

6674

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. GOTTFRIED, CANESTRARI, JACOBS, JOHN, EDDINGTON, HOYT, DINOWITZ, GABRYSZAK, SCHROEDER, PAULIN, GREENE -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BRADLEY, BRODSKY, CAHILL, CHRISTENSEN, CLARK, COLTON, COOK, CYMBROWITZ, DeLMONTE, DESTITO, GALEF, GIGLIO, GUNTHER, HEASTIE, HOOPER, JAFFEE, KELLNER, KOLB, KOON, LATIMER, LIFTON, V. LOPEZ, LUPARDO, MAGEE, MAYERSOHN, McENENY, MILLMAN, MOLINARO, MORELLE, PEOPLES, PERRY, PHEFFER, POWELL, REILICH, REILLY, J. RIVERA, ROBINSON, RUSSELL, SCHIMMINGER, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to reimbursement of transportation costs for emergency care

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

1 Section 1. Subdivision 1 of section 365-h of the social services law,  
2 as added by chapter 81 of the laws of 1995, is amended and a new subdi-  
3 vision 4 is added to read as follows:  
4 1. The local social services official shall have responsibility for  
5 prior authorizing transportation of eligible persons and for limiting  
6 the provision of such transportation to those recipients and circum-  
7 stances where such transportation is essential, medically necessary and  
8 appropriate to obtain medical care, services or supplies otherwise  
9 available under this title. HOWEVER, PRIOR AUTHORIZATION SHALL NOT BE  
10 REQUIRED FOR TRANSPORTATION TO OBTAIN EMERGENCY CARE, INCLUDING EMERGEN-  
11 CY MEDICAL TRANSPORTATION BY AN AMBULANCE SERVICE CERTIFIED UNDER ARTI-  
12 CLE THIRTY OF THE PUBLIC HEALTH LAW.  
13 4. WITH RESPECT TO TRANSPORTATION AND CARE PROVIDED TO AN ELIGIBLE  
14 PERSON BY AN AMBULANCE SERVICE CERTIFIED UNDER ARTICLE THIRTY OF THE  
15 PUBLIC HEALTH LAW, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL  
16 ESTABLISH A REIMBURSEMENT METHODOLOGY THAT ENSURES THAT PROVIDERS ARE  
17 REIMBURSED AT THE GREATER OF THE MEDICAL ASSISTANCE RATE IN EFFECT ON  
18 THE EFFECTIVE DATE OF THIS SUBDIVISION, OR THE MEDICARE ALLOWABLE CHARGE

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

LBD06378-02-9

1 (PURSUANT TO TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT) FOR SUCH  
2 TRANSPORTATION AND CARE. THE AMOUNT OF INCREASE IN REIMBURSEMENT  
3 PRODUCED BY THIS METHODOLOGY OVER WHAT WOULD OTHERWISE HAVE BEEN PAID  
4 SHALL BE PHASED IN AS FOLLOWS: IN THE STATE FISCAL YEAR IN WHICH THE  
5 PROVISIONS OF THIS SUBDIVISION BECOME A LAW, THIRTY-THREE PERCENT; IN  
6 THE FOLLOWING STATE FISCAL YEAR, SIXTY-SIX PERCENT; AND IN THE SECOND  
7 STATE FISCAL YEAR FOLLOWING THE STATE FISCAL YEAR IN WHICH THE  
8 PROVISIONS OF THIS SUBDIVISION BECOME A LAW AND ALL SUBSEQUENT FISCAL  
9 YEARS, ONE HUNDRED PERCENT.

10 S 2. Subdivision 1 of section 368-a of the social services law is  
11 amended by adding a new paragraph (z) to read as follows:

12 (Z) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER OR ANY  
13 OTHER PROVISION OF LAW TO THE CONTRARY, ONE HUNDRED PERCENT OF THE  
14 AMOUNT EXPENDED FOR MEDICAL ASSISTANCE UNDER THIS TITLE FOR TRANSPORTA-  
15 TION AND CARE FURNISHED UNDER SUBDIVISION FOUR OF SECTION THREE HUNDRED  
16 SIXTY-FIVE-H OF THIS TITLE ON OR AFTER APRIL FIRST, TWO THOUSAND NINE,  
17 AFTER FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROPERLY RECEIVED OR  
18 TO BE RECEIVED ON ACCOUNT THEREOF.

19 S 3. This act shall take effect immediately.