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

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I N S E N A T E

May 12, 2016

Introduced by Sen. ORTT -- 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, in relation to the reimbursement of transportation services to and from day habilitation programs for people with developmental disabilities

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

Section 1. The legislature finds that reimbursement for day habilitation to and from transportation services is implemented and controlled through a process knows as "rate rationalization." Through the rate rationalization process these funds are provided to licensed day habilitation providers to assure that individuals with developmental disabilities are safely transported within a reasonable amount of time from their homes to licensed day habilitation sites. The implementation of rate rationalization has lead to widespread complaints that since funding for transportation to and from day habilitation program sites is based on financial data that is not contemporaneous with current costs, providers are unable to reduce the length of time traveling to and from day habilitation sites. In those situations where providers have reduced travel time, for their day habilitation participants, their costs have increased, resulting in unreimbursed costs for these services. Compounding this problem, rate rationalization reimbursement is based on a per day per person methodology, which is inconsistent with the many situations where providers must contract for transportation services paid for based on a per vehicle per day charge.

S 2. The mental hygiene law is amended by adding a new section 13.18 to read as follows:

S 13.18 TRANSPORTATION REIMBURSEMENT.

THE COMMISSIONER OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, IN COLLABORATION WITH THE COMMISSIONER OF HEALTH, SHALL DEVELOP A PLAN TO ASSURE THAT TRANSPORTATION REIMBURSEMENT TO PROVIDERS OF DAY HABILITATION SERVICES FOR TO AND FROM TRANSPORTATION IS BASED ON PROVIDER SPECIFIC INDEPENDENTLY CERTIFIED FINANCIAL DATA THAT IS FROM THE

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

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IMMEDIATELY PRECEDING FISCAL YEAR, IS REIMBURSED TO THE PROVIDER MONTHLY BASED ON ONE-TWELFTH OF THE AMOUNT EXPENDED DURING THE IMMEDIATELY PRECEDING FISCAL YEAR, AND IS INCREASED BASED ON APPLICABLE TREND FACTORS. SUCH PLAN SHALL BE PUT INTO EFFECT ON APRIL FIRST, TWO THOUSAND SEVENTEEN, AND SHALL BE UPDATED ANNUALLY. THE PLAN SHALL ALSO INCLUDE, BUT NOT BE LIMITED TO, PROPOSALS TO ADDRESS THE FOLLOWING:

(1) RECOGNIZE THE COMPLEXITY OF TRANSPORTING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, INCLUDING THE NEED FOR ON-VEHICLE SUPERVISION;

(2) RECOGNIZE THE NEED TO REDUCE TRAVEL TIME TO LESS THAN SIXTY MINUTES FOR DAY HABILITATION PARTICIPANTS; AND

(3) RECOGNIZE THE NEED FOR THE TRAINING IN AND USE OF PUBLIC TRANSPORTATION, AS APPROPRIATE.

S 3. This act shall take effect immediately.