

811

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GOTTFRIED, CANESTRARI, JACOBS, HOYT, DINOWITZ, GABRYSZAK, SCHROEDER, PAULIN -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, CAHILL, CLARK, COLTON, COOK, CYMBROWITZ, DESTITO, GALEF, GIGLIO, GUNTHER, HEASTIE, HOOPER, JAFFEE, KELLNER, KOLB, LATIMER, LIFTON, V. LOPEZ, LUPARDO, MAGEE, MAYERSOHN, McENENY, J. MILLER, MILLMAN, MOLINARO, MORELLE, PEOPLES-STOKES, PERRY, PHEFFER, 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 amended by section 20 of part B of chapter 109 of the laws of 2010,
3 is amended and a new subdivision 5 is added to read as follows:
4 1. The local social services official and, subject to the provisions
5 of subdivision four of this section, the commissioner of health shall
6 have responsibility for prior authorizing transportation of eligible
7 persons and for limiting the provision of such transportation to those
8 recipients and circumstances where such transportation is essential,
9 medically necessary and appropriate to obtain medical care, services or
10 supplies otherwise available under this title. HOWEVER, PRIOR AUTHORI-
11 ZATION SHALL NOT BE REQUIRED FOR TRANSPORTATION TO OBTAIN EMERGENCY
12 CARE, INCLUDING EMERGENCY MEDICAL TRANSPORTATION BY AN AMBULANCE SERVICE
13 CERTIFIED UNDER ARTICLE THIRTY OF THE PUBLIC HEALTH LAW.

14 5. WITH RESPECT TO TRANSPORTATION AND CARE PROVIDED TO AN ELIGIBLE
15 PERSON BY AN AMBULANCE SERVICE CERTIFIED UNDER ARTICLE THIRTY OF THE
16 PUBLIC HEALTH LAW, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL
17 ESTABLISH A REIMBURSEMENT METHODOLOGY THAT ENSURES THAT PROVIDERS ARE
18 REIMBURSED AT THE GREATER OF THE MEDICAL ASSISTANCE RATE IN EFFECT ON

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

LBD02510-01-1

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

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

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

20 S 3. This act shall take effect April 1, 2012, provided that the
21 amendments to subdivision 1 of section 365-h of the social services law
22 made by section one of this act shall not affect the repeal and rever-
23 sion of such section pursuant to subdivision (a) of section 40 of chap-
24 ter 109 of the laws of 2010, as amended.