

7821

I N S E N A T E

June 12, 2014

Introduced by Sens. O'MARA, YOUNG, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law and the transportation law, in relation to the interagency coordinating committee on rural public transportation

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

1 Section 1. The opening paragraph of subdivision 4 of section 365-h of
2 the social services law, as added by section 20 of part B of chapter 109
3 of the laws of 2010, is amended to read as follows:
4 The commissioner of health is authorized to assume responsibility from
5 a local social services official for the provision and reimbursement of
6 transportation costs under this section. If the commissioner elects to
7 assume such responsibility, the commissioner shall notify the local
8 social services official in writing as to the election, the date upon
9 which the election shall be effective and such information as to transi-
10 tion of responsibilities as the commissioner deems prudent. The commis-
11 sioner is authorized to contract with a transportation manager or manag-
12 ers to manage transportation services in any local social services
13 district. Any transportation manager or managers selected by the commis-
14 sioner to manage transportation services shall have proven experience in
15 coordinating transportation services in a geographic and demographic
16 area similar to the area in New York state within which the contractor
17 would manage the provision of services under this section. Such a
18 contract or contracts may include responsibility for: review, approval
19 and processing of transportation orders; management of the appropriate
20 level of transportation based on documented patient medical need; and
21 development of new technologies leading to efficient transportation
22 services. If the commissioner elects to assume such responsibility from
23 a local social services district, the commissioner shall examine and[,
24 if appropriate,] adopt quality assurance measures that may include, but
25 are not limited to, global positioning tracking system reporting
26 requirements and service verification mechanisms. Any and all reimburse-
27 ment rates developed by transportation managers under this subdivision

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

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1 SHALL INCLUDE RATES FOR PUBLIC TRANSPORTATION THAT REFLECT THE COST TO
2 PROVIDE SERVICE TO ELIGIBLE INDIVIDUALS AND shall be subject to the
3 review and approval of the commissioner. IN REVIEWING THE REIMBURSEMENT
4 RATES DEVELOPED BY TRANSPORTATION MANAGERS, THE COMMISSIONER SHALL
5 CONSULT WITH LOCAL OFFICIALS RESPONSIBLE FOR PUBLIC TRANSPORTATION IN
6 THE AFFECTED COUNTY AND THE INTERAGENCY COORDINATING COMMITTEE ON RURAL
7 PUBLIC TRANSPORTATION AS DEFINED IN SECTION SEVENTY-THREE-D OF THE
8 TRANSPORTATION LAW. Notwithstanding any inconsistent provision of
9 sections one hundred twelve and one hundred sixty-three of the state
10 finance law, or section one hundred forty-two of the economic develop-
11 ment law, or any other law, the commissioner is authorized to enter into
12 a contract or contracts under this subdivision without a competitive bid
13 or request for proposal process, provided, however, that:

14 S 2. Section 73-d of the transportation law, as amended by chapter 562
15 of the laws of 1987, is amended to read as follows:

16 S 73-d. Interagency coordinating committee on rural public transporta-
17 tion. 1. There is hereby created a committee to be known as the "intera-
18 gency coordinating committee on rural public transportation", to be
19 comprised of [nineteen] SIXTEEN members. The commissioner or his or her
20 designee shall serve as chairperson. [Twelve] EIGHT of such members
21 shall be the following or his or her duly designated representative: the
22 director of the office for the aging; the commissioner of education; the
23 commissioner of labor; the commissioner of health; the commissioner of
24 the office of mental health; the commissioner of the office [of mental
25 retardation and] FOR PEOPLE WITH developmental disabilities; the commis-
26 sioner of social services; [state advocate for the disabled; secretary
27 of state;] AND THE commissioner of agriculture and markets[; the direc-
28 tor of the office of rural affairs and the director of the division for
29 youth]. [Six] EIGHT additional members, all of whom shall be transpor-
30 tation providers or consumers representing rural counties shall be
31 appointed to serve a term of three years as follows: [two] THREE by the
32 president pro-tempore of the senate, [two] THREE by the speaker of the
33 assembly, one by the minority leader of the senate, and one by the
34 minority leader of the assembly. Efforts shall be made to provide a
35 broad representation of consumers and providers of transportation
36 services in rural counties when making such appointments. Members of
37 the committee shall receive no salary.

