

3008

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sens. YOUNG, DeFRANCISCO, FUNKE, GALLIVAN, LITTLE, NOZZO-LIO, O'MARA, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law and the transportation law, in relation to directing the commissioner of transportation to establish an integrated transportation program for persons with intellectual and developmental disabilities

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

1 Section 1. Section 13.09 of the mental hygiene law is amended by
2 adding a new subdivision (h) to read as follows:
3 (H) THE COMMISSIONER SHALL PROVIDE SUCH COOPERATION AND ASSISTANCE TO
4 THE COMMISSIONER OF TRANSPORTATION AS THE COMMISSIONER OF TRANSPORTATION
5 SHALL DEEM TO BE NECESSARY OR DESIRABLE FOR PURPOSES OF PLANNING AND
6 ESTABLISHING AN INTEGRATED TRANSPORTATION DEMONSTRATION PROGRAM PURSUANT
7 TO SUBDIVISION THIRTY-SIX OF SECTION FOURTEEN OF THE TRANSPORTATION LAW.
8 S 2. Section 2 of the transportation law is amended by adding a new
9 subdivision 33-a to read as follows:
10 33-A. "TRANSPORTATION PROVIDER" MEANS ANY PUBLIC, PRIVATE OR NOT-FOR-
11 PROFIT ENTITY, AUTHORIZED OR EXEMPT PURSUANT TO ARTICLE SEVEN OF THIS
12 CHAPTER, UTILIZING PUBLIC FUNDS TO PROVIDE OR CONTRACT FOR TRANSPORTA-
13 TION SERVICES FOR THE BENEFIT OF THE GENERAL PUBLIC OR SPECIFIC CLIENT
14 GROUPS.
15 S 3. Section 14 of the transportation law is amended by adding a new
16 subdivision 36 to read as follows:
17 36. (A) THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF
18 DEVELOPMENTAL DISABILITIES, AND IN CONSULTATION WITH CONSUMER GROUPS,
19 TRANSPORTATION PROVIDERS AND TRANSPORTATION SYSTEMS, SHALL DEVELOP A
20 PLAN WHICH SHALL, AT A MINIMUM, PROVIDE RECOMMENDATIONS FOR THE ESTAB-
21 LISHMENT OF THE INTEGRATED TRANSPORTATION DEMONSTRATION PROGRAM REQUIRED

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

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1 BY PARAGRAPH (B) OF THIS SUBDIVISION. THE PLAN DEVELOPED PURSUANT TO
2 THIS PARAGRAPH SHALL BE SUBMITTED TO THE DIRECTOR OF THE BUDGET, THE
3 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY NO
4 LATER THAN JANUARY FIRST, TWO THOUSAND SIXTEEN, FOR CONSIDERATION IN THE
5 EXECUTIVE BUDGET FOR THE TWO THOUSAND SIXTEEN-TWO THOUSAND SEVENTEEN
6 STATE FISCAL YEAR.

7 THE PLAN ESTABLISHED PURSUANT TO THIS PARAGRAPH SHALL INCLUDE, BUT NOT
8 BE LIMITED TO:

9 (I) IDENTIFICATION OF LOCALLY BASED TRANSPORTATION PROVIDERS AND
10 TRANSPORTATION SYSTEMS EQUIPPED TO PARTICIPATE IN THE INTEGRATED TRANS-
11 PORTATION DEMONSTRATION PROGRAM;

12 (II) RECOMMENDATIONS TO ELIMINATE REGULATORY BURDENS THAT WOULD
13 PROHIBIT COOPERATION INCLUDING, BUT NOT LIMITED TO, STATUTORY CHANGES
14 ENABLING HUMAN SERVICES AGENCIES TO COORDINATE WITH OTHER HUMAN SERVICE
15 AGENCY RIDERS WHILE REMAINING EXEMPT FROM THE PROVISIONS OF ARTICLE
16 SEVEN OF THIS CHAPTER, AS WELL AS STATUTORY CHANGES ENABLING EXEMPT
17 PROVIDERS TO COORDINATE WITH TRANSPORTATION SERVICES THAT ARE OPEN TO
18 THE PUBLIC;

