION WITH OTHER HUMAN SERVICE AGENCIES, AND RATES FOR PRIVATE TRANSPOR-
38 TATION WITH CONSIDERATIONS OF AVAILABILITY AND COST SAVINGS.

39 5. THE COMMISSIONER OF HEALTH SHALL CONSULT WITH THE COMMITTEE PRIOR
40 TO APPROVAL OF RATES PROPOSED UNDER SUBDIVISION FOUR OF SECTION THREE
41 HUNDRED SIXTY-FIVE OF THE SOCIAL SERVICES LAW FOR COUNTIES WITH A POPU-
42 LATION OF TWO HUNDRED THOUSAND OR LESS. ANY PROPOSAL FOR A RATE ADJUST-
43 MENT FOR RURAL COMMUNITIES AFTER APPROVAL SHALL BE EXAMINED BY THE
44 COMMITTEE PRIOR TO APPROVAL BY THE COMMISSIONER.

45 S 3. This shall take effect immediately; provided, however that the
46 amendments to subdivision 4 of section 365-h of the social services law
47 made by section one of this act shall not affect the expiration and
48 reversion of such section and shall be deemed to expire therewith.