S T A T E O F N E W Y O R K

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:

Section 1. The opening paragraph of subdivision 4 of section 365-h of the social services law, as separately amended by section 50 of part B and section 24 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

The commissioner of health is authorized to assume responsibility from a local social services official for the provision and reimbursement of transportation costs under this section. If the commissioner elects to assume such responsibility, the commissioner shall notify the local social services official in writing as to the election, the date upon which the election shall be effective and such information as to transition of responsibilities as the commissioner deems prudent. The commissioner is authorized to contract with a transportation manager or managers to manage transportation services in any local social services district, other than transportation services provided or arranged for enrollees of managed long term care plans issued certificates of authority under section forty-four hundred three-f of the public health law. Any transportation manager or managers selected by the commissioner to manage transportation services shall have proven experience in coordinating transportation services in a geographic and demographic area similar to the area in New York state within which the contractor would 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.

LBD04266-05-5

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

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

S 73-d. Interagency coordinating committee on rural public transportation. 1. There is hereby created a committee to be known as the "interagency coordinating committee on rural public transportation", to be comprised of nineteen members. The commissioner or his or her designee shall serve as chairperson. Twelve of such members shall be the following or his or her duly designated representative: the director of the office for the aging; the commissioner of education; the commissioner of labor; the commissioner of health; the commissioner of the office of mental health; THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE; the commissioner of the office [of mental retardation and] FOR PEOPLE WITH developmental disabilities; the commissioner of [social services; state advocate for the disabled] THE OFFICE FOR TEMPORARY AND DISABILITY ASSISTANCE; THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS; THE secretary of state; THE commissioner of agriculture and markets[; the director of the office of rural affairs] and the [director of the division for youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. Six additional members, all of whom shall be transportation providers or consumers representing rural counties shall be appointed to serve a term of three years as follows: two by the [president pro-tempore] TEMPORARY PRESIDENT of the senate, two by the speaker of the assembly, one by the minority leader of the senate, and one by the minority leader of the assembly. Efforts shall be made to provide a broad representation of consumers and providers of transportation services in rural counties when making such appointments. THE SIX MEMBERS APPOINTED BY THE LEGISLATURE, AS WELL AS THE COMMISSIONER OR HIS OR HER DESIGNEE, SHALL BE THE VOTING MEMBERS. THE BALANCE OF THE COMMITTEE WILL SERVE IN AN ADVISORY OR CONSULTING CAPACITY. THE COMMITTEE SHALL KEEP A RECORD OF ITS OFFICIAL ACTIONS. Members of the committee shall receive no salary.

The commissioner shall cause the department to provide staff assistance necessary for the efficient and effective operation of the committee.

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

A. IDENTIFY EXISTING RURAL TRANSPORTATION SYSTEMS AND DESCRIBE RIDERSHIP, REVENUE, AND FINANCIAL CHALLENGES FOR EACH SYSTEM;

B. IDENTIFY RURAL POPULATIONS CURRENTLY UTILIZING PUBLIC TRANSPORTATION, AS WELL AS POPULATIONS IN NEED OF PUBLIC TRANSPORTATION WITHOUT ACCESS, AND DISCUSS RECOMMENDATIONS FOR MAINTAINING AND EXPANDING SERVICES;

C. INCLUDE A BREAKDOWN BY COUNTY OF COST SAVINGS, MODES OF TRANSPORTATION PROVIDED TO MEDICAID PATIENTS, AND RATES OF UTILIZATION OF PUBLIC TRANSPORTATION BY MEDICAID PATIENTS;

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

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

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

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

3. THE COMMITTEE SHALL BE REQUIRED TO EXAMINE REIMBURSEMENT RATES DEVELOPED BY TRANSPORTATION MANAGERS PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED SIXTY-FIVE-H OF THE SOCIAL SERVICES LAW FOR COUNTIES WITH A POPULATION OF TWO HUNDRED THOUSAND OR LESS. THE COMMITTEE SHALL SUBMIT RECOMMENDATIONS FOR PROPOSED AND EFFECTIVE RATES FOR RURAL COMMUNITIES TO THE COMMISSIONER OF HEALTH WITH RECOMMENDATIONS INCLUDING, BUT NOT LIMITED TO, ADJUSTMENTS TO INDIVIDUAL RIDERSHIP FARES FOR PUBLIC TRANSPORTATION UTILIZATION, RATES FOR LOW-COST COORDINATED TRANSPORTATION WITH OTHER HUMAN SERVICE AGENCIES, AND RATES FOR PRIVATE TRANSPORTATION WITH CONSIDERATIONS OF AVAILABILITY AND COST SAVINGS.

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

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

S 3. This act shall take effect immediately; provided that the amendments to the opening paragraph of subdivision 4 of section 365-h of the social services law made by section one of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith.