# STATE OF NEW YORK

4770--A

Cal. No. 836

2019-2020 Regular Sessions

# IN SENATE

March 25, 2019

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to reimbursement for special transportation services

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 368-d of the social services law is amended by adding a new subdivision 7 to read as follows:

**7. The commissioner shall, beginning upon the effective date of this subdivision and on an ongoing basis thereafter, review whether current state rules, regulations, policy, billing guidelines and amendments under the state plan for medical assistance concerning medicaid reimbursement for special transportation services, which are furnished by school districts to children with handicapping conditions receiving medical care and services that qualify for reimbursement under this title, are more restrictive than required by federal law, regulations, or policy. The commissioner shall take all practicable steps to ensure that any necessary changes are made to state rules, regulations, policy, and billing guidelines, and submit any necessary proposed state plan amendments to the centers for medicare and medicaid services, to ensure receipt of all available federal financial participation under title nineteen of the federal social security act for transportation services furnished by school districts to children with handicapping conditions. In so doing, the commissioner shall:**

**(a) seek to ensure receipt of all available federal financial participation for transportation services furnished to children with both physical and non-physical disabilities;**

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

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(b) seek to ensure receipt of all available federal financial participation for transportation services involving accommodations including, but not limited to, safety restraints and harnesses, medical equipment, paraprofessional or nursing services, smaller vehicle size, alternative vehicle routing, and climate control;

(c) consider whether other states have less restrictive rules, regulations, policy, billing guidelines and approved state plan amendments concerning medicaid reimbursement for special transportation services furnished by school districts to children with handicapping conditions; and

(d) consult with representatives of school districts, including school districts in any city with a population of one million or more.

§ 2. Section 368-e of the social services law is amended by adding a new subdivision 6 to read as follows:

6. The commissioner shall, beginning upon the effective date of this subdivision and on an ongoing basis thereafter, review whether current state rules, regulations, policy, billing guidelines and amendments under the state plan for medical assistance concerning medicaid reimbursement for special transportation services, which are furnished by counties and the city of New York to preschool children with handicapping conditions receiving medical care and services that qualify for reimbursement under this title, are more restrictive than required by federal law, regulations, or policy. The commissioner shall take all practicable steps to ensure that any necessary changes are made to state rules, regulations, policy, and billing guidelines, and submit any necessary proposed state plan amendments to the centers for medicare and medicaid services, to ensure receipt of all available federal financial participation under title nineteen of the federal social security act for transportation services furnished by counties and the city of New York to preschool children with handicapping conditions. In so doing, the commissioner shall:

(a) seek to ensure receipt of all available federal financial participation for transportation services furnished to preschool children with non-physical disabilities;

(b) seek to ensure receipt of all available federal financial participation for transportation services involving accommodations including, but not limited to, safety restraints and harnesses, medical equipment, paraprofessional or nursing services, smaller vehicle size, alternative vehicle routing, and climate control;

(c) consider whether other states have less restrictive rules, regulations, policy, billing guidelines and approved state plan amendments concerning medicaid reimbursement for special transportation services furnished by school districts to preschool children with handicapping conditions; and

(d) consult with representatives of counties and the city of New York.

§ 3. This act shall take effect immediately.