

CHAPTER 346 (HB 488)

AN ACT relating to the transportation of persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 281.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee, or personal representative thereof;
- (2) ***The term "cabinet" means the Kentucky Transportation Cabinet;***
- (3) The term "department" means the Department of Vehicle Regulation;
- ~~(4){(3)}~~—The term "city" means a municipality incorporated under the laws of this state;
- ~~(5){(4)}~~—The term "state" means the Commonwealth of Kentucky;
- ~~(6){(5)}~~—The term "highway" means all public roads, highways, streets, and ways in this state, whether within a municipality or outside of a municipality;
- ~~(7){(6)}~~—The term "certificate" means a certificate of public convenience and necessity issued under this chapter to common carriers by motor vehicle and irregular route common carriers, a nonprofit bus certificate issued under this chapter authorizing operation thereunder, or a certificate of compliance;
- ~~(8){(7)}~~—The term "permit" means a permit issued under this chapter to contract carriers by motor vehicle of persons and to persons engaging in the business of U-drive-it;
- ~~(9){(8)}~~—The term "interstate commerce" means commerce between any place in a state and any place in another state;
- ~~(10){(9)}~~—The term "intrastate commerce" means commerce between any place in this state and any other place in this state;
- ~~(11){(10)}~~—The term "passenger" means an individual or group of people; and
- ~~(12){(11)}~~—The term "property" means general or specific commodities including hazardous and nonhazardous materials.

Section 2. KRS 281.014 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) (a) The term "city taxicab certificate" or "city limousine certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of a city of the first or second class or an urban-county area and the city's suburban area, or the corporate limits of any city and its suburban area located in a county which contains a city of the first or second class or an urban-county area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation;
- (b) The term "county taxicab certificate" or "county limousine certificate" means a certificate granting authority only for the operation of a given number of motor vehicles

- transporting passengers for hire, the principal operation of which is confined to a specific county which does not contain a city of the first or second class and is not an urban-county area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of the transportation;
- (c) A "taxicab" means a motor vehicle operated under one (1) or more taxicab certificates, and is a vehicle designed or constructed to transport not more than fifteen (15) passengers exclusive of the driver;
 - (d) A "limousine" means a luxury motor vehicle passenger car which has either a standard or an extended wheelbase. The vehicle shall have additional rear seating capacity, area, and comforts, but shall be designed or constructed to transport not more than fifteen (15) passengers plus the driver;
 - (e) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate;
 - (f) The term "limousine license" means a license plate issued to a limousine authorized to operate under a limousine certificate;
- (2) (a) An "airport shuttle certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport;
- (b) An "airport shuttle vehicle" means a motor vehicle operated under one (1) or more airport shuttle certificates and which is designed or constructed to transport not more than fifteen (15) passengers plus the driver;
- (c) The term "airport shuttle vehicle license" means a license plate issued for a motor vehicle authorizing its operation under one (1) or more airport shuttle certificates;
- (3) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee;
- (4) The term "driveaway" means the transporting and delivering of motor vehicles, except semitrailers, and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method, or any combination of them over the highways of this state from any point of origin to any point of destination for-hire. The transportation of such vehicles by the full mount method on trailers or semitrailers shall not be included in the term ; and
- (5) (a) "Disabled persons vehicle" means a motor vehicle especially equipped and used for the transportation of persons with disabilities and which is in compliance with the accessibility specifications of 49 C.F.R. Part 38, but it shall be designed and constructed to transport not more than fifteen (15) passengers plus the driver. It shall not mean an ambulance as defined in KRS 211.950. It shall not mean a motor vehicle equipped with a stretcher;
- (b) "Disabled persons carrier" means an irregular route common carrier for hire, transporting the general public who require transportation in disabled persons vehicles;{
and}

- (c) "Disabled persons certificate" means a certificate that grants authority only for the operation of a given number of disabled persons vehicles for hire, the principle operation of which is confined to a specific county;
- (6) ***"Human service transportation delivery" means the provision of transportation services to any person that is an eligible recipient in one (1) of the following state programs:***
 - (a) *Nonemergency medical transportation under KRS Chapter 205;*
 - (b) *Mental health, mental retardation, or comprehensive care under KRS Chapter 202A, 202B, 210, or 645;*
 - (c) *Kentucky Works Program under KRS Chapter 194 or 205;*
 - (d) *Aging services under KRS Chapter 205, 209, 216, or 273;*
 - (e) *Vocational rehabilitation under KRS 151B or 157; or*
 - (f) *Blind industries or rehabilitation under KRS Chapter 151B or 163;*
- (7) ***"Delivery area" means one (1) or more regions established by the cabinet in administrative regulations promulgated under KRS Chapter 13A for the purpose of providing human service transportation delivery in that region;***
- (8) ***"Broker" means a person selected by the cabinet through a request for proposal process to coordinate human service transportation delivery within a specific delivery area. A broker may also provide transportation services within the specific delivery area for which the broker is under contract with the cabinet;***
- (9) ***"Subcontractor" means a person who has signed a contract with a broker to provide human service transportation delivery within a specific delivery area and who meets human service transportation delivery requirements, including proper operating authority; and***
- (10) ***"CTAC" means the Coordinated Transportation Advisory Committee created under Section 3 of this Act.***

SECTION 3. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) ***There is hereby created a Coordinated Transportation Advisory Committee, also known as the "CTAC", that is to be composed of designated members of the cabinet, the Cabinet for Health Services, the Cabinet for Families and Children, and the Workforce Development Cabinet.***
- (2) ***Members of the CTAC shall serve terms as determined by each respective cabinet. The CTAC shall meet at least once a month, but may meet more frequently if desired, and shall maintain a written record of all meetings and actions taken. In all proceedings of the CTAC and in all actions taken by the CTAC, the cabinet, the Cabinet for Health Services, and the Cabinet for Families and Children shall each have two (2) votes and the Workforce Development Cabinet shall have one (1) vote. A quorum of the CTAC shall be required to conduct any official business.***
- (3) ***The staff of the cabinet's Office of Transportation Delivery shall provide administrative support to the CTAC. The executive director of the Office of Transportation Delivery shall set the agenda for meetings of the CTAC. The Office of Transportation Delivery may promulgate administrative regulations under KRS Chapter 13A governing the human***

service transportation delivery program on behalf of the CTAC. The cabinet shall promulgate administrative regulations under KRS Chapter 13A to specify the duties and responsibilities of the CTAC.

SECTION 4. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) The cabinet shall employ a pool of program coordinators. Each program coordinator shall be a state employee and reside in the cabinet.*
- (2) The program coordinator shall initially investigate all complaints regarding recipients, subcontractors, and the broker for the area and attempt to immediately resolve the problem. All complaints relating to Medicaid fraud or abuse shall be forwarded by the cabinet to the Cabinet for Health Services. The program coordinator shall further be responsible for assisting a person with a complaint as required in subsection (4) of this section.*
- (3) The program coordinator shall investigate issues of eligibility that result in a person being denied transportation, determine the status of the person's case, and attempt to immediately resolve the matter in order for the person to continue to receive transportation services. A broker shall not deny any person transportation services until the program coordinator resolves the question of the person's eligibility and verifies to the broker that the person is actually ineligible to receive transportation services. A broker who violates the provisions of this subsection shall be fined one thousand dollars (\$1,000) and shall be subject to his or her contract being revoked by the cabinet. The program coordinator shall coordinate information about eligibility to participate in the human service transportation delivery program between the cabinet, the Cabinet for Health Services, the Cabinet for Families and Children, and the Workforce Development Cabinet. The cabinet shall ensure each program coordinator has direct computer access to all relevant databases used by all state agencies to administer the human service transportation delivery program. The Department for Medicaid Services shall provide each program coordinator with a monthly eligibility list for the area.*
- (4) If a program coordinator is unable to resolve a complaint against a broker or subcontractor to the satisfaction of the person lodging the complaint on the same business day the complaint is made, the program coordinator shall immediately act to assist the person in contacting the appropriate state agency to resolve the complaint. The program coordinator shall ensure that the cabinet, the Cabinet for Health Services, the Cabinet for Families and Children, and the Workforce Development Cabinet strictly adhere to the provisions of 42 CFR governing a person's right to appeal the denial of service or failure for a complaint to be acted upon promptly. The cabinet shall be required to inform in writing, every person who has either been denied transportation or who has failed to have a complaint resolved in a prompt manner under the human service transportation delivery program, of their right to a hearing to be held in the county where the person lives, and the process to follow to obtain a hearing.*
- (5) All brokers and subcontractors shall be prohibited from retaliating or attempting retribution in any way against any person using the human service transportation delivery program who files a complaint. A broker or subcontractor who is determined by the cabinet to have violated the provisions of this subsection, after an investigation and hearing conducted by the cabinet, shall have his or her contract revoked by the cabinet within ninety (90) days of the hearing and shall be prohibited from participating in the human service*

