

# STATE OF NEW YORK

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1075

2017-2018 Regular Sessions

## IN ASSEMBLY

January 10, 2017

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Introduced by M. of A. ROSENTHAL -- read once and referred 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 Assem-  
bly, do enact as follows:

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

5 The commissioner of health is authorized to assume responsibility from  
6 a local social services official for the provision and reimbursement of  
7 transportation costs under this section. If the commissioner elects to  
8 assume such responsibility, the commissioner shall notify the local  
9 social services official in writing as to the election, the date upon  
10 which the election shall be effective and such information as to transi-  
11 tion of responsibilities as the commissioner deems prudent. The commis-  
12 sioner is authorized to contract with a transportation manager or manag-  
13 ers to manage transportation services in any local social services  
14 district, other than transportation services provided or arranged for  
15 enrollees of managed long term care plans issued certificates of author-  
16 ity under section forty-four hundred three-f of the public health law.  
17 Any transportation manager or managers selected by the commissioner to  
18 manage transportation services shall have proven experience in coordi-  
19 nating transportation services in a geographic and demographic area  
20 similar to the area in New York state within which the contractor would  
21 manage the provision of services under this section. Such a contract or  
22 contracts may include responsibility for: review, approval and process-  
23 ing of transportation orders; management of the appropriate level of  
24 transportation based on documented patient medical need; and development

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

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1 of new technologies leading to efficient transportation services. If the  
2 commissioner elects to assume such responsibility from a local social  
3 services district, the commissioner shall examine and~~[, if appropriate,]~~  
4 adopt quality assurance measures that may include, but are not limited  
5 to, global positioning tracking system reporting requirements and  
6 service verification mechanisms. Any and all reimbursement rates devel-  
7 oped by transportation managers under this subdivision shall include  
8 rates for public transportation that reflect the cost to provide service  
9 to eligible individuals and shall be subject to the review and approval  
10 of the commissioner. In reviewing the reimbursement rates developed by  
11 transportation managers, the commissioner shall consult with local offi-  
12 cials responsible for public transportation in the affected county and  
13 the interagency coordinating committee on rural public transportation as  
14 defined in section seventy-three-d of the transportation law.

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

17 § 73-d. Interagency coordinating committee on rural public transporta-  
18 tion. 1. There is hereby created a committee to be known as the "intera-  
19 gency coordinating committee on rural public transportation", to be  
20 comprised of ~~[nineteen]~~ sixteen members. The commissioner or his or her  
21 designee shall serve as chairperson. ~~[Twelve]~~ Eight of such members  
22 shall be the following or his or her duly designated representative: the  
23 director of the office for the aging; the commissioner of education; the  
24 commissioner of labor; the commissioner of health; the commissioner of  
25 the office of mental health; the commissioner of the office ~~[of mental~~  
26 ~~retardation and]~~ for people with developmental disabilities; the commis-  
27 sioner of social services; ~~[state advocate for the disabled, secretary~~  
28 ~~of state,]~~ and the commissioner of agriculture and markets~~[, the direc-~~  
29 ~~tor of the office of rural affairs and the director of the division for~~  
30 ~~youth]~~. ~~[Six]~~ Eight additional members, all of whom shall be transpor-  
31 tation providers or consumers representing rural counties shall be  
32 appointed to serve a term of three years as follows: ~~[two]~~ three by the  
33 president pro-tempore of the senate, ~~[two]~~ three by the speaker of the  
34 assembly, one by the minority leader of the senate, and one by the  
35 minority leader of the assembly. Efforts shall be made to provide a  
36 broad representation of consumers and providers of transportation  
37 services in rural counties when making such appointments. Members of  
38 the committee shall receive no salary.

39 The commissioner shall cause the department to provide staff assist-  
40 ance necessary for the efficient and effective operation of the commit-  
41 tee.

42 2. The committee shall:

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

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

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

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

1     3. The committee shall be required to report to the speaker of the  
2 assembly, the temporary president of the senate, and the governor bian-  
3 nually beginning October first, two thousand fifteen regarding the  
4 management of non-emergency Medicaid transportation in rural areas as  
5 defined by section four hundred eighty-one of the executive law. This  
6 shall include, but not be limited to, a breakdown by county of cost  
7 savings, modes of transportation provided to Medicaid patients, and  
8 rates of utilization of public transportation.

9     4. The committee shall be required to examine reimbursement rates  
10 developed by transportation managers pursuant to subdivision four of  
11 section three hundred sixty-five-h of the social services law for coun-  
12 ties with a population of two hundred thousand or less. The committee  
13 shall submit recommendations for proposed and effective rates for rural  
14 communities to the commissioner of health with recommendations includ-  
15 ing, but not limited to, adjustments to individual ridership fares for  
16 public transportation utilization, rates for low-cost coordinated trans-  
17 portation with other human service agencies, and rates for private  
18 transportation with considerations of availability and cost savings.

19     The commissioner of health shall consult with the committee prior to  
20 approval of rates proposed under subdivision four of section three  
21 hundred sixty-five of the social services law for counties with a popu-  
22 lation of two hundred thousand or less. Any proposal for a rate adjust-  
23 ment for rural communities after approval shall be examined by the  
24 committee prior to approval by the commissioner.

25     § 3. This act shall take effect immediately; provided that the amend-  
26 ments to the opening paragraph of subdivision 4 of section 365-h of the  
27 social services law made by section one of this act shall not affect the  
28 repeal of such section and shall expire and be deemed repealed there-  
29 with.