

**ASSEMBLY, No. 5139**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 6, 2023

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires DOT to establish paratransit brokerage program to consolidate provision of paratransit services under State Medicaid program and NJT Access Link.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the provision of paratransit services,  
2 supplementing Title 27 of the Revised Statutes, and revising  
3 various parts of the statutory law.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. (New section) As used in sections 1 through 7 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill):

10 “ADA paratransit service” means the paratransit service that the  
11 corporation is required to provide, whether directly or indirectly  
12 through contract, to comply with the requirements of the federal  
13 “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et  
14 seq.).

15 “Community organization” means an organization that provides  
16 programs and services to persons with disabilities.

17 “Corporation” means the New Jersey Transit Corporation.

18 “County transit agency” means a transportation service  
19 organized under or in conjunction with a county government to  
20 provide trips to senior citizens and residents with disabilities under  
21 the “Senior Citizen and Disabled Resident Transportation  
22 Assistance Act,” P.L.1983, c.578 (C.27:25-25 et seq.).

23 “Covered medical service” means a physical or behavioral health  
24 care service that is provided to a Medicaid beneficiary and is  
25 eligible for reimbursement under the Medicaid program.

26 “Livery vehicle” means a chauffeured vehicle, other than a  
27 mobility assistance vehicle, which is used to transport ambulatory  
28 Medicaid beneficiaries to and from health care providers to receive  
29 covered medical services. The term includes, but is not limited to, a  
30 clinic van, a paratransit van, or a wheelchair van.

31 “Medicaid program” or “Medicaid” means the State Medicaid  
32 program established pursuant to P.L.1968, c.413 (C.30:4D-1 et  
33 seq.).

34 “Medicaid transportation service” means the non-emergency  
35 medical transport of a beneficiary of the Medicaid program, which  
36 service is provided through the use of a mobility assistance vehicle  
37 or livery vehicle, is necessary for the beneficiary to receive covered  
38 medical services, and is provided in compliance with Title XIX of  
39 the federal Social Security Act (42 U.S.C. s.1396 et seq.), P.L.1968,  
40 c.413 (C.30:4D-1 et seq.), P.L.1981, c.134 (C.30:4D-6.2 et seq.),  
41 and any rules or regulations adopted thereunder.

42 “Mobility assistance vehicle” means a chauffeured vehicle that is  
43 staffed by certified trained personnel, and which is used to transport  
44 a non-ambulatory Medicaid beneficiary who is sick, has an  
45 infirmity, or has a disability, and is under the care and supervision

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of a physician, and whose medical condition is not of sufficient  
2 magnitude or gravity to require transportation by ambulance, but is  
3 of sufficient magnitude or gravity to require transportation from  
4 place to place for medical care, and whose use of an alternate form  
5 of transportation, such as a taxicab, bus, livery vehicle, private  
6 vehicle, or public conveyance might create a serious risk to the  
7 beneficiary's life or health.

8 "Paratransit brokerage program" or "program" means the  
9 program, established pursuant to section 2 of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), which is managed by a  
11 transportation broker that administers the provision of paratransit  
12 services, including Medicaid transportation services and ADA  
13 paratransit services, by paratransit providers in the State.

14 "Paratransit provider" or "provider" means any organization or  
15 entity that provides paratransit service, including, but not limited to,  
16 Medicaid transportation service and ADA paratransit service,  
17 subject to any applicable provisions of State or federal law or  
18 regulation.

19 "Paratransit service" means any transportation service other than  
20 fixed route transportation service, including, but not limited to,  
21 Medicaid transportation service and ADA paratransit service,  
22 except not including private or charter services provided by  
23 taxicabs, limousines, or transportation network companies.

24 "Transportation broker" or "broker" means the organization or  
25 entity that is contracted by the Department of Transportation  
26 pursuant to section 5 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill) to manage the paratransit brokerage  
28 program.

29 "Transportation brokerage contract" means the contract that is  
30 executed between the Department of Transportation and the  
31 transportation broker for the management of the paratransit  
32 brokerage program.

33  
34 2. (New section) a. After the execution of the first  
35 transportation brokerage contract following the effective date of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 the Department of Transportation shall oversee the implementation  
38 of a paratransit brokerage program, through which a transportation  
39 broker shall manage the provision of paratransit service, including  
40 Medicaid transportation service and ADA paratransit service, by  
41 participating paratransit providers to eligible passengers, which  
42 services shall be requested and fulfilled through an interactive  
43 brokerage software.

44 b. The purpose of the paratransit brokerage program shall be to  
45 realize cost savings and operational efficiencies in the provision of  
46 paratransit services by enabling participating paratransit providers  
47 to voluntarily compete to fulfill each request for Medicaid  
48 transportation service and ADA paratransit service, respectively,

1 scheduled by an eligible passenger of such service. To accomplish  
2 this purpose, the paratransit services provided under the program  
3 shall be facilitated through the use of an interactive brokerage  
4 software, as initially developed pursuant to section 4 of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), through  
6 which software:

7 (1) the recipients of ADA paratransit service and Medicaid  
8 transportation service may schedule regular or recurring requests  
9 for paratransit service, subject to any applicable restrictions of State  
10 or federal law or regulation;

11 (2) the participating providers of ADA paratransit service and  
12 Medicaid transportation service may compete, on a cost-efficient  
13 basis, to fulfill any scheduled requests for paratransit service,  
14 subject to any applicable restrictions of State or federal law or  
15 regulation;

16 (3) the recipients of ADA paratransit service and Medicaid  
17 transportation service may review and submit complaints  
18 concerning the quality of service received from any paratransit  
19 provider; and

20 (4) the transportation broker shall monitor, assess, and  
21 document the performance, reliability, responsiveness of each  
22 paratransit provider operating in the program and respond to  
23 passenger complaints.

24 c. In addition to any other terms and conditions that may be  
25 imposed by the Department of Transportation under the  
26 transportation brokerage contract, the responsibilities of the  
27 transportation broker in managing the paratransit brokerage  
28 program shall include:

29 (1) maintaining a paratransit provider network for ADA  
30 paratransit service and Medicaid transportation service,  
31 respectively, which networks shall have sufficient capacity to  
32 provide all required forms of paratransit service within all  
33 applicable service areas in the State;

34 (2) ensuring that each provider of ADA paratransit service is  
35 qualified to provide such service and complies with all applicable  
36 requirements of the federal “Americans with Disabilities Act of  
37 1990” (42 U.S.C. s.12101 et seq.) and any other applicable  
38 provisions of State or federal law or regulation, including, but not  
39 limited to, any requirements concerning the type of vehicles used to  
40 provide such service;

41 (3) ensuring that each provider of Medicaid paratransit service  
42 is qualified to provide such service and complies with all applicable  
43 requirements of Title XIX of the federal Social Security Act (42  
44 U.S.C. s.1396 et seq.), P.L.1968, c.413 (C.30:4D-1 et seq.),  
45 P.L.1981, c.134 (C.30:4D-6.2 et seq.), and any other applicable  
46 provisions of State or federal law or regulation, including, but not  
47 limited to, any requirements concerning the type of vehicles used to  
48 provide such service;

1 (4) ensuring that each recipient of ADA paratransit service or  
2 Medicaid paratransit service is eligible to receive the service;

3 (5) compensating each paratransit provider that operates in the  
4 program, which compensation shall be based exclusively on the  
5 requests for paratransit service that have been fulfilled by the  
6 provider, and which compensation shall be paid from the monies  
7 received by the transportation broker pursuant to subsection e. of  
8 this section;

9 (6) receiving and acting upon passenger complaints in  
10 accordance with the provisions of subsection f. of this section; and

11 (7) divesting from any ownership stake or equity interest in any  
12 entity or organization that operates as a paratransit provider under  
13 the program.