transportation delivery program for five (5) years from the date of the cabinet's determination.

SECTION 5. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section and Section 6 of this Act, unless the context otherwise requires:*
 - (a) *"Certificate Type 01" means a private automobile;*
 - (b) *"Certificate Type 02" means a taxicab service;*
 - (c) *"Certificate Type 03" means a bus service;*
 - (d) *"Certificate Type 04" means a non-profit transit system;*
 - (e) *"Certificate Type 07" means a specialty carrier certified to transport nonemergency, ambulatory disoriented persons;*
 - (f) *"Certificate Type 08" means a specialty carrier, using lift-equipped vehicles in compliance with the Americans with Disabilities Act, certified to transport nonemergency, nonambulatory persons; and*
 - (g) *"Level of eligibility" means the specialty transport classification a person is designated based upon the written recommendation of the person's personal physician that is used to establish the type of specialty transport needed for the person.*
- (2) *Except for members of the general public, the level of eligibility shall dictate both the necessity and the type of special carrier transport for a person participating in the human service transportation delivery program and shall ensure the person shall be transported in the appropriate vehicle designed to accommodate the person's level of eligibility. The broker shall, upon request by a recipient, provide specialty carrier transportation for a period up to thirty (30) days without written recommendation of the recipient's personal physician. A broker shall be prohibited from changing or altering a person's level of eligibility and the accompanying certificate type. A broker shall report questionable specialty classifications to the cabinet.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *Persons participating in the human service transportation delivery program that have a level of eligibility that dictates they be transported under a Certificate Type 07 or 08 shall be ensured the freedom of personal choice in selecting either an eligible subcontractor within the delivery area, or the broker for the area if the broker also provides transportation services, to provide the person's transportation services.*
- (2) *A person expressing a personal preference under subsection (1) of this section shall contact the broker to arrange transportation services, even if the person is requesting an eligible subcontractor to provide the service. If a person does not express a preference of whom they wish to transport them under subsection (1) of this section, the broker shall determine the eligible subcontractor to provide the service. The broker may select himself or herself if the broker also provides transportation services, however, the broker shall establish a system that fairly and equitably distributes requests for transportation services*

in the delivery area among the broker and all subcontractors certified to transport Certificate Type 07 or Certificate Type 08.

- (3) *All brokers shall consider their ability to allow persons with an eligibility level that dictates they be transported under a Certificate Type 02 to request the freedom of personal choice in the selection of who will provide the person's transportation services. A broker may offer freedom of choice to persons with a Certificate Type 02.*

SECTION 7. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall promulgate administrative regulations governing, but not limited to, the following provisions of the human service transportation delivery program:*

