

8270

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 reimbursement for transportation costs under the medical assistance program; and to amend chapter 109 of the laws of 2010, amending the social services law relating to authorizing the commissioner of health to assume responsibility for transportation costs, in relation to making permanent certain provisions thereof

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

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

4 S 365-h. Provision and reimbursement of transportation costs. 1. The
5 local social services official [and, subject to the provisions of subdi-
6 vision four of this section, the commissioner of health] shall have
7 responsibility for prior authorizing transportation of eligible persons
8 and for limiting the provision of such transportation to those recipi-
9 ents and circumstances where such transportation is essential, medically
10 necessary and appropriate to obtain medical care, services or supplies
11 otherwise available under this title.

12 2. In exercising this responsibility, the local social services offi-
13 cial [and, as appropriate, the commissioner of health] shall:

14 (a) make appropriate and economical use of transportation resources
15 available in the district in meeting the anticipated demand for trans-
16 portation within the district, including, but not limited to: transpor-
17 tation generally available free-of-charge to the general public or
18 specific segments of the general public, public transportation,
19 promotion of group rides, county vehicles, coordinated transportation,
20 and direct purchase of services; and

21 (b) maintain quality assurance mechanisms in order to ensure that (i)
22 only such transportation as is essential, medically necessary and appro-
23 priate to obtain medical care, services or supplies otherwise available
24 under this title is provided; AND (ii) no expenditures for taxi or

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

LBD17806-01-0

1 livery transportation are made when public transportation or lower cost
2 transportation is reasonably available to eligible persons[; and (iii)
3 transportation services are provided in a safe, timely, and reliable
4 manner by providers that comply with state and local regulatory require-
5 ments and meet consumer satisfaction criteria approved by the commis-
6 sioner of health].

7 3. In the event that coordination or other such cost savings measures
8 are implemented, the commissioner shall assure compliance with applica-
9 ble standards governing the safety and quality of transportation of the
10 population served.

11 [4. The commissioner of health is authorized to assume responsibility
12 from a local social services official for the provision and reimburse-
13 ment of transportation costs under this section. If the commissioner
14 elects to assume such responsibility, the commissioner shall notify the
15 local social services official in writing as to the election, the date
16 upon which the election shall be effective and such information as to
17 transition of responsibilities as the commissioner deems prudent. The
18 commissioner is authorized to contract with a transportation manager or
19 managers to manage transportation services in any local social services
20 district. Any transportation manager or managers selected by the commis-
21 sioner to manage transportation services shall have proven experience in
22 coordinating transportation services in a geographic and demographic
23 area similar to the area in New York state within which the contractor
24 would manage the provision of services under this section. Such a
25 contract or contracts may include responsibility for: review, approval
26 and processing of transportation orders; management of the appropriate
27 level of transportation based on documented patient medical need; and
28 development of new technologies leading to efficient transportation
29 services. If the commissioner elects to assume such responsibility from
30 a local social services district, the commissioner shall examine and, if
31 appropriate, adopt quality assurance measures that may include, but are
32 not limited to, global positioning tracking system reporting require-
33 ments and service verification mechanisms. Any and all reimbursement
34 rates developed by transportation managers under this subdivision shall
35 be subject to the review and approval of the commissioner. Notwithstand-
36 ing any inconsistent provision of sections one hundred twelve and one
37 hundred sixty-three of the state finance law, or section one hundred
38 forty-two of the economic development law, or any other law, the commis-
39 sioner is authorized to enter into a contract or contracts under this
40 subdivision without a competitive bid or request for proposal process,
41 provided, however, that:

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

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

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

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

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

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

1 (c) the commissioner shall select such contractor or contractors that,
2 in his or her discretion, are best suited to serve the purposes of this
3 section.]

4 S 2. Subdivision (a) of section 40 of part B of chapter 109 of the
5 laws of 2010, amending the social services law relating to authorizing
6 the commissioner of health to assume responsibility for transportation
7 costs, is amended to read as follows:

8 (a) sections two, three, three-a, three-b, three-c, three-d, three-e
9 and twenty-one of this act shall take effect July 1, 2010; AND sections
10 fifteen, sixteen, seventeen, eighteen and nineteen of this act shall
11 take effect January 1, 2011; [and provided further that section twenty
12 of this act shall be deemed repealed four years after the date the
13 contract entered into pursuant to section 365-h of the social services
14 law, as amended by section twenty of this act, is executed; provided
15 that the commissioner of health shall notify the legislative bill draft-
16 ing commission upon the execution of the contract entered into pursuant
17 to section 367-h of the social services law in order that the commission
18 may maintain an accurate and timely effective data base of the official
19 text of the laws of the state of New York in furtherance of effectuating
20 the provisions of section 44 of the legislative law and section 70-b of
21 the public officers law;]

22 S 3. This act shall take effect immediately.