14 d. Except as otherwise provided in this subsection, beginning  
15 immediately after the implementation of the paratransit brokerage  
16 program, the program shall be limited to the provision of ADA  
17 paratransit service and Medicaid transportation service by  
18 paratransit providers other than county transit agencies and  
19 community organizations. Subject to the determination of the  
20 Department of Transportation pursuant to the study completed  
21 pursuant to section 6 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) and the regulations adopted pursuant to  
23 subsection b. of section 7 of P.L. , c. (C. ) (pending before  
24 the Legislature as this bill), the program may be expanded to:

25 (1) incorporate the provision of other forms of paratransit  
26 service, including those services provided by the Department of  
27 Labor and Workforce Development pursuant to P.L.1987, c.455  
28 (C.34:16-51 et seq.) and those services provided by counties under  
29 the "Senior Citizen and Disabled Resident Transportation  
30 Assistance Act," P.L.1983, c.578 (C.27:25-25 et seq.); and

31 (2) allow county transit agencies and community organizations  
32 to operate as paratransit providers under the program.

33 e. (1) Except as otherwise provided in paragraph (3) of this  
34 subsection, the operational and administrative costs of the  
35 paratransit brokerage program shall be defrayed by proportionate  
36 funding from the Department of Human Service and the  
37 corporation, which monies shall be transferred to the Department of  
38 Transportation and paid to the transportation broker in such  
39 intervals and amounts as may be prescribed in the transportation  
40 brokerage contract. The Department of Human Services shall be  
41 responsible for defraying all costs associated with the provision of  
42 Medicaid paratransit service under the program. The corporation  
43 shall be responsible for defraying all costs associated with the  
44 provision of ADA paratransit service under the program.

45 (2) From the monies paid to the transportation broker by the  
46 Department of Transportation, the broker shall compensate the  
47 paratransit providers operating in the program, which compensation  
48 shall be based exclusively on the requests for paratransit service

1 that have been fulfilled by the provider. Of the remaining funds,  
2 the transportation broker shall retain such amounts as may be  
3 prescribed in the transportation brokerage contract to support the  
4 costs of managing the program.

5 (3) If the paratransit brokerage program is expanded to include  
6 other forms of paratransit service, as permitted under subsection d.  
7 of this section, the costs of providing such services shall be  
8 defrayed as follows, which monies shall be transferred to the  
9 Department of Transportation in accordance with the provisions of  
10 paragraph (1) of this subsection:

11 (a) the Department of Labor and Workforce Development shall  
12 be responsible for defraying all costs associated with the provision  
13 of any paratransit services otherwise provided under P.L.1987,  
14 c.455 (C.34:16-51);

15 (b) the corporation shall be responsible for defraying all costs  
16 associated with the provision of any paratransit services otherwise  
17 provided by counties under the "Senior Citizen and Disabled  
18 Resident Transportation Assistance Act," P.L.1983, c.578 (C.27:25-  
19 25 et seq.), which costs shall be paid from the monies deposited into  
20 the Casino Revenue Fund pursuant to subsection b. of section 4 of  
21 P.L.1983, c.578 (C.27:25-28); and

22 (c) in the case of any other form of paratransit service, the  
23 administrative entity otherwise responsible for administering the  
24 service shall be responsible for defraying all costs associated with  
25 the provision of such service under the program.

26 f. The Department of Transportation, in consultation with the  
27 Department of Human Services and the corporation, shall prescribe  
28 procedures and methods by which the recipients of paratransit  
29 service may submit complaints through the interactive brokerage  
30 software. The transportation broker shall receive, process, and act  
31 upon each complaint in accordance with the procedures prescribed  
32 by the department, except that the broker shall respond to each  
33 complaint, in writing, within 21 days of the receipt of a complaint.

34 g. (1) After the implementation of the paratransit brokerage  
35 program, all Medicaid transportation services and ADA paratransit  
36 services shall be provided under the paratransit brokerage program,  
37 and the Department of Human Services and the corporation shall  
38 cease to provide, whether directly or indirectly through contract,  
39 such services. Before the implementation of the program, the  
40 Department of Human Services and the corporation, as applicable,  
41 shall submit such documentation as is necessary to the federal  
42 government to effectuate the implementation of the program,  
43 including, but not limited to, the application by the Department of  
44 Human Services for such State plan amendments or waivers as may  
45 be necessary to implement the provisions of P.L. , c. (C. )  
46 (pending before the Legislature as this bill) and to secure federal  
47 financial participation for State Medicaid expenditures under the  
48 federal Medicaid program. The Department of Human Services

1 shall receive federal approval for such State plan amendments or  
2 waivers before the paratransit brokerage program may be fully  
3 implemented.

4 (2) After the effective date of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), but before the implementation of  
6 the paratransit brokerage program, the corporation shall not enter  
7 into any contract, or exercise any option to extend an existing  
8 contract, concerning the provision of ADA paratransit service under  
9 the Access Link service model unless the contract or option:

10 (a) is valid for not longer than one year; and

11 (b) permits the corporation to terminate the contract  
12 immediately upon the implementation of the paratransit brokerage  
13 program.

14 (3) After the effective date of P.L. , c. (C. ) (pending  
15 before the Legislature as this bill), but before the implementation of  
16 the paratransit brokerage program, the Department of Human  
17 Services shall not enter into any contract, or exercise any option to  
18 extend an existing contract, concerning the provision of Medicaid  
19 paratransit service under the State Medicaid program unless the  
20 contract or option:

21 (a) is valid for not longer than one year; and

22 (b) permits the department to terminate the contract immediately  
23 upon the implementation of the paratransit brokerage program.

24

25 3. (New section) a. Within six months following the effective  
26 date of P.L. , c. (C. ) (pending before the Legislature as  
27 this bill), the Department of Transportation, in consultation with the  
28 corporation and the Department of Human Services, shall develop  
29 standards for the provision of ADA paratransit service under the  
30 program. At a minimum, the standards shall prescribe minimum  
31 functionality requirements for the interactive brokerage software to  
32 ensure that the provision of ADA paratransit service complies with  
33 the purposes and responsibilities set forth in section 2 of P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill), as well  
35 as any other applicable requirements of State or federal law or  
36 regulation. To the extent practicable, these standards shall be  
37 consistent with the standards developed by the Department of  
38 Human Services pursuant to subsection b. of this section.

39 b. Within six months following the effective date of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill), the  
41 Department of Human Service, in consultation with the Department  
42 of Transportation, shall develop standards for the provision of  
43 Medicaid paratransit services under the program. At a minimum,  
44 the standards shall prescribe minimum functionality requirements  
45 for the interactive brokerage software to ensure that that the  
46 provision of Medicaid paratransit service complies with the  
47 purposes and responsibilities set forth in section 2 of P.L. ,  
48 c. (C. ) (pending before the Legislature as this bill), as well

1 as any other applicable requirements of State or federal law or  
2 regulation. To the extent practicable, these standards shall be  
3 consistent with the standards developed by the Department of  
4 Transportation pursuant to subsection a. of this section.