38 The commissioner shall cause the department to provide staff assist-
39 ance necessary for the efficient and effective operation of the commit-
40 tee.

41 2. The committee shall:

42 A. identify programs and the annual amounts and sources of funds from
43 such programs that are eligible to be used to support a coordinated
44 public transportation service, and the annual amounts and sources of
45 such funds that are actually used for client transportation or for
46 transportation of persons in connection with agency-affiliated programs
47 or services; such data shall be provided on a county basis;

48 b. identify restrictions on existing programs that inhibit funds from
49 such programs being used to pay for a coordinated public transportation
50 service in rural counties;

51 c. recommend changes in state or local laws or regulations that would
52 improve the coordination of funds, facilities, vehicles or equipment and
53 other resources used for transportation at the local level;

54 d. upon request, compile and forward to the commissioner any data or
55 other information required by this section.

1 3. THE COMMITTEE SHALL BE REQUIRED TO REPORT TO THE SPEAKER OF THE
2 ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE GOVERNOR BIAN-
3 NNUALLY BEGINNING OCTOBER FIRST, TWO THOUSAND FOURTEEN REGARDING THE
4 MANAGEMENT OF NON-EMERGENCY MEDICAID TRANSPORTATION IN RURAL AREAS AS
5 DEFINED BY SECTION FOUR HUNDRED EIGHTY-ONE OF THE EXECUTIVE LAW. THIS
6 SHALL INCLUDE, BUT NOT BE LIMITED TO, A BREAKDOWN BY COUNTY OF COST
7 SAVINGS, MODES OF TRANSPORTATION PROVIDED TO MEDICAID PATIENTS, AND
8 RATES OF UTILIZATION OF PUBLIC TRANSPORTATION.

9 4. THE COMMITTEE SHALL BE REQUIRED TO EXAMINE REIMBURSEMENT RATES
10 DEVELOPED BY TRANSPORTATION MANAGERS PURSUANT TO SUBDIVISION FOUR OF
11 SECTION THREE HUNDRED SIXTY-FIVE-H OF THE SOCIAL SERVICES LAW FOR COUN-
12 TIES WITH A POPULATION OF TWO HUNDRED THOUSAND OR LESS. THE COMMITTEE
13 SHALL SUBMIT RECOMMENDATIONS FOR PROPOSED AND EFFECTIVE RATES FOR RURAL
14 COMMUNITIES TO THE COMMISSIONER OF HEALTH WITH RECOMMENDATIONS INCLUD-
15 ING, BUT NOT LIMITED TO, ADJUSTMENTS TO INDIVIDUAL RIDERSHIP FARES FOR
16 PUBLIC TRANSPORTATION UTILIZATION, RATES FOR LOW-COST COORDINATED TRANS-
17 PORTATION WITH OTHER HUMAN SERVICE AGENCIES, AND RATES FOR PRIVATE
18 TRANSPORTATION WITH CONSIDERATIONS OF AVAILABILITY AND COST SAVINGS.

19 THE COMMISSIONER OF HEALTH SHALL CONSULT WITH THE COMMITTEE PRIOR TO
20 APPROVAL OF RATES PROPOSED UNDER SUBDIVISION FOUR OF SECTION THREE
21 HUNDRED SIXTY-FIVE OF THE SOCIAL SERVICES LAW FOR COUNTIES WITH A POPU-
22 LATION OF TWO HUNDRED THOUSAND OR LESS. ANY PROPOSAL FOR A RATE ADJUST-
23 MENT FOR RURAL COMMUNITIES AFTER APPROVAL SHALL BE EXAMINED BY THE
24 COMMITTEE PRIOR TO APPROVAL BY THE COMMISSIONER.

25 S 3. This act shall take effect immediately; provided that the amend-
26 ments to the opening paragraph of subdivision 4 of section 365-h of the
27 social services law made by section one of this act shall not affect the
28 repeal of such section and shall expire and be deemed repealed there-
29 with.