- (a) *Establishment of one (1) or more specific delivery areas;*
- (b) *The length of the term of the contract to be signed with a broker and the criteria to be used to terminate a contract;*
- (c) *Contractual matters to be specified in a request for proposals from brokers including, but not limited to:*
 - 1. *Establishment and maintenance of a central business office within the delivery area;*
 - 2. *Staffing requirements for the central business office;*
 - 3. *Collection and retention of records to be maintained by each broker and subcontractor;*
 - 4. *Collection and retention of encounter data on each trip made by the broker if the broker provides transportation services and by each subcontractor. Failure of a broker to record all data required by the cabinet for all trips the broker provided under the human service transportation delivery program shall be grounds for the cabinet to terminate the broker's contract;*
 - 5. *Reporting of all traffic accidents and moving violations involving either a broker or subcontractor; and*
 - 6. *Submission of annual financial reports by each broker;*
- (d) *Criteria for evaluating and selecting a broker subject to the provisions of subsections (2) and (3) of this section;*
- (e) *Identification of all federal statutes, federal rules, and federal administrative regulations with which state agencies, brokers, and subcontractors must comply;*
- (f) *Uniform criteria for establishing capitated rates, fees, and reimbursement procedures for all delivery areas, including a mandate that brokers shall have all reports necessary for payment to the cabinet not later than the seventh of each month. The mandate shall also include a requirement that the cabinet shall pay brokers not later than the fifteenth of each month if the broker has submitted all required reports. A broker shall promptly reimburse subcontractors within three (3) business days of payment by the cabinet;*

- (g) *Uniform responsibilities for all brokers and subcontractors including provisions for reservations and trip assignments, quality assurance, administrative oversight, and reporting;*
- (h) *Uniform criteria for contractual agreements between subcontractors and brokers in all delivery areas;*
- (i) *Uniform criteria governing the authorized provision of transportation services offered by brokers in all delivery areas;*
- (j) *Uniform guidelines brokers shall be required to adopt to educate persons in the delivery area regarding:*
 - 1. *Procedures for scheduling transportation services including the broker's normal hours of operation and how to schedule transportation after normal hours of operation, including Sundays and all holidays;*
 - 2. *Rates for services;*
 - 3. *Information the person shall be required to provide the broker when requesting transportation;*
 - 4. *Types of eligible transportation, including pick-up and delivery standards and reasons service may be denied;*
 - 5. *Permissibility of escorts and attendants;*
 - 6. *Procedures governing requests for urgent care;*
 - 7. *Standards for driver conduct;*
 - 8. *Standards for passenger conduct; and*
 - 9. *Oral and written instructions governing the complaint process and how to lodge a complaint against a subcontractor or broker;*
- (k) *Vehicle requirements governing all vehicles operated by brokers or subcontractors to transport persons under the human service transportation delivery program;*
- (l) *Driver qualifications including driver, attendant, and service personnel training;*
- (m) *Minimum standards to be included in a mandatory orientation program provided by the broker for all subcontractors in the delivery area;*
- (n) *Minimum standards governing volunteer and public transportation services;*
- (o) *Minimum standards governing an operational procedures manual to be developed by all brokers;*
- (p) *Minimum standards governing a quality assurance plan to be developed by all brokers;*
- (q) *Performance monitoring by the cabinet of brokers and subcontractors; and*
- (r) *Standards governing uniform software that all brokers shall be required to use to ensure the uniform collection of data and to facilitate the production and analysis of uniform reports relating to the human service transportation delivery system.*

- (2) *A person that submits a request for proposal to be a broker under the human service transportation delivery program shall be required to submit documentation that he or she has at least one (1) year experience working with persons with special needs.*
- (3) *The cabinet shall be prohibited from awarding higher scores, or giving any type of preferential treatment to, any person that submits a request for proposal to be a broker who is also a transportation provider over a person who submits a request to be a broker but who is not a transportation provider.*
- (4) *The cabinet shall develop a handbook specifying standard operating procedures, which shall be distributed to all providers and shall be made available to the general public.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall require and shall ensure that all brokers shall permit a person to request and receive human service transportation with less than the time notice established by administrative regulation for scheduling transportation services if the person's physician submits verification to the broker that the person needs to be seen by the physician or another physician to whom the person is being referred for medical treatment. A broker who violates the provisions of this subsection shall be fined one thousand dollars (\$1,000) and shall be subject to his or her contract being revoked by the cabinet.*
- (2) *The physician verification required under subsection (1) of this section may be transmitted in any of the following methods:*
 - (a) *Oral verification over the telephone;*
 - (b) *Written verification transmitted electronically by computer or by facsimile; or*
 - (c) *Written verification delivered by the person directly to the broker or subcontractor.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

A broker or subcontractor who is determined by the cabinet to have violated the provisions of Section 4, 5, 6, 7, 8, or 11 of this Act, after an investigation and hearing conducted by the cabinet, shall have his or her contract revoked by the cabinet within ninety (90) days of the hearing and shall be prohibited from participating in the human service transportation delivery program for five (5) years from the date of the cabinet's determination.