5  
6 4. (New section) a. Within nine months after the effective  
7 date of P.L. , c. (C. ) (pending before the Legislature as this  
8 bill), the Department of Transportation, in consultation with the  
9 Department of Human Services and the corporation, shall issue a  
10 request for proposal for the development of an interactive brokerage  
11 software, which software shall facilitate the provision of paratransit  
12 services under the paratransit brokerage program. In addition to  
13 any other requirements that the Department of Transportation may  
14 deem appropriate, the request for proposal shall:

15 (1) incorporate the standards developed pursuant to section 3 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill);  
17 and

18 (2) require all bidders to demonstrate experience in the  
19 development of one or more software platforms that have facilitated  
20 the provision of any transportation service.

21 b. The Department of Transportation, in consultation with the  
22 Department of Human Services and the corporation, shall enter into  
23 a contract with the most qualified bidder for the development of the  
24 interactive brokerage software, except that the selected contractor  
25 shall have demonstrated experience in developing one or more  
26 software platforms that have facilitated the provision of any  
27 transportation service. In addition to any other terms and  
28 conditions that the Department of Transportation may deem  
29 appropriate, the contractor shall provide monthly updates, in  
30 writing, to the Department of Transportation documenting its  
31 progress in developing the interactive brokerage software.

32 c. Following the implementation of the paratransit brokerage  
33 program, if the Department of Transportation, in consultation with  
34 the transportation broker, determines that it is necessary to develop  
35 a new interactive brokerage software or update all or part of the  
36 existing software, the Department of Transportation may issue a  
37 request for proposal and enter into a contract to perform such work.

38  
39 5. (New section) a. After the interactive brokerage software  
40 has been developed pursuant to subsection b. of section 4 of P.L. ,  
41 c. (C. ) (pending before the Legislature as this bill), and upon  
42 the expiration of each transportation brokerage contract, the  
43 Department of Transportation, in consultation with the Department  
44 of Human Services and the corporation, shall issue a request for  
45 proposal for the procurement of a transportation broker to manage  
46 the paratransit brokerage program. In addition to any other  
47 requirements that the Department of Transportation may deem  
48 appropriate, the request for proposal shall:



1 (1) incorporate all responsibilities of the broker under section 2  
2 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
3 and the standards developed pursuant to section 3 of P.L. ,  
4 c. (C. ) (pending before the Legislature as this bill); and

5 (2) require the bidder to demonstrate experience in the operation  
6 or management of one or more brokerage programs that have  
7 facilitated the provision of any transportation service.

8 b. The Department of Transportation, in consultation with the  
9 Department of Human Services and the corporation, shall enter into  
10 a transportation brokerage contract with the most qualified bidder  
11 for the procurement of the transportation broker, except that the  
12 broker shall have demonstrated experience in managing a similar  
13 brokerage program. Notwithstanding any provision of this section  
14 to the contrary, before the expiration of the transportation brokerage  
15 contract, the Department of Transportation may exercise an option  
16 to extend the existing contract without issuing the request for  
17 proposal otherwise required under subsection a. of this section.

18  
19 6. (New section) a. Within no more than two years following  
20 the implementation of the paratransit brokerage program, and every  
21 five years thereafter, the Department of Transportation, in  
22 consultation with the Department of Human Services, the  
23 corporation, and the Department of Labor and Workforce  
24 Development, shall conduct a study to assess whether the program  
25 shall be expanded, which determination shall consider the cost  
26 savings realized and operational efficiencies realized from the  
27 operations of the program, and the capacity of the paratransit  
28 provider networks maintained by the transportation broker to fulfill  
29 the existing demand for paratransit services. In addition to any  
30 other considerations that may be deemed appropriate, the study  
31 shall:

32 (1) examine the performance of the existing paratransit provider  
33 networks for ADA paratransit service and Medicaid paratransit  
34 service, respectively, within each county in the State;

35 (2) examine the capacity of county transit agencies and  
36 community organizations to operate as providers of ADA  
37 paratransit service, Medicaid paratransit service, or both, under the  
38 program;

39 (3) determine whether the existing paratransit provider networks  
40 should be expanded to allow county transit agencies and community  
41 organizations to operate as providers of ADA paratransit service,  
42 Medicaid paratransit service, or both, under the program; and

43 (4) determine whether the program shall be expanded to include  
44 the provision of other forms of paratransit service, including those  
45 services provided by the Department of Labor and Workforce  
46 Development pursuant to P.L.1987, c.455 (C.34:16-51) and those  
47 services provided by counties under the "Senior Citizen and

1 Disabled Resident Transportation Assistance Act,” P.L.1983, c.578  
2 (C.27:25-25 et seq.).

3 b. The transportation broker shall provide the Department of  
4 Transportation with such assistance as the department deems  
5 necessary to conduct the study, which assistance shall include, but  
6 shall not be limited to, the submission of all data retained by the  
7 broker concerning the performance, reliability, and responsiveness  
8 of all paratransit providers operating in the program.  
9

10 7. (New section) a. The Department of Transportation, in  
11 consultation with the Department of Human Services and the New  
12 Jersey Transit Corporation, shall adopt, pursuant to the  
13 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
14 seq.), such rules and regulations as may be necessary to effectuate  
15 the purposes of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill).

17 b. If the Department of Transportation determines to expand  
18 the paratransit brokerage program, as permitted under subsection d.  
19 of section 2 of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill), the Department of Transportation, in  
21 consultation with the Department of Human Services, the New  
22 Jersey Transit Corporation, and the Department of Labor and  
23 Workforce Development, as applicable, shall adopt, pursuant to the  
24 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
25 seq.), such rules and regulations as may be necessary to effectuate  
26 the expansion of the program, which expansion shall not take effect  
27 until the rules and regulations have been adopted.  
28

29 8. Section 6 of P.L.1968, c.413 (C.30:4D-6) is amended to read  
30 as follows:

31 6. a. Subject to the requirements of Title XIX of the federal  
32 Social Security Act, the limitations imposed by this act and by the  
33 rules and regulations promulgated pursuant thereto, the department  
34 shall provide medical assistance to qualified applicants, including  
35 authorized services within each of the following classifications:

- 36 (1) Inpatient hospital services;
- 37 (2) Outpatient hospital services;
- 38 (3) Other laboratory and X-ray services;
- 39 (4) (a) Skilled nursing or intermediate care facility services;
- 40 (b) Early and periodic screening and diagnosis of individuals  
41 who are eligible under the program and are under age 21, to  
42 ascertain their physical or mental health status and the health care,  
43 treatment, and other measures to correct or ameliorate defects and  
44 chronic conditions discovered thereby, as may be provided in  
45 regulations of the Secretary of the federal Department of Health and  
46 Human Services and approved by the commissioner;

1 (5) Physician's services furnished in the office, the patient's  
2 home, a hospital, a skilled nursing, or intermediate care facility or  
3 elsewhere.

4 As used in this subsection, "laboratory and X-ray services"  
5 includes HIV drug resistance testing, including, but not limited to,  
6 genotype assays that have been cleared or approved by the federal  
7 Food and Drug Administration, laboratory developed genotype  
8 assays, phenotype assays, and other assays using phenotype  
9 prediction with genotype comparison, for persons diagnosed with  
10 HIV infection or AIDS.

