

1149--B

2015-2016 Regular Sessions

I N S E N A T E

January 9, 2015

Introduced by Sens. O'MARA, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 separately amended by section 50 of part B
3 and section 24 of part D of chapter 57 of the laws of 2015, is amended
4 to read as follows:
5 The commissioner of health is authorized to assume responsibility from
6 a local social services official for the provision and reimbursement of
7 transportation costs under this section. If the commissioner elects to
8 assume such responsibility, the commissioner shall notify the local
9 social services official in writing as to the election, the date upon
10 which the election shall be effective and such information as to transi-
11 tion of responsibilities as the commissioner deems prudent. The commis-
12 sioner is authorized to contract with a transportation manager or manag-
13 ers to manage transportation services in any local social services
14 district, other than transportation services provided or arranged for
15 enrollees of managed long term care plans issued certificates of author-
16 ity under section forty-four hundred three-f of the public health law.
17 Any transportation manager or managers selected by the commissioner to
18 manage transportation services shall have proven experience in coordi-
19 nating transportation services in a geographic and demographic area
20 similar to the area in New York state within which the contractor would
21 manage the provision of services under this section. Such a contract or

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

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1 contracts may include responsibility for: review, approval and process-
2 ing of transportation orders; management of the appropriate level of
3 transportation based on documented patient medical need; and development
4 of new technologies leading to efficient transportation services. If the
5 commissioner elects to assume such responsibility from a local social
6 services district, the commissioner shall examine and[, if appropriate,]
7 adopt quality assurance measures that may include, but are not limited
8 to, global positioning tracking system reporting requirements and
9 service verification mechanisms. Any and all reimbursement rates devel-
10 oped by transportation managers under this subdivision SHALL INCLUDE
11 RATES FOR PUBLIC TRANSPORTATION THAT REFLECT THE COST TO PROVIDE SERVICE
12 TO ELIGIBLE INDIVIDUALS AND shall be subject to the review and approval
13 of the commissioner. IN REVIEWING THE REIMBURSEMENT RATES DEVELOPED BY
14 TRANSPORTATION MANAGERS, THE COMMISSIONER SHALL CONSULT WITH THE INTERA-
15 GENCY COORDINATING COMMITTEE ON RURAL PUBLIC TRANSPORTATION AS DEFINED
16 IN SECTION SEVENTY-THREE-D OF THE TRANSPORTATION LAW.

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

19 S 73-d. Interagency coordinating committee on rural public transporta-
20 tion. 1. There is hereby created a committee to be known as the "intera-
21 gency coordinating committee on rural public transportation", to be
22 comprised of nineteen members. The commissioner or his or her designee
23 shall serve as chairperson. Twelve of such members shall be the follow-
24 ing or his or her duly designated representative: the director of the
25 office for the aging; the commissioner of education; the commissioner of
26 labor; the commissioner of health; the commissioner of the office of
27 mental health; THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND
28 SUBSTANCE ABUSE; the commissioner of the office [of mental retardation
29 and] FOR PEOPLE WITH developmental disabilities; the commissioner of
30 [social services; state advocate for the disabled] THE OFFICE FOR TEMPO-
31 RARY AND DISABILITY ASSISTANCE; THE EXECUTIVE DIRECTOR OF THE NEW YORK
32 STATE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS;
33 THE secretary of state; THE commissioner of agriculture and markets[;
34 the director of the office of rural affairs] and the [director of the
35 division for youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
36 SERVICES. Six additional members, all of whom shall be transportation
37 providers or consumers representing rural counties shall be appointed to
38 serve a term of three years as follows: two by the [president pro-tem-
39 pore] TEMPORARY PRESIDENT of the senate, two by the speaker of the
40 assembly, one by the minority leader of the senate, and one by the
41 minority leader of the assembly. Efforts shall be made to provide a
42 broad representation of consumers and providers of transportation
43 services in rural counties when making such appointments. THE SIX
44 MEMBERS APPOINTED BY THE LEGISLATURE, AS WELL AS THE COMMISSIONER OR HIS
45 OR HER DESIGNEE, SHALL BE THE VOTING MEMBERS. THE BALANCE OF THE COMMIT-
46 TEE WILL SERVE IN AN ADVISORY OR CONSULTING CAPACITY. THE COMMITTEE
47 SHALL KEEP A RECORD OF ITS OFFICIAL ACTIONS. Members of the committee
48 shall receive no salary.

49 The commissioner shall cause the department to provide staff assist-
50 ance necessary for the efficient and effective operation of the commit-
51 tee.

