

1149--A

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015

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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

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

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

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1 a local social services district, the commissioner shall examine and[,  
2 if appropriate,] adopt quality assurance measures that may include, but  
3 are not limited to, global positioning tracking system reporting  
4 requirements and service verification mechanisms. Any and all reimburse-  
5 ment rates developed by transportation managers under this subdivision  
6 SHALL INCLUDE RATES FOR PUBLIC TRANSPORTATION THAT REFLECT THE COST TO  
7 PROVIDE SERVICE TO ELIGIBLE INDIVIDUALS AND shall be subject to the  
8 review and approval of the commissioner. IN REVIEWING THE REIMBURSEMENT  
9 RATES DEVELOPED BY TRANSPORTATION MANAGERS, THE COMMISSIONER SHALL  
10 CONSULT WITH THE INTERAGENCY COORDINATING COMMITTEE ON RURAL PUBLIC  
11 TRANSPORTATION AS DEFINED IN SECTION SEVENTY-THREE-D OF THE TRANSPORTA-  
12 TION LAW. Notwithstanding any inconsistent provision of sections one  
13 hundred twelve and one hundred sixty-three of the state finance law, or  
14 section one hundred forty-two of the economic development law, or any  
15 other law, the commissioner is authorized to enter into a contract or  
16 contracts under this subdivision without a competitive bid or request  
17 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 transporta-  
34 tion 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 the  
41 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[:] MEET QUARTERLY AND SHALL REPORT TO THE  
46 SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE  
47 GOVERNOR ANNUALLY, BEGINNING OCTOBER FIRST, TWO THOUSAND FIFTEEN. THE  
48 ANNUAL REPORT SHALL:

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

51 B. IDENTIFY RURAL POPULATIONS CURRENTLY UTILIZING PUBLIC TRANSPORTA-  
52 TION, AS WELL AS POPULATIONS IN NEED OF PUBLIC TRANSPORTATION WITHOUT  
53 ACCESS, AND DISCUSS RECOMMENDATIONS FOR MAINTAINING AND EXPANDING  
54 SERVICES;

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

4 D. identify programs and the annual amounts and sources of funds from  
5 such programs that are eligible to be used to support a coordinated  
6 public transportation service, and the annual amounts and sources of  
7 such funds that are actually used for client transportation or for  
8 transportation of persons in connection with agency-affiliated programs  
9 or services; such data shall be provided on a county basis;

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

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

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

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

28 THE COMMISSIONER OF HEALTH SHALL CONSULT WITH THE COMMITTEE PRIOR TO  
29 APPROVAL OF RATES PROPOSED UNDER SUBDIVISION FOUR OF SECTION THREE  
30 HUNDRED SIXTY-FIVE-H OF THE SOCIAL SERVICES LAW FOR COUNTIES WITH A  
31 POPULATION OF TWO HUNDRED THOUSAND OR LESS. ANY PROPOSAL FOR A RATE  
32 ADJUSTMENT FOR RURAL COMMUNITIES AFTER APPROVAL SHALL BE EXAMINED BY THE  
33 COMMITTEE PRIOR TO APPROVAL BY THE COMMISSIONER.

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