11 b. Subject to the limitations imposed by federal law, by this  
12 act, and by the rules and regulations promulgated pursuant thereto,  
13 the medical assistance program may be expanded to include  
14 authorized services within each of the following classifications:

15 (1) Medical care not included in subsection a.(5) above, or any  
16 other type of remedial care recognized under State law, furnished  
17 by licensed practitioners within the scope of their practice, as  
18 defined by State law;

19 (2) Home health care services;

20 (3) Clinic services;

21 (4) Dental services;

22 (5) Physical therapy and related services;

23 (6) Prescribed drugs, dentures, and prosthetic devices; and  
24 eyeglasses prescribed by a physician skilled in diseases of the eye  
25 or by an optometrist, whichever the individual may select;

26 (7) Optometric services;

27 (8) Podiatric services;

28 (9) Chiropractic services;

29 (10) Psychological services;

30 (11) Inpatient psychiatric hospital services for individuals under  
31 21 years of age, or under age 22 if they are receiving such services  
32 immediately before attaining age 21;

33 (12) Other diagnostic, screening, preventive, and rehabilitative  
34 services, and other remedial care;

35 (13) Inpatient hospital services, nursing facility services, and  
36 intermediate care facility services for individuals 65 years of age or  
37 over in an institution for mental diseases;

38 (14) Intermediate care facility services;

39 (15) Transportation services, including those services provided  
40 through the paratransit brokerage program established pursuant to  
41 section 2 of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill);

43 (16) Services in connection with the inpatient or outpatient  
44 treatment or care of substance use disorder, when the treatment is  
45 prescribed by a physician and provided in a licensed hospital or in a  
46 narcotic and substance use disorder treatment center approved by  
47 the Department of Health pursuant to P.L.1970, c.334 (C.26:2G-21  
48 et seq.) and whose staff includes a medical director, and limited to

1 those services eligible for federal financial participation under Title  
2 XIX of the federal Social Security Act;

3 (17)Any other medical care and any other type of remedial care  
4 recognized under State law, specified by the Secretary of the federal  
5 Department of Health and Human Services, and approved by the  
6 commissioner;

7 (18)Comprehensive maternity care, which may include: the  
8 basic number of prenatal and postpartum visits recommended by the  
9 American College of Obstetricians and Gynecologists; additional  
10 prenatal and postpartum visits that are medically necessary;  
11 necessary laboratory, nutritional assessment and counseling, health  
12 education, personal counseling, managed care, outreach, and  
13 follow-up services; treatment of conditions which may complicate  
14 pregnancy; doula care and physician or certified nurse-midwife  
15 delivery services. For the purposes of this paragraph, "doula"  
16 means a trained professional who provides continuous physical,  
17 emotional, and informational support to a mother before, during,  
18 and shortly after childbirth, to help her to achieve the healthiest,  
19 most satisfying experience possible;

20 (19)Comprehensive pediatric care, which may include:  
21 ambulatory, preventive, and primary care health services. The  
22 preventive services shall include, at a minimum, the basic number  
23 of preventive visits recommended by the American Academy of  
24 Pediatrics;

25 (20)Services provided by a hospice which is participating in the  
26 Medicare program established pursuant to Title XVIII of the Social  
27 Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.). Hospice  
28 services shall be provided subject to approval of the Secretary of  
29 the federal Department of Health and Human Services for federal  
30 reimbursement;

31 (21)Mammograms, subject to approval of the Secretary of the  
32 federal Department of Health and Human Services for federal  
33 reimbursement, including one baseline mammogram for women  
34 who are at least 35 but less than 40 years of age; one mammogram  
35 examination every two years or more frequently, if recommended  
36 by a physician, for women who are at least 40 but less than 50 years  
37 of age; and one mammogram examination every year for women  
38 age 50 and over;

39 (22)Upon referral by a physician, advanced practice nurse, or  
40 physician assistant of a person who has been diagnosed with  
41 diabetes, gestational diabetes, or pre-diabetes, in accordance with  
42 standards adopted by the American Diabetes Association:

43 (a) Expenses for diabetes self-management education or training  
44 to ensure that a person with diabetes, gestational diabetes, or pre-  
45 diabetes can optimize metabolic control, prevent and manage  
46 complications, and maximize quality of life. Diabetes self-  
47 management education shall be provided by an in-State provider  
48 who is:

1 (i) a licensed, registered, or certified health care professional  
2 who is certified by the National Certification Board of Diabetes  
3 Educators as a Certified Diabetes Educator, or certified by the  
4 American Association of Diabetes Educators with a Board  
5 Certified-Advanced Diabetes Management credential, including, but  
6 not limited to: a physician, an advanced practice or registered nurse,  
7 a physician assistant, a pharmacist, a chiropractor, a dietitian  
8 registered by a nationally recognized professional association of  
9 dietitians, or a nutritionist holding a certified nutritionist specialist  
10 (CNS) credential from the Board for Certification of Nutrition  
11 Specialists; or

12 (ii) an entity meeting the National Standards for Diabetes Self-  
13 Management Education and Support, as evidenced by a recognition  
14 by the American Diabetes Association or accreditation by the  
15 American Association of Diabetes Educators;

16 (b) Expenses for medical nutrition therapy as an effective  
17 component of the person's overall treatment plan upon a: diagnosis  
18 of diabetes, gestational diabetes, or pre-diabetes; change in the  
19 beneficiary's medical condition, treatment, or diagnosis; or  
20 determination of a physician, advanced practice nurse, or physician  
21 assistant that reeducation or refresher education is necessary.  
22 Medical nutrition therapy shall be provided by an in-State provider  
23 who is a dietitian registered by a nationally-recognized professional  
24 association of dietitians, or a nutritionist holding a certified  
25 nutritionist specialist (CNS) credential from the Board for  
26 Certification of Nutrition Specialists, who is familiar with the  
27 components of diabetes medical nutrition therapy;

28 (c) For a person diagnosed with pre-diabetes, items and services  
29 furnished under an in-State diabetes prevention program that meets  
30 the standards of the National Diabetes Prevention Program, as  
31 established by the federal Centers for Disease Control and  
32 Prevention; and

33 (d) Expenses for any medically appropriate and necessary  
34 supplies and equipment recommended or prescribed by a physician,  
35 advanced practice nurse, or physician assistant for the management  
36 and treatment of diabetes, gestational diabetes, or pre-diabetes,  
37 including, but not limited to: equipment and supplies for self-  
38 management of blood glucose; insulin pens; insulin pumps and  
39 related supplies; and other insulin delivery devices;

40 (23) Expenses incurred for the provision of group prenatal care  
41 services to a pregnant woman, provided that:

42 (a) the provider of such services, which shall include, but not be  
43 limited to, a federally qualified health center or a community health  
44 center operating in the State :

45 (i) is a site accredited by the Centering Healthcare Institute, or  
46 is a site engaged in an active implementation contract with the  
47 Centering Healthcare Institute, that utilizes the Centering Pregnancy  
48 model; and

1 (ii) incorporates the applicable information outlined in any best  
2 practices manual for prenatal and postpartum maternal care  
3 developed by the Department of Health into the curriculum for each  
4 group prenatal visit;

5 (b) each group prenatal care visit is at least 1.5 hours in  
6 duration, with a minimum of two women and a maximum of 20  
7 women in participation; and

8 (c) no more than 10 group prenatal care visits occur per  
9 pregnancy.