52 2. The committee shall[:] MEET AT LEAST ONCE EVERY THREE MONTHS AND
53 SHALL REPORT TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF
54 THE SENATE, AND THE GOVERNOR ANNUALLY, BEGINNING OCTOBER FIRST, TWO
55 THOUSAND FIFTEEN. THE ANNUAL REPORT SHALL:

1 A. IDENTIFY EXISTING RURAL TRANSPORTATION SYSTEMS AND DESCRIBE RIDER-
2 SHIP, REVENUE, AND FINANCIAL CHALLENGES FOR EACH SYSTEM;

3 B. IDENTIFY RURAL POPULATIONS CURRENTLY UTILIZING PUBLIC TRANSPORTA-
4 TION, AS WELL AS POPULATIONS IN NEED OF PUBLIC TRANSPORTATION WITHOUT
5 ACCESS, AND DISCUSS RECOMMENDATIONS FOR MAINTAINING AND EXPANDING
6 SERVICES;

7 C. INCLUDE A BREAKDOWN BY COUNTY OF COST SAVINGS, MODES OF TRANSPORTA-
8 TION PROVIDED TO MEDICAID PATIENTS, AND RATES OF UTILIZATION OF PUBLIC
9 TRANSPORTATION BY MEDICAID PATIENTS;

10 D. identify programs and the annual amounts and sources of funds from
11 such programs that are eligible to be used to support a coordinated
12 public transportation service, and the annual amounts and sources of
13 such funds that are actually used for client transportation or for
14 transportation of persons in connection with agency-affiliated programs
15 or services; such data shall be provided on a county basis;

16 [b.] E. identify restrictions on existing programs that inhibit funds
17 from such programs being used to pay for a coordinated public transpor-
18 tation service in rural counties;

19 [c.] F. recommend changes in state or local laws or regulations that
20 would improve the coordination of funds, facilities, vehicles or equip-
21 ment and other resources used for transportation at the local level[;

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

24 3. THE COMMITTEE SHALL BE REQUIRED TO EXAMINE REIMBURSEMENT RATES
25 DEVELOPED BY TRANSPORTATION MANAGERS PURSUANT TO SUBDIVISION FOUR OF
26 SECTION THREE HUNDRED SIXTY-FIVE-H OF THE SOCIAL SERVICES LAW FOR COUN-
27 TIES WITH A POPULATION OF TWO HUNDRED THOUSAND OR LESS. THE COMMITTEE
28 SHALL SUBMIT RECOMMENDATIONS FOR PROPOSED AND EFFECTIVE RATES FOR RURAL
29 COMMUNITIES TO THE COMMISSIONER OF HEALTH WITH RECOMMENDATIONS INCLUD-
30 ING, BUT NOT LIMITED TO, ADJUSTMENTS TO INDIVIDUAL RIDERSHIP FARES FOR
31 PUBLIC TRANSPORTATION UTILIZATION, RATES FOR LOW-COST COORDINATED TRANS-
32 PORTATION WITH OTHER HUMAN SERVICE AGENCIES, AND RATES FOR PRIVATE
33 TRANSPORTATION WITH CONSIDERATIONS OF AVAILABILITY AND COST SAVINGS.

34 THE COMMISSIONER OF HEALTH SHALL CONSULT WITH THE COMMITTEE PRIOR TO
35 APPROVAL OF RATES PROPOSED UNDER SUBDIVISION FOUR OF SECTION THREE
36 HUNDRED SIXTY-FIVE-H OF THE SOCIAL SERVICES LAW FOR COUNTIES WITH A
37 POPULATION OF TWO HUNDRED THOUSAND OR LESS. ANY PROPOSAL FOR A RATE
38 ADJUSTMENT FOR RURAL COMMUNITIES AFTER APPROVAL SHALL BE EXAMINED BY THE
39 COMMITTEE PRIOR TO APPROVAL BY THE COMMISSIONER.

40 4. A MAJORITY OF THE WHOLE NUMBER OF VOTING MEMBERS OF THE COMMITTEE
41 SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF THE COMMITTEE'S BUSI-
42 NESS. THE COMMITTEE SHALL HAVE THE POWER TO ACT BY A MAJORITY VOTE OF
43 THE VOTING MEMBERS. COMMITTEE MEMBERS SHALL HOLD OFFICE UNTIL THEIR
44 SUCCESSORS HAVE BEEN APPOINTED AND HAVE QUALIFIED. THE SELECTION OF
45 SUCCESSORS TO FILL A VACANCY SHALL BE MADE IN THE SAME MANNER IN WHICH
46 THE RETIRING COMMITTEE MEMBERS SHALL HAVE BEEN SELECTED. MEMBERS OF THE
47 COMMITTEE SHALL RECEIVE NO SALARY OR OTHER COMPENSATION, BUT SHALL BE
48 ENTITLED TO THEIR ACTUAL AND NECESSARY EXPENSES, INCLUDING TRAVELING
49 EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES.

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