19 (III) CONSIDERATIONS REGARDING THE AVAILABILITY OF PUBLIC TRANSPORTA-
20 TION, PUBLIC SAFETY CONCERNS AND THE DUPLICATION OF SERVICES;

21 (IV) RECOMMENDATIONS FOR THE IMPLEMENTATION OF SHARED SOFTWARE TO
22 ENABLE COORDINATING ENTITIES TO TRACK SERVICES, MANAGE COST AMONG
23 PROVIDERS, CONSOLIDATE ROUTES, AND PROVIDE A REGISTRY IDENTIFYING
24 PARTICIPATING CLIENTS AND ANY SPECIALIZED CARE NEEDS THAT MUST BE MET IN
25 ORDER TO EFFECTIVELY COORDINATE TRANSPORTATION;

26 (V) REPORTING REQUIREMENTS FOR COST SAVINGS ACHIEVED THROUGH TRANSPOR-
27 TATION COORDINATION;

28 (VI) RECOMMENDATIONS FOR RATE ADJUSTMENTS OR REIMBURSEMENT CHANGES
29 BASED ON COORDINATED TRANSPORTATION AND THE PARTICIPATION OF MULTIPLE
30 HUMAN SERVICE AGENCIES; AND

31 (VII) REPORTING REQUIREMENTS FOR IMPACTS TO INDIVIDUAL CARE AND
32 COMPLIANCE WITH THE RELEVANT STATE AND FEDERAL LAWS.

33 (B) WITHIN AMOUNTS APPROPRIATED THEREFOR, THE COMMISSIONER, IN COOPER-
34 ATION WITH THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, SHALL ESTAB-
35 LISH AN INTEGRATED TRANSPORTATION DEMONSTRATION PROGRAM WHICH SHALL BE
36 DEVELOPED IN FIVE LOCATIONS OF THE STATE, EACH CONSISTING OF ONE OR MORE
37 COUNTIES. FOUR OF THESE LOCATIONS SHALL INCLUDE A COUNTY HAVING A POPU-
38 LATION OF NOT MORE THAN TWO HUNDRED THOUSAND ACCORDING TO THE TWO THOU-
39 SAND TEN FEDERAL DECENNIAL CENSUS.

40 THE COMMISSIONER SHALL DIRECT A TRANSPORTATION PROVIDER IN EACH SUCH
41 LOCATION TO STUDY HOW THE COORDINATION BETWEEN LOCAL HUMAN SERVICE AGEN-
42 CIES PROVIDING TRANSPORTATION CAN INCREASE TRANSPORTATION ACCESSIBILITY
43 FOR INTEGRATED SUPPORTED EMPLOYMENT OPPORTUNITIES TO INDIVIDUALS WITH
44 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN ACCORDANCE WITH SECTION
45 13.41 OF THE MENTAL HYGIENE LAW. EACH SUCH TRANSPORTATION PROVIDER
46 PARTICIPATING IN THE PROGRAM SHALL STUDY THE COST BENEFITS OF COORDINAT-
47 ING TRANSPORTATION, THE QUALITY OF TRANSPORTATION, ACCESS FOR CLIENT
48 POPULATIONS AND THE OUTCOMES OF INDIVIDUALS RECEIVING THE SERVICES.
49 EVERY SUCH TRANSPORTATION PROVIDER SHALL REPORT ITS FINDINGS TO THE
50 COMMISSIONER AND THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, WHO
51 SHALL JOINTLY EVALUATE THE FINDINGS OF THE STUDY, AND REPORT THEREON TO
52 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
53 THE ASSEMBLY.

54 S 4. This act shall take effect immediately, except that paragraph (a)
55 of subdivision 36 of section 14 of the transportation law, as added by
56 section three of this act, shall take effect April 1, 2016.