10 As used in this paragraph, "group prenatal care services" means a  
11 series of prenatal care visits provided in a group setting which are  
12 based upon the Centering Pregnancy model developed by the  
13 Centering Healthcare Institute and which include health  
14 assessments, social and clinical support, and educational activities;

15 (24)Expenses incurred for the provision of pasteurized donated  
16 human breast milk, which shall include human milk fortifiers if  
17 indicated in a medical order provided by a licensed medical  
18 practitioner, to an infant under the age of six months; provided that  
19 the milk is obtained from a human milk bank that meets quality  
20 guidelines established by the Department of Health and a licensed  
21 medical practitioner has issued a medical order for the infant under  
22 at least one of the following circumstances:

23 (a) the infant is medically or physically unable to receive  
24 maternal breast milk or participate in breast feeding, or the infant's  
25 mother is medically or physically unable to produce maternal breast  
26 milk in sufficient quantities or participate in breast feeding despite  
27 optimal lactation support; or

28 (b) the infant meets any of the following conditions:

29 (i) a body weight below healthy levels, as determined by the  
30 licensed medical practitioner issuing the medical order for the  
31 infant;

32 (ii) the infant has a congenital or acquired condition that places  
33 the infant at a high risk for development of necrotizing  
34 enterocolitis; or

35 (iii) the infant has a congenital or acquired condition that may  
36 benefit from the use of donor breast milk and human milk fortifiers,  
37 as determined by the Department of Health; and

38 (25)Comprehensive tobacco cessation benefits to an individual  
39 who is 18 years of age or older, or who is pregnant. Coverage shall  
40 include: brief and high intensity individual counseling, brief and  
41 high intensity group counseling, and telemedicine as defined by  
42 section 1 of P.L.2017, c.117 (C.45:1-61); all medications approved  
43 for tobacco cessation by the U.S. Food and Drug Administration;  
44 and other tobacco cessation counseling recommended by the  
45 Treating Tobacco Use and Dependence Clinical Practice Guideline  
46 issued by the U.S. Public Health Service. Notwithstanding the  
47 provisions of any other law, rule, or regulation to the contrary, and  
48 except as otherwise provided in this section:

1 (a) Information regarding the availability of the tobacco  
2 cessation services described in this paragraph shall be provided to  
3 all individuals authorized to receive the tobacco cessation services  
4 pursuant to this paragraph at the following times: no later than 90  
5 days after the effective date of P.L.2019, c.473; upon the  
6 establishment of an individual's eligibility for medical assistance;  
7 and upon the redetermination of an individual's eligibility for  
8 medical assistance;

9 (b) The following conditions shall not be imposed on any  
10 tobacco cessation services provided pursuant to this paragraph:  
11 copayments or any other forms of cost-sharing, including  
12 deductibles; counseling requirements for medication; stepped care  
13 therapy or similar restrictions requiring the use of one service prior  
14 to another; limits on the duration of services; or annual or lifetime  
15 limits on the amount, frequency, or cost of services, including, but  
16 not limited to, annual or lifetime limits on the number of covered  
17 attempts to quit; and

18 (c) Prior authorization requirements shall not be imposed on any  
19 tobacco cessation services provided pursuant to this paragraph  
20 except in the following circumstances where prior authorization  
21 may be required: for a treatment that exceeds the duration  
22 recommended by the most recently published United States Public  
23 Health Service clinical practice guidelines on treating tobacco use  
24 and dependence; or for services associated with more than two  
25 attempts to quit within a 12-month period.

26 c. Payments for the foregoing services, goods, and supplies  
27 furnished pursuant to this act shall be made to the extent authorized  
28 by this act, the rules and regulations promulgated pursuant thereto  
29 and, where applicable, subject to the agreement of insurance  
30 provided for under this act. The payments shall constitute payment  
31 in full to the provider on behalf of the recipient. Every provider  
32 making a claim for payment pursuant to this act shall certify in  
33 writing on the claim submitted that no additional amount will be  
34 charged to the recipient, the recipient's family, the recipient's  
35 representative or others on the recipient's behalf for the services,  
36 goods, and supplies furnished pursuant to this act.

37 No provider whose claim for payment pursuant to this act has  
38 been denied because the services, goods, or supplies were  
39 determined to be medically unnecessary shall seek reimbursement  
40 from the recipient, his family, his representative or others on his  
41 behalf for such services, goods, and supplies provided pursuant to  
42 this act; provided, however, a provider may seek reimbursement  
43 from a recipient for services, goods, or supplies not authorized by  
44 this act, if the recipient elected to receive the services, goods or  
45 supplies with the knowledge that they were not authorized.

46 d. Any individual eligible for medical assistance (including  
47 drugs) may obtain such assistance from any person qualified to  
48 perform the service or services required (including an organization

1 which provides such services, or arranges for their availability on a  
2 prepayment basis), who undertakes to provide the individual such  
3 services.

4 No copayment or other form of cost-sharing shall be imposed on  
5 any individual eligible for medical assistance, except as mandated  
6 by federal law as a condition of federal financial participation.

7 e. Anything in this act to the contrary notwithstanding, no  
8 payments for medical assistance shall be made under this act with  
9 respect to care or services for any individual who:

10 (1) Is an inmate of a public institution (except as a patient in a  
11 medical institution); provided, however, that an individual who is  
12 otherwise eligible may continue to receive services for the month in  
13 which he becomes an inmate, should the commissioner determine to  
14 expand the scope of Medicaid eligibility to include such an  
15 individual, subject to the limitations imposed by federal law and  
16 regulations, or

17 (2) Has not attained 65 years of age and who is a patient in an  
18 institution for mental diseases, or

19 (3) Is over 21 years of age and who is receiving inpatient  
20 psychiatric hospital services in a psychiatric facility; provided,  
21 however, that an individual who was receiving such services  
22 immediately prior to attaining age 21 may continue to receive such  
23 services until the individual reaches age 22. Nothing in this  
24 subsection shall prohibit the commissioner from extending medical  
25 assistance to all eligible persons receiving inpatient psychiatric  
26 services; provided that there is federal financial participation  
27 available.

28 f. (1) A third party as defined in section 3 of P.L.1968, c.413  
29 (C.30:4D-3) shall not consider a person's eligibility for Medicaid in  
30 this or another state when determining the person's eligibility for  
31 enrollment or the provision of benefits by that third party.

32 (2) In addition, any provision in a contract of insurance, health  
33 benefits plan, or other health care coverage document, will, trust,  
34 agreement, court order, or other instrument which reduces or  
35 excludes coverage or payment for health care-related goods and  
36 services to or for an individual because of that individual's actual or  
37 potential eligibility for or receipt of Medicaid benefits shall be null  
38 and void, and no payments shall be made under this act as a result  
39 of any such provision.

40 (3) Notwithstanding any provision of law to the contrary, the  
41 provisions of paragraph (2) of this subsection shall not apply to a  
42 trust agreement that is established pursuant to 42 U.S.C.  
43 s.1396p(d)(4)(A) or (C) to supplement and augment assistance  
44 provided by government entities to a person who is disabled as  
45 defined in section 1614(a)(3) of the federal Social Security Act (42  
46 U.S.C. s.1382c (a)(3)).

47 g. The following services shall be provided to eligible  
48 medically needy individuals as follows:



1 (1) Pregnant women shall be provided prenatal care and delivery  
2 services and postpartum care, including the services cited in  
3 subsection a.(1), (3), and (5) of this section and subsection b.(1)-  
4 (10), (12), (15), and (17) of this section, and nursing facility  
5 services cited in subsection b.(13) of this section.

6 (2) Dependent children shall be provided with services cited in  
7 subsections a.(3) and (5) of this section and subsections b.(1), (2),  
8 (3), (4), (5), (6), (7), (10), (12), (15), and (17) of this section, and  
9 nursing facility services cited in subsection b.(13) of this section.

