

1055--A

2015-2016 Regular Sessions

I N   S E N A T E

January 8, 2015

---

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 6 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    6. 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  
19    THE EFFECTIVE DATE OF THIS SUBDIVISION, OR THE MEDICARE ALLOWABLE CHARGE  
20    (PURSUANT TO TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT) FOR SUCH  
21    TRANSPORTATION AND CARE. THE AMOUNT OF INCREASE IN REIMBURSEMENT  
22    PRODUCED BY THIS METHODOLOGY OVER WHAT WOULD OTHERWISE HAVE BEEN PAID

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

LBD02699-02-6

1 SHALL BE PHASED IN AS FOLLOWS: IN THE STATE FISCAL YEAR IN WHICH THE  
2 PROVISIONS OF THIS SUBDIVISION BECOME LAW, THIRTY-THREE PERCENT; IN THE  
3 FOLLOWING STATE FISCAL YEAR, SIXTY-SIX PERCENT; AND IN THE SECOND STATE  
4 FISCAL YEAR FOLLOWING THE STATE FISCAL YEAR IN WHICH THE PROVISIONS OF  
5 THIS SUBDIVISION BECOME LAW AND ALL SUBSEQUENT FISCAL YEARS, ONE HUNDRED  
6 PERCENT.

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

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

16 S 3. This act shall take effect April 1, 2017, provided that the  
17 amendments to section 365-h of the social services law made by section  
18 one of this act shall not affect the repeal and reversion of such  
19 section pursuant to subdivision (a) of section 40 of part B of chapter  
20 109 of the laws of 2010, as amended.