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

5537

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. GOTTFRIED, JACOBS, DINOWITZ, GABRYSZAK, PAULIN -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, CAHILL, CLARK, COLTON, COOK, CYMBROWITZ, GALEF, GIGLIO, GUNTHER, HEASTIE, HOOPER, JAFFEE, KELLNER, KOLB, LIFTON, V. LOPEZ, LUPARDO, MAGEE, MILLMAN, MORELLE, ORTIZ, PEOPLES-STOKES, PERRY, REILICH, RIVERA, ROBINSON, RUSSELL, SCHIMMINGER, SWEENEY, 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:

Section 1. Subdivision 1 of section 365-h of the social services law, as amended by section 20 of part B of chapter 109 of the laws of 2010, is amended and a new subdivision 5 is added to read as follows:

1. The local social services official and, subject to the provisions of subdivision four of this section, the commissioner of health shall have responsibility for prior authorizing transportation of eligible persons and for limiting the provision of such transportation to those recipients and circumstances where such transportation is essential, medically necessary and appropriate to obtain medical care, services or supplies otherwise available under this title. HOWEVER, PRIOR AUTHORIZATION SHALL NOT BE REQUIRED FOR TRANSPORTATION TO OBTAIN EMERGENCY CARE, INCLUDING EMERGENCY MEDICAL TRANSPORTATION BY AN AMBULANCE SERVICE CERTIFIED UNDER ARTICLE THIRTY OF THE PUBLIC HEALTH LAW.

5. WITH RESPECT TO TRANSPORTATION AND CARE PROVIDED TO AN ELIGIBLE PERSON BY AN AMBULANCE SERVICE CERTIFIED UNDER ARTICLE THIRTY OF THE PUBLIC HEALTH LAW, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL ESTABLISH A REIMBURSEMENT METHODOLOGY THAT ENSURES THAT PROVIDERS ARE REIMBURSED AT THE GREATER OF THE MEDICAL ASSISTANCE RATE IN EFFECT ON THE EFFECTIVE DATE OF THIS SUBDIVISION, OR THE MEDICARE ALLOWABLE CHARGE (PURSUANT TO TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT) FOR SUCH

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

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TRANSPORTATION AND CARE. THE AMOUNT OF INCREASE IN REIMBURSEMENT PRODUCED BY THIS METHODOLOGY OVER WHAT WOULD OTHERWISE HAVE BEEN PAID SHALL BE PHASED IN AS FOLLOWS: IN THE STATE FISCAL YEAR IN WHICH THE PROVISIONS OF THIS SUBDIVISION BECOME A LAW, THIRTY-THREE PERCENT; IN THE FOLLOWING STATE FISCAL YEAR, SIXTY-SIX PERCENT; AND IN THE SECOND STATE FISCAL YEAR FOLLOWING THE STATE FISCAL YEAR IN WHICH THE PROVISIONS OF THIS SUBDIVISION BECOME A LAW AND ALL SUBSEQUENT FISCAL YEARS, ONE HUNDRED PERCENT.

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

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

S 3. This act shall take effect April 1, 2014, provided that the amendments to subdivision 1 of section 365-h of the social services law made by section one of this act shall not affect the repeal and reversion of such section pursuant to subdivision (a) of section 40 of part B of chapter 109 of the laws of 2010, as amended.