10 (3) Individuals who are 65 years of age or older shall be  
11 provided with services cited in subsections a.(3) and (5) of this  
12 section and subsections b.(1)-(5), (6) excluding prescribed drugs,  
13 (7), (8), (10), (12), (15), and (17) of this section, and nursing  
14 facility services cited in subsection b.(13) of this section.

15 (4) Individuals who are blind or disabled shall be provided with  
16 services cited in subsections a.(3) and (5) of this section and  
17 subsections b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10),  
18 (12), (15), and (17) of this section, and nursing facility services  
19 cited in subsection b.(13) of this section.

20 (5) (a) Inpatient hospital services, subsection a.(1) of this  
21 section, shall only be provided to eligible medically needy  
22 individuals, other than pregnant women, if the federal Department  
23 of Health and Human Services discontinues the State's waiver to  
24 establish inpatient hospital reimbursement rates for the Medicare  
25 and Medicaid programs under the authority of section 601(c)(3) of  
26 the Social Security Act Amendments of 1983, Pub.L.98-21 (42  
27 U.S.C. s.1395ww(c)(5)). Inpatient hospital services may be  
28 extended to other eligible medically needy individuals if the federal  
29 Department of Health and Human Services directs that these  
30 services be included.

31 (b) Outpatient hospital services, subsection a.(2) of this section,  
32 shall only be provided to eligible medically needy individuals if the  
33 federal Department of Health and Human Services discontinues the  
34 State's waiver to establish outpatient hospital reimbursement rates  
35 for the Medicare and Medicaid programs under the authority of  
36 section 601(c)(3) of the Social Security Amendments of 1983,  
37 Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Outpatient hospital  
38 services may be extended to all or to certain medically needy  
39 individuals if the federal Department of Health and Human Services  
40 directs that these services be included. However, the use of  
41 outpatient hospital services shall be limited to clinic services and to  
42 emergency room services for injuries and significant acute medical  
43 conditions.

44 (c) The division shall monitor the use of inpatient and outpatient  
45 hospital services by medically needy persons.

46 h. In the case of a qualified disabled and working individual  
47 pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d), the  
48 only medical assistance provided under this act shall be the

1 payment of premiums for Medicare part A under 42 U.S.C.  
2 ss.1395i-2 and 1395r.

3 i. In the case of a specified low-income Medicare beneficiary  
4 pursuant to 42 U.S.C. s.1396a(a)10(E)iii, the only medical  
5 assistance provided under this act shall be the payment of premiums  
6 for Medicare part B under 42 U.S.C. s.1395r as provided for in 42  
7 U.S.C. s.1396d(p)(3)(A)(ii).

8 j. In the case of a qualified individual pursuant to 42 U.S.C.  
9 s.1396a(aa), the only medical assistance provided under this act  
10 shall be payment for authorized services provided during the period  
11 in which the individual requires treatment for breast or cervical  
12 cancer, in accordance with criteria established by the commissioner.

13 k. In the case of a qualified individual pursuant to 42 U.S.C.  
14 s.1396a(ii), the only medical assistance provided under this act shall  
15 be payment for family planning services and supplies as described  
16 at 42 U.S.C. s.1396d(a)(4)(C), including medical diagnosis and  
17 treatment services that are provided pursuant to a family planning  
18 service in a family planning setting.

19 (cf: P.L.2019, c.473, s.1).

20

21 9. Section 3 of P.L.2020, c.114 (C.27:25-37) is amended to  
22 read as follows:

23 3. For the purposes of P.L.2020, c.114 (C.27:25-35 et seq.):

24 **["Community organization" means an organization that provides  
25 programs and services to persons with disabilities.】**

26 "Corporation" means the New Jersey Transit Corporation.

27 **["Corporation paratransit service" means the paratransit service  
28 that is managed, administered, or provided directly through the New  
29 Jersey Transit Corporation's operating budget, as a part of the  
30 Access Link program or any successor program to meet the  
31 requirements of the "Americans with Disabilities Act of 1990" (42  
32 U.S.C. s.12101 et seq.), and does not include services directly  
33 provided by county transit agencies.**

34 "County transit agency" means a transportation service organized  
35 under or in conjunction with a county government to provide trips  
36 to senior citizens and residents with disabilities under the "Senior  
37 Citizen and Disabled Resident Transportation Assistance Act,"  
38 P.L.1983, c.578 (C.27:25-25 et seq.).**】**

39 "Department" means, unless another meaning clearly applies, the  
40 Department of Human Services.

41 "Paratransit brokerage program" means the program established  
42 pursuant to section 2 of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill).

44 "Paratransit provider" means any organization or entity that  
45 provides paratransit services, including State and local transit  
46 agencies, directly or through contract service, and community  
47 organizations that provide transportation trips, either directly or  
48 through a third party, funded by the Department of Human Services

1 or the Division of Vocational Rehabilitation Services within the  
2 Department of Labor and Workforce Development.

3 "Paratransit service" means and includes any transportation  
4 service other than fixed route transportation service, except that  
5 "paratransit service" does not include private or charter services  
6 provided by taxicabs, limousines, or transportation network  
7 companies.

8 "Transportation broker" means the same as the term is defined in  
9 section 1 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill).

11 (cf: P.L.2020, c.114, s.3)

12  
13 10. Section 6 of P.L.2020, c.114 (C.27:25-40) is amended to  
14 read as follows:

15 6. a. There are hereby established six separate regional  
16 paratransit coordinating councils in furtherance of the purposes of  
17 P.L.2020, c.114 (C.27:25-35 et seq.) and P.L. , c. (C. )  
18 (pending before the Legislature as this bill). The regional  
19 paratransit coordinating councils shall be organized as follows:

20 (1) one council shall cover the counties of Atlantic, Cape May,  
21 Cumberland, Gloucester, and Salem;

22 (2) one council shall cover the counties of Burlington, Camden,  
23 and Ocean;

24 (3) one council shall cover the counties of Mercer, Middlesex,  
25 and Monmouth;

26 (4) one council shall cover the counties of Hunterdon, Sussex,  
27 and Warren;

28 (5) one council shall cover the counties of Essex, Morris,  
29 Somerset, and Union; and

30 (6) one council shall cover the counties of Bergen, Hudson, and  
31 Passaic.

32 b. Each regional paratransit coordinating council shall have the  
33 following members:

34 (1) one designee of the Director of the Division of  
35 Developmental Disabilities in the Department of Human Services;

36 (2) one designee of the New Jersey Transit Corporation who  
37 works on **the Access Link program or** the Senior Citizen and  
38 Disabled Resident Transportation Assistance Program;

39 (3) one representative of **any company or entity that has**  
40 **contracted with the New Jersey Transit Corporation to provide**  
41 **Access Link paratransit service within the region** the  
42 transportation broker that manages the paratransit brokerage  
43 program established pursuant to P.L. , c. (C. ) (pending  
44 before the Legislature as this bill);

45 (4) one representative of each county office of aging within the  
46 respective region to be chosen by the county executive director or  
47 by the board of freeholders, as applicable;

1 (5) one representative of each county transportation agency or  
2 other comparable entity within the respective region that provides  
3 paratransit service for a county under the Senior Citizen and  
4 Disabled Resident Transportation Assistance Program;

5 (6) one representative from each county chapter of the Arc of  
6 New Jersey, or a successor organization, within the respective  
7 region;

8 (7) one individual that represents one or more members of the  
9 Alliance for the Betterment of Citizens with Disabilities, or a  
10 successor organization, within the respective region;

11 (8) one representative of Community Access Unlimited, or a  
12 successor organization, within the respective region;

13 (9) one representative of the New Jersey Association of  
14 Community Providers, or a successor organization, within the  
15 respective region;

16 (10) one representative of the New Jersey Council on Special  
17 Transportation, or a successor organization, within the respective  
18 region;

19 (11) one representative of Easterseals New Jersey, or a successor  
20 organization, within the respective region; and

21 (12) one representative within the respective region, to be  
22 selected by the corporation in consultation with the department, of  
23 providers of transportation services to senior citizens or to  
24 individuals requiring transportation for health care services.

