

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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Introduced by M. of A. ROSENTHAL -- read once and referred 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 ASSEM-  
BLY, 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[,

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

LBD04266-01-5

1 if appropriate,] adopt quality assurance measures that may include, but  
2 are not limited to, global positioning tracking system reporting  
3 requirements and service verification mechanisms. Any and all reimburse-  
4 ment rates developed by transportation managers under this subdivision  
5 SHALL INCLUDE RATES FOR PUBLIC TRANSPORTATION THAT REFLECT THE COST TO  
6 PROVIDE SERVICE TO ELIGIBLE INDIVIDUALS AND shall be subject to the  
7 review and approval of the commissioner. IN REVIEWING THE REIMBURSEMENT  
8 RATES DEVELOPED BY TRANSPORTATION MANAGERS, THE COMMISSIONER SHALL  
9 CONSULT WITH LOCAL OFFICIALS RESPONSIBLE FOR PUBLIC TRANSPORTATION IN  
10 THE AFFECTED COUNTY AND THE INTERAGENCY COORDINATING COMMITTEE ON RURAL  
11 PUBLIC TRANSPORTATION AS DEFINED IN SECTION SEVENTY-THREE-D OF THE  
12 TRANSPORTATION LAW. Notwithstanding any inconsistent provision of  
13 sections one hundred twelve and one hundred sixty-three of the state  
14 finance law, or section one hundred forty-two of the economic develop-  
15 ment law, or any other law, the commissioner is authorized to enter into  
16 a contract or contracts under this subdivision without a competitive bid  
17 or request for proposal process, provided, however, that:

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

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

42 The commissioner shall cause the department to provide staff assist-  
43 ance necessary for the efficient and effective operation of the commit-  
44 tee.

45 2. The committee shall:

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

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

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

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

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

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

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

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