S T A T E O F N E W Y O R K

8271

I N S E N A T E

June 18, 2010

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to the assumption by the commissioner of health of the responsibility for reimbursement of transportation costs under the medical assistance program

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

Section 1. Subdivision 4 of section 365-h of the social services law, as added by section 20 of part B of chapter 109 of the laws of 2010, is amended to read as follows:

4. The commissioner of health is authorized to assume responsibility from a local social services official for the provision and reimbursement of transportation costs under this section. If the commissioner elects to assume such responsibility, the commissioner shall notify the local social services official in writing as to the election, the date upon which the election shall be effective and such information as to transition of responsibilities as the commissioner deems prudent. The commissioner is authorized to contract with a transportation manager or managers to manage transportation services in any local social services district. Any transportation manager or managers selected by the commissioner to manage transportation services shall have proven experience in coordinating transportation services in a geographic and demographic area similar to the area in New York state within which the contractor would manage the provision of services under this section. Such a contract or contracts may include responsibility for: review, approval and processing of transportation orders; management of the appropriate level of transportation based on documented patient medical need; and development of new technologies leading to efficient transportation services. If the commissioner elects to assume such responsibility from a local social services district, the commissioner shall examine and, if appropriate, adopt quality assurance measures that may include, but are not limited to, global positioning tracking system reporting requirements and service verification mechanisms. Any and all reimbursement rates developed by transportation managers under this subdivision shall

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

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be subject to the review and approval of the commissioner. [Notwithstanding any inconsistent provision of sections one hundred twelve and one hundred sixty-three of the state finance law, or section one hundred forty-two of the economic development law, or any other law, the commissioner is authorized to enter into a contract or contracts under this subdivision without a competitive bid or request for proposal process, provided, however, that:

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

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

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

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

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

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

(c) the commissioner shall select such contractor or contractors that, in his or her discretion, are best suited to serve the purposes of this section] FOR EACH CONTRACT UNDER THIS SUBDIVISION, THE COMMISSIONER SHALL ISSUE A REQUEST FOR PROPOSAL AND SELECT A TRANSPORTATION MANAGER PURSUANT TO A COMPETITIVE BIDDING PROCESS. EACH BIDDER MUST INCLUDE IN ITS BID, A LIST OF ALL ENTITIES, PUBLIC AND PRIVATE, WHICH IT HAS CONTRACTED WITH OVER THE PAST TEN YEARS, INCLUDING AN INDIVIDUAL CONTACT FROM EACH ENTITY. THE COMMISSIONER SHALL CONSIDER, IN SELECTING SUCH TRANSPORTATION MANAGERS, THE ABILITY TO DELIVER APPROPRIATE LEVELS OF SERVICE, THE TRANSPORTATION MANAGER'S PAST RECORD IN AND OUT OF THIS STATE, AS WELL AS THE TRANSPORTATION MANAGER'S DEMONSTRATION THAT IT HAS EFFECTIVELY MANAGED A SIMILAR AREA IN TERMS OF POPULATION, GEOGRAPHY AND DEMOGRAPHICS AND THAT IT WILL BE ABLE TO ADOPT POLICIES AND PROCEDURES THAT WILL BE USED TO PROTECT TRANSPORTATION PROVIDERS FROM UNFAIR AND RETALIATORY ACTIONS, AS WELL AS PROTECT ITS MEDICAID RECIPIENTS AND CUSTOMERS.

S 2. This act shall take effect immediately; provided that the amendments to section 365-h of the social services law, made by section one of this act, shall not affect the expiration and repeal of amendments thereto by part B of chapter 109 of the laws of 2010, and shall expire and be deemed repealed therewith.