25 c. Each agency with an eligible representative of a regional  
26 paratransit coordinating council provided in subsection b. of this  
27 section shall submit information, in a form and manner determined  
28 by the Executive Director of the New Jersey Transit Corporation, to  
29 the executive director not later than 30 days following the  
30 enactment of P.L.2020, c.114 (C.27:25-35 et seq.) and on or before  
31 January 1 of each year thereafter identifying the name and contact  
32 information for the person to represent each respective agency. The  
33 term for each member on the regional paratransit coordinating  
34 council shall be one year provided, however, that any member may  
35 be selected to serve on the council for subsequent terms at the  
36 discretion of the respective agency. The executive director may  
37 appoint one member of each regional paratransit coordinating  
38 council to serve as the chair of that council.

39 d. Each regional paratransit coordinating council shall meet not  
40 less than quarterly, with the first meeting happening not less than 60  
41 days following the enactment of P.L.2020, c.114 (C.27:25-35 et  
42 seq.). The chair, in consultation with the other members of the  
43 council, shall set meeting dates and shall lead the coordination  
44 effort. The members shall serve without compensation but may be  
45 reimbursed by the corporation, for reasonable expenses incurred in  
46 the execution of their duties.

47 e. The purpose of the regional paratransit coordinating councils  
48 is to exchange best practices among paratransit providers within the

1 State. Those best practices shall include but are not limited to  
2 scheduling and routing, fleet maintenance, driver training, customer  
3 communications, safety practices, and improving the customer  
4 usability experience. The councils are also to establish a system to  
5 exchange information among and between paratransit providers so  
6 that: (1) each paratransit provider may provide basic information to  
7 its customers about other paratransit service options within each  
8 respective region; (2) paratransit providers may **【eventually】** share  
9 customer trip requests amongst each other; and (3) **【a single**  
10 **platform may eventually be developed that enables a paratransit**  
11 **user to visit a single platform or place to request a trip, and that trip**  
12 **may be distributed amongst the paratransit providers in a manner**  
13 **that optimizes State cost and customer experience】** paratransit  
14 providers may receive training and support to encourage  
15 participation in the paratransit brokerage program. The councils  
16 shall also exchange budget information and investigate more  
17 efficient means of organizing the **【New Jersey Transit Corporation's**  
18 **expenditures for】** provision of paratransit services **【, use of State**  
19 **casino revenue funds, and appropriations for the division and**  
20 **department related to paratransit services, for the purpose of**  
21 **coordinating these three respective funding pools】** to eliminate any  
22 duplicative funding **【,】** and to direct trips and funding to service  
23 providers that offer the highest quality service and overall best  
24 value.

25 f. The county plans required under section 6 of P.L.1983,  
26 c.578 (C.27:25-30) and any committees or groups organized to  
27 effectuate the purposes of the "Senior Citizen and Disabled  
28 Resident Transportation Assistance Act," P.L.1983, c.578 (C.27:25-  
29 25 et seq.) shall be consolidated into the regional paratransit  
30 coordinating councils. If necessary, county level subcommittees of  
31 the regional paratransit coordinating councils may be established to  
32 more effectively develop county plans; however, following the  
33 effective date of P.L.2020, c.114 (C.27:25-35 et seq.) county plans  
34 shall also take into account the larger regional and Statewide goals  
35 of integrating paratransit service and creating a more cohesive user  
36 experience under the **【pilot program】** paratransit brokerage  
37 program established **【in P.L.2020, c.114 (C.27:25-35 et seq.)】**  
38 under P.L. , c. (C. ) (pending before the Legislature as this  
39 bill).

40 g. The New Jersey Transit Corporation shall utilize each  
41 regional paratransit coordinating council to disseminate information  
42 about the **【new Access Link program structure】** paratransit  
43 brokerage program developed pursuant to **【section 4 of P.L.2020,**  
44 **c.114 (C.27:25-38)】** P.L. , c. (C. ) (pending before the  
45 Legislature as this bill) and coordinate with the council in  
46 **【determining the operating standards required for】** helping  
47 paratransit providers to compete to 【provide Access Link trips and

1 when developing the system for paying paratransit providers to  
2 provide regular and routine trips requested through the Access Link  
3 program】 fulfill requests for paratransit service under the  
4 paratransit brokerage program.

5 h. 【The regional paratransit coordinating councils shall also  
6 advise other paratransit providers in each region and develop  
7 support materials to assist other paratransit providers in adopting  
8 and implementing the best practices training package developed  
9 under phase three of the pilot program established pursuant to  
10 paragraph (1) of subsection d. of section 5 of P.L.2020, c.114  
11 (C.27:25-39).】 (Deleted by amendment, P.L. , c. ) (pending  
12 before the Legislature as this bill)  
13 (cf: P.L.2020, c.114, s.6)  
14

15 11. Section 2 of P.L.2016, c.25 (C.27:25-5c) is amended to read  
16 as follows:

17 2. a. 【The】 Before the implementation of the paratransit  
18 brokerage program established pursuant to P.L. , c. (C. )  
19 (pending before the Legislature as this bill), the corporation shall  
20 designate an Access Link Customer Service Group to receive and  
21 act upon complaints from passengers with disabilities regarding  
22 Access Link service. The corporation shall provide for the  
23 establishment of procedures and methods by which such complaints  
24 shall be received, processed, and acted upon and for their resolution  
25 and settlement. The Access Link Customer Service Group shall,  
26 within 21 business days of the receipt of a complaint, respond in  
27 writing as to the disposition or status of the complaint. Any person  
28 who has not received a written response to a complaint within 21  
29 business days may petition the New Jersey Transit General Manager  
30 of ADA Services for a hearing upon that complaint, under rules  
31 promulgated by the general manager for the hearing and disposition  
32 of such matters. 【As used in this section, "Access Link" means the  
33 paratransit service implemented by the corporation for purposes of  
34 complying with the "Americans with Disabilities Act of 1990,"  
35 Pub.L.101-336 (42 U.S.C.s.12101 et seq.).】

36 b. The corporation shall provide to each person using Access  
37 Link, at the time the person is determined to be qualified for Access  
38 Link service and at least once in each calendar year thereafter in  
39 which the person remains a user, information as to the procedure to  
40 be followed in making and pursuing complaints to the Access Link  
41 Customer Service Group or the New Jersey Transit General  
42 Manager of ADA Services pursuant to this section. The direct  
43 telephone number for the Access Link Customer Service Group  
44 shall be prominently displayed in all Access Link vehicles.

45 c. The New Jersey Transit General Manager of ADA Services  
46 shall report annually to the board, summarizing the Access Link  
47 Customer Service Group's activities for the preceding year,

1 including the number of complaints received, the nature of the  
2 complaints, and the resolution of the complaints and setting forth  
3 any recommendations for changes which would improve  
4 transportation services for passengers with disabilities. The New  
5 Jersey Transit General Manager of ADA Services shall make a copy  
6 of the report publicly available on the corporation's website.