SECTION 10. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

A broker may coordinate the human service transportation delivery program with general public transportation as provided in this chapter and KRS Chapter 96A.

SECTION 11. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

A broker shall be prohibited from imposing any requirement on any subcontractor that is not provided for in this chapter, or in an administrative regulation promulgated under KRS Chapter 13A to carry out the provisions of the human service transportation delivery program.

Section 12. KRS 96A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following words or terms shall mean as follows:

- (1) "City" means any incorporated city in the Commonwealth;
- (2) "County" means any county in the Commonwealth wherein there is located an incorporated city and for the purpose of this chapter shall also mean a county which has adopted an urban-county government;
- (3) "State" means the Commonwealth;
- (4) "Transit authority" or "authority" means a transit authority created pursuant to this chapter;
- (5) "Board" means the board of a transit authority;
- (6) "Public body" means any city or county of the Commonwealth;
- (7) "Governing body" means, as to a county, the fiscal court thereof; and as to a city, the legislative body thereof, howsoever the same may be denominated according to law;
- (8) "Proceedings" means, in the case of a county, a resolution of its fiscal court; and in the case of a city, an ordinance adopted and made effective according to law by its governing body;
- (9) "Joint proceedings" relates only to the establishment of a transit authority by two (2) or more public bodies acting in concert or by agreement, and means the proceedings, taken collectively, by the governing bodies of the public bodies, participating in the creation and establishment of a transit authority;
- (10) "Appointing authority" means, as to a county, the county judge/executive thereof; and as to any city, the elected chief officer thereof, whether designated as its mayor or the chairman of its board of trustees or otherwise;
- (11) "Area" or "transit area" means the geographical area which may be encompassed from time to time within the lawful boundaries of such cities and counties as may be involved in the creation and establishment of an authority; and of any cities or counties within any single unified metropolitan area which may subsequently become participants as provided in this chapter;
- (12) "Mass transit," or "mass transportation," means the transportation of persons and their baggage within or without a transit area, but shall not include the for-hire operation of a taxicab, or industrial bus as defined by KRS Chapter 281;
- (13) "Human service transportation delivery" means the *same as defined in Section 2 of this Act*; ~~provision of transportation for an eligible recipient in one of the following state programs:~~
 - (a) ~~Nonemergency medical transportation under KRS Chapter 205;~~
 - (b) ~~Mental health, mental retardation, or comprehensive care under KRS Chapter 202A, 202B, 210, or 645;~~
 - (c) ~~Kentucky Works Program under KRS Chapter 194 or 205;~~
 - (d) ~~Aging services under KRS Chapter 205, 209, 216, or 273;~~
 - (e) ~~Vocational rehabilitation under KRS 151B or 157; or~~
 - (f) ~~Blind industries or rehabilitation under KRS Chapter 151B or 163; and~~

- (14) *"Delivery area" means the same as defined in Section 2 of this Act; and* ~~["Human service transportation delivery area" means one (1) of the regions established by the Transportation Cabinet for the purpose of providing human service transportation delivery in that region]~~
- (15) *"Broker" means the same as defined in Section 2 of this Act.*

Section 13. KRS 96A.095 is amended to read as follows:

