

# STATE OF NEW YORK

---

4770

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

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:

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

3 7. The commissioner shall, beginning upon the effective date of this  
4 subdivision and on an ongoing basis thereafter, review whether current  
5 state rules, regulations, policy, billing guidelines and amendments  
6 under the state plan for medical assistance concerning medicaid  
7 reimbursement for special transportation services, which are furnished  
8 by school districts to children with handicapping conditions, or such  
9 children suspected of having handicapping conditions, receiving medical  
10 care and services that qualify for reimbursement under this title, are  
11 more restrictive than required by federal law, regulations, or policy.  
12 The commissioner shall take all practicable steps to ensure that any  
13 necessary changes are made to state rules, regulations, policy, and  
14 billing guidelines, and submit any necessary proposed state plan amend-  
15 ments to the centers for medicare and medicaid services, to ensure  
16 receipt of all available federal financial participation under title  
17 nineteen of the federal social security act for special transportation  
18 services furnished by school districts to children with handicapping  
19 conditions or such children suspected of having handicapping conditions.  
20 In so doing, the commissioner shall:

21 (a) seek to ensure receipt of all available federal financial partic-  
22 ipation for transportation services furnished to children with non-phy-  
23 sical disabilities;

24 (b) seek to ensure receipt of all available federal financial partic-  
25 ipation for transportation services involving accommodations including,

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

LBD10936-01-9

1 but not limited to, safety restraints and harnesses, medical equipment,  
2 paraprofessional or nursing services, smaller vehicle size, alternative  
3 vehicle routing, and climate control;

4 (c) consider the policies of other states which may receive federal  
5 financial participation for a broader scope of transportation services;  
6 and

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

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

11 6. The commissioner shall, beginning upon the effective date of this  
12 subdivision and on an ongoing basis thereafter, review whether current  
13 state rules, regulations, policy, billing guidelines and amendments  
14 under the state plan for medical assistance concerning medicaid  
15 reimbursement for special transportation services, which are furnished  
16 by counties and the city of New York to preschool children with handi-  
17 capping conditions, or such preschool children suspected of having  
18 handicapping conditions, receiving medical care and services that quali-  
19 fy for reimbursement under this title, are more restrictive than  
20 required by federal law, regulations, or policy. The commissioner shall  
21 take all practicable steps to ensure that any necessary changes are made  
22 to state rules, regulations, policy, and billing guidelines, and submit  
23 any necessary proposed state plan amendments to the centers for medicare  
24 and medicaid services, to ensure receipt of all available federal finan-  
25 cial participation under title nineteen of the federal social security  
26 act for special transportation services furnished by counties and the  
27 city of New York to preschool children with handicapping conditions, or  
28 such preschool children suspected of having handicapping conditions. In  
29 so doing, the commissioner shall:

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

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

38 (c) consider the policies of other states which may receive federal  
39 financial participation for a broader scope of transportation services;  
40 and

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

42 § 3. This act shall take effect immediately.