

STATE OF NEW YORK

138

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED, FERNANDEZ -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to reimbursement for special transportation services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 368-d of the social services law is amended by adding a new subdivision 7 to read as follows:

7. The commissioner shall, beginning upon the effective date of this subdivision and on an ongoing basis thereafter, review whether current state rules, regulations, policy, billing guidelines and amendments under the state plan for medical assistance concerning medicaid reimbursement for special transportation services, which are furnished by school districts to children with handicapping conditions receiving medical care and services that qualify for reimbursement under this title, are more restrictive than required by federal law, regulations, or policy. The commissioner shall take all practicable steps to ensure that any necessary changes are made to state rules, regulations, policy, and billing guidelines, and submit any necessary proposed state plan amendments to the centers for medicare and medicaid services, to ensure receipt of all available federal financial participation under title nineteen of the federal social security act for transportation services furnished by school districts to children with handicapping conditions. In so doing, the commissioner shall:

(a) seek to ensure receipt of all available federal financial participation for transportation services furnished to children with both physical and non-physical disabilities;

(b) seek to ensure receipt of all available federal financial participation for transportation services involving accommodations including, but not limited to, safety restraints and harnesses, medical equipment,

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

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1 paraprofessional or nursing services, smaller vehicle size, alternative
2 vehicle routing, and climate control;

3 (c) consider whether other states have less restrictive rules, regu-
4 lations, policy, billing guidelines and approved state plan amendments
5 concerning medicaid reimbursement for special transportation services
6 furnished by school districts to children with handicapping conditions;
7 and

8 (d) consult with representatives of school districts, including school
9 districts in any city with a population of one million or more.

10 § 2. Section 368-e of the social services law is amended by adding a
11 new subdivision 6 to read as follows:

12 6. The commissioner shall, beginning upon the effective date of this
13 subdivision and on an ongoing basis thereafter, review whether current
14 state rules, regulations, policy, billing guidelines and amendments
15 under the state plan for medical assistance concerning medicaid
16 reimbursement for special transportation services, which are furnished
17 by counties and the city of New York to preschool children with handi-
18 capping conditions receiving medical care and services that qualify for
19 reimbursement under this title, are more restrictive than required by
20 federal law, regulations, or policy. The commissioner shall take all
21 practicable steps to ensure that any necessary changes are made to state
22 rules, regulations, policy, and billing guidelines, and submit any
23 necessary proposed state plan amendments to the centers for medicare and
24 medicaid services, to ensure receipt of all available federal financial
25 participation under title nineteen of the federal social security act
26 for transportation services furnished by counties and the city of New
27 York to preschool children with handicapping conditions. In so doing,
28 the commissioner shall:

29 (a) seek to ensure receipt of all available federal financial partic-
30 ipation for transportation services furnished to preschool children with
31 non-physical disabilities;

32 (b) seek to ensure receipt of all available federal financial partic-
33 ipation for transportation services involving accommodations including,
34 but not limited to, safety restraints and harnesses, medical equipment,
35 paraprofessional or nursing services, smaller vehicle size, alternative
36 vehicle routing, and climate control;

37 (c) consider whether other states have less restrictive rules, regu-
38 lations, policy, billing guidelines and approved state plan amendments
39 concerning medicaid reimbursement for special transportation services
40 furnished by school districts to preschool children with handicapping
41 conditions; and

42 (d) consult with representatives of counties and the city of New York.

43 § 3. This act shall take effect immediately.