- (1) The Transportation Cabinet may receive and accept from the Commonwealth or any of its agencies, including the Cabinet for Families and Children, the Cabinet for Health Services, and the Cabinet for Workforce Development, and from federal agencies appropriations or grants to promote, develop, and provide capital and operating subsidies for mass transit services and human service transportation delivery in Kentucky, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value to promote mass transit services. Subject to the provisions of Section 230 of the Constitution of the Commonwealth of Kentucky, any of these funds, property, or things of value received by the Transportation Cabinet may be given directly to any of the following entities in order to accomplish the purposes of this section: (a) A local transit authority as created under this chapter;
- (b) A city;
- (c) A county;
- (d) Other public mass transit providers;
- (e) A nonprofit or public mass transit provider operating under 49 U.S.C. sec. 5310 or 5311; or
- (f) An entity providing human service transportation delivery.
- (2) The Transportation Cabinet is authorized and directed to apply for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make any of these funds received available to any of the following entities in order to accomplish the purposes of this section:
- (a) A local transit authority as created under this chapter;
- (b) A city;
- (c) A county;
- (d) Other public mass transit providers;
- (e) A nonprofit or public mass transit provider operating under 49 U.S.C. sec. 5310 or 5311; or
- (f) An entity promoting or providing transit services such as safety, planning, research, coordination, or training activities.

In those cases where federal laws or regulations preclude the Transportation Cabinet from direct application for this type of federal funds, the cabinet is authorized and directed to provide assistance to any of the entities listed in this subsection as necessary to enable it to apply for and obtain this type of federal funds in order to accomplish the purposes of this section.

- (3) The Transportation Cabinet is authorized to assist cities and counties in the formation of local transit authorities in conformance with this chapter, but nothing in this chapter shall be construed as preventing the Transportation Cabinet from providing~~[-such]~~ assistance as authorized in this chapter to cities or counties where local transit authorities do not exist.
- (4) The Transportation Cabinet is authorized to contract, in accordance with the provisions of KRS *Chapters*~~[Chapter]~~ 45A and 281, with a~~[-transportation provider or]~~ broker to provide human *service*~~[services]~~ transportation delivery within a specific~~[-human service transportation]~~ delivery area.
- ~~[(5) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the provisions of this section. The administrative regulations shall include, but not be limited to, the following:~~
- ~~(a) Establishment of the human service transportation delivery areas, including the counties in each area;~~
 - ~~(b) Safety and other physical operating requirements for all mass transit operations and human service transportation deliveries;~~
 - ~~(c) The minimum conditions and requirements of a subcontract between the Transportation Cabinet's human service transportation provider or broker contractor and an entity providing the means of the human services transportation;~~
 - ~~(d) Compliance with the requirements of the United States Federal Transit Administration; and~~
 - ~~(e) A mechanism for ensuring that each human services transportation provider contractor or subcontractor:~~
 - ~~1. Has appropriate operating authority issued under KRS Chapter 281;~~
 - ~~2. Is a transit authority operating under the provisions of KRS Chapter 96A; or~~
 - ~~3. Has been approved by the Transportation Cabinet to operate under the provisions of 49 U.S.C. sec. 5310 or 5311.~~
- ~~(6) All willing providers or entities who meet the applicable requirements of subsection (5) of this section shall be provided by the broker with an application for enrollment as a subcontractor for the human service transportation delivery programs.]~~

Section 14. The Transportation Cabinet shall conduct a study of the formulas used to calculate capitated rates by delivery area. The cabinet shall also review rate information collected from brokers and subcontractors since the inception of the human service transportation delivery program, as well as capitated rate need requests brokers have submitted to the cabinet. The cabinet shall report its findings to the Interim Joint Committee on Transportation through the Legislative Research Commission no later than July 1, 2001. The findings of the study shall be used to statutorily create a capitated rate formula governing the human service transportation delivery program.

Section 15. All current contracts between the cabinet and each broker may remain in force until the contractual expiration date except as provided in this section. All current contracts between the cabinet and each broker shall expire not later than July 1, 2001. The cabinet shall execute new contracts with all brokers for all delivery areas under the provisions of this Act not later than July 1, 2001.

Section 16. The provisions of subsections (1), (2), and (3) of Section 7 of this Act shall be promulgated into administrative regulations under KRS Chapter 13A not later than thirty (30) days after the effective date of this Act. The provisions of subsection (4) of Section 7 of this Act shall become effective March 1, 2001.

Approved April 6, 2000