

4107

2015-2016 Regular Sessions

I N S E N A T E

February 27, 2015

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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. Subdivision 4 of section 365-h of the social services law,
2 as added by section 20 of part B of chapter 109 of the laws of 2010, is
3 amended to read as follows:
4 4. The commissioner of health is authorized to assume responsibility
5 from a local social services official for the provision and reimburse-
6 ment of transportation costs under this section. If the commissioner
7 elects to assume such responsibility, the commissioner shall notify the
8 local social services official in writing as to the election, the date
9 upon which the election shall be effective and such information as to
10 transition of responsibilities as the commissioner deems prudent. The
11 commissioner is authorized to contract with a transportation manager or
12 managers 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. SUCH CONTRACT SHALL REQUIRE THAT THE TRANSPORTATION MANAGER
23 MUST FIRST OFFER THE COUNTY WHERE SERVICES ARE BEING REQUESTED THE RIGHT
24 TO COORDINATE SERVICES AND PRIORITY MUST BE GIVEN TO THE USE OF AVAIL-

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

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1 ABLE LOCAL PUBLIC TRANSPORTATION SERVICES TO THE MAXIMUM EXTENT PRACTI-
2 CABLE FOR THE PROVISION OF TRANSPORTATION TO ELIGIBLE PERSONS. If the
3 commissioner elects to assume such responsibility from a local social
4 services district, the commissioner shall examine and, [if appropriate,]
5 adopt quality assurance measures that may include, but are not limited
6 to, global positioning tracking system reporting requirements and
7 service verification mechanisms. Any and all reimbursement rates devel-
8 oped by transportation managers under this subdivision SHALL INCLUDE
9 RATES FOR PUBLIC TRANSPORTATION THAT REFLECT THE COST TO PROVIDE SERVICE
10 TO ELIGIBLE INDIVIDUALS AND shall be subject to the review and approval
11 of the commissioner. IN REVIEWING THE REIMBURSEMENT RATES DEVELOPED BY
12 TRANSPORTATION MANAGERS, THE COMMISSIONER SHALL CONSULT WITH LOCAL OFFI-
13 CIALS RESPONSIBLE FOR PUBLIC TRANSPORTATION IN THE AFFECTED COUNTY AND
14 THE INTERAGENCY COORDINATING COMMITTEE ON RURAL PUBLIC TRANSPORTATION AS
15 DEFINED IN SECTION SEVENTY-THREE-D OF THE TRANSPORTATION LAW. Notwith-
16 standing any inconsistent provision of sections one hundred twelve and
17 one hundred sixty-three of the state finance law, or section one hundred
18 forty-two of the economic development law, or any other law, the commis-
19 sioner is authorized to enter into a contract or contracts under this
20 subdivision without a competitive bid or request for proposal process,
21 provided, however, that:

22 (a) the department shall post on its website, for a period of no less
23 than thirty days:

24 (i) a description of the proposed services to be provided pursuant to
25 the contract or contracts;

26 (ii) the criteria for selection of a contractor or contractors;

27 (iii) the period of time during which a prospective contractor may
28 seek selection, which shall be no less than thirty days after such
29 information is first posted on the website; and

30 (iv) the manner by which a prospective contractor may seek such
31 selection, which may include submission by electronic means;

32 (b) all reasonable and responsive submissions that are received from
33 prospective contractors in timely fashion shall be reviewed by the
34 commissioner; and

35 (c) the commissioner shall select such contractor or contractors that,
36 in his or her discretion, are best suited to serve the purposes of this
37 section.

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

40 S 73-d. Interagency coordinating committee on rural public transporta-
41 tion. 1. There is hereby created a committee to be known as the "intera-
42 gency coordinating committee on rural public transportation", to be
43 comprised of [nineteen] SIXTEEN members. The commissioner or his or her
44 designee shall serve as chairperson. [Twelve] EIGHT of such members
45 shall be the following or his or her duly designated representative: the
46 director of the office for the aging; the commissioner of education; the
47 commissioner of labor; the commissioner of health; the commissioner of
48 the office of mental health; the commissioner of the [office of mental
49 retardation and developmental disabilities] OFFICE FOR PERSONS WITH
50 DEVELOPMENTAL DISABILITIES; the commissioner of social services; [state
51 advocate for the disabled; secretary of state;] AND THE commissioner of
52 agriculture and markets; [the director of the office of rural affairs
53 and the director of the division for youth]. [Six] EIGHT additional
54 members, all of whom shall be transportation providers or consumers
55 representing rural counties shall be appointed to serve a term of three
56 years as follows: [two] THREE by the president pro-tempore of the

senate, [two] THREE 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. 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:

A. 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. 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. 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 REPORT TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE GOVERNOR BIENNUELY BEGINNING OCTOBER FIRST, TWO THOUSAND FIFTEEN REGARDING THE MANAGEMENT OF NON-EMERGENCY MEDICAID TRANSPORTATION IN RURAL AREAS AS DEFINED BY SECTION FOUR HUNDRED EIGHTY-ONE OF THE EXECUTIVE LAW. THIS SHALL INCLUDE BUT NOT BE LIMITED TO, A BREAKDOWN BY COUNTY OF COST SAVINGS, MODES OF TRANSPORTATION PROVIDED TO MEDICAID PATIENTS, AND RATES OF UTILIZATION OF PUBLIC TRANSPORTATION.

4. 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.

5. 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.

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