7 d. Notwithstanding any provision of this section to the  
8 contrary, after the implementation of the paratransit brokerage  
9 program established pursuant to P.L. , c. (C. ) (pending  
10 before the Legislature as this bill), the transportation broker shall  
11 receive and act upon complaints from paratransit service passengers  
12 in accordance with the provisions of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill), as well as any rules and  
14 regulations adopted thereunder.

15 e. As used in this section:

16 "Access Link" means the paratransit service implemented by the  
17 corporation, before the implementation of the paratransit brokerage  
18 program, for purposes of complying with the "Americans with  
19 Disabilities Act of 1990," Pub.L.101-336 (42 U.S.C.s.12101 et  
20 seq.).

21 "Transportation broker" means the same as the term is defined in  
22 section 1 of P.L. , c. (C. ) (pending before the Legislature  
23 as this bill).

24 (cf: P.L.2016, c.25, s.2)

25  
26 12. Section 1 of P.L.2020, c.62 (C.27:25-5d) is amended to read  
27 as follows:

28 1. a. **【The】** (1) Before the implementation of the paratransit  
29 brokerage program established pursuant to P.L. , c. (C. )  
30 (pending before the Legislature as this bill), the New Jersey Transit  
31 Corporation shall operate, or cause to be operated, its Access Link  
32 service in an area of the State under a state of emergency if the New  
33 Jersey Transit General Manager of ADA Services determines, in  
34 consultation with the Director of the State Office of Emergency  
35 Management, that Access Link service in that area may be safely  
36 provided without undue risk of harm to drivers and persons using  
37 the service.

38 (2) After the implementation of the paratransit brokerage  
39 program established pursuant to P.L. , c. (C. ) (pending  
40 before the Legislature as this bill), the transportation broker shall  
41 cause to be operated ADA paratransit service in an area of the State  
42 under a state of emergency if the Commissioner of Transportation  
43 determines, in consultation with the Director of the State Office of  
44 Emergency Management, that such service may be safely provided  
45 in that area without undue risk of harm to drivers and persons using  
46 the service.

47 b. As used in this section:

1 "Access Link" shall have the same meaning as provided in  
2 section 2 of P.L.2016, c.25 (C.27:25-5c) **【; and】** .

3 "ADA paratransit service" means the same as the term is defined  
4 in section 1 of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill).

6 "State of emergency" means a natural or man-made disaster or  
7 emergency for which a state of emergency has been declared by the  
8 Governor.

9 "Transportation broker" means the same as the term is defined in  
10 section 1 of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill).

12 (cf: P.L.2020, c.62, s.1)

13  
14 13. Section 3 of P.L.1983, c.578 (C.27:25-27) is amended to read  
15 as follows:

16 3. As used in **【this act】** P.L.1983, c.578 (C.27:25-25 et seq.):

17 a. "Corporation" means the New Jersey Transit Corporation.

18 b. "Board" means Board of Directors of the New Jersey  
19 Transit Corporation.

20 c. "Eligible counties" means counties submitting a proposal  
21 meeting the program guidelines.

22 d. "New Jersey Special Services Citizen Advisory Committee"  
23 means a committee representing advocacy groups from senior  
24 citizens and the disabled and other interested parties appointed by  
25 the Executive Director of the New Jersey Transit Corporation.

26 e. "Accessible" means a service that can be used by all  
27 individuals, including those who cannot negotiate steps or who can  
28 negotiate steps with great difficulty.

29 f. "Disabled" means any individual who, by reason of illness,  
30 injury, age, congenital malfunction, or other permanent or  
31 temporary incapacity or disability, is unable without special  
32 facilities or special planning on design to utilize mass transportation  
33 facilities and services as effectively as persons who are not so  
34 affected.

35 g. "Geographic region" means one of the following regions of  
36 the State: the southern region encompassing the counties of  
37 Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,  
38 and Salem; the central region encompassing the counties of  
39 Hunterdon, Mercer, Middlesex, Monmouth, Ocean and Somerset;  
40 and the northern region encompassing those counties remaining in  
41 the State.

42 h. "Paratransit brokerage program" means the program  
43 established pursuant to section 2 of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill).

45 i. "Paratransit service" means any transportation service other  
46 than fixed route transportation service, except not including private



1 or charter services provided by taxicabs, limousines, or  
2 transportation network companies.

3 (cf: P.L.1983, c.578, s.3)

4  
5 14. Section 4 of P.L.1983, c.578 (C.27:25-28) is amended to  
6 read as follows:

7 4. a. The board shall establish and administer a program to be  
8 known as "The Senior Citizen and Disabled Resident Transportation  
9 Assistance Program" for the following purposes:

10 (1) To assist counties to develop and provide accessible feeder  
11 transportation service to accessible fixed-route transportation  
12 services where such services are available, and accessible local  
13 transit service to senior citizens and the disabled, which may  
14 include but not be limited to **【door-to-door】** paratransit service,  
15 fixed route service, local fare subsidy, and user-side subsidy, which  
16 may include but not be limited to private ride or taxi fare subsidy;  
17 and to coordinate the activities of the various participants in this  
18 program in providing the services to be rendered at the county level  
19 and between counties; and

20 (2) To enable the corporation to develop, provide and maintain  
21 capital improvements that afford accessibility to fixed route and  
22 other transit services in order to make rail cars, rail stations, bus  
23 shelters and other bus equipment accessible to senior citizens and  
24 the disabled; to render technical information and assistance to  
25 counties eligible for assistance under this act; and to coordinate the  
26 program within and among counties.

27 b. In the State fiscal year beginning July 1 following the  
28 effective date of P.L.2009, c.261 and in each fiscal year thereafter,  
29 there shall be appropriated to the corporation from the revenues  
30 deposited in the Casino Revenue Fund established pursuant to  
31 section 145 of P.L.1977, c.110 (C.5:12-145) a sum equal to 8.5  
32 percent of the revenues deposited in the fund during the preceding  
33 fiscal year, as determined by the State Treasurer, to effectuate the  
34 purposes and provisions of P.L.1983, c.578 (C.27:25-25 et seq.). If  
35 the paratransit brokerage program is expanded, pursuant to  
36 subsection d. of section 2 of P.L. , c. (C. ) (pending before  
37 the Legislature as this bill), to include the provision of any  
38 paratransit services otherwise provided by counties under P.L.1983,  
39 c.578 (C.27:25-25 et seq.), the corporation shall be responsible for  
40 defraying all costs associated with the provision of these services  
41 under the program, which costs shall be paid from the monies  
42 deposited into the Casino Revenue Fund pursuant to this subsection,  
43 and which monies shall be transferred to the Department of  
44 Transportation in accordance with the provisions of subsection e. of  
45 section 2 of P.L. , c. (C. ) (pending before the Legislature  
46 as this bill).

47 Notwithstanding the provisions of any other law, rule, or  
48 regulation to the contrary, for the State Fiscal Years 2022, 2023,

1 and 2024, appropriations to the corporation from the revenues  
2 deposited in the Casino Revenue Fund or the Property Tax Relief  
3 Fund, as appropriate, shall be given priority to ensure that the  
4 corporation receives an amount equal to 8.5 percent of the sum of  
5 the revenues deposited in the Casino Revenue Fund during the  
6 preceding fiscal year, adding back any reductions in revenues  
7 during the preceding fiscal year that directly resulted from the  
8 temporary credit allowable under section 1 of P.L.2021, c.314 or  
9 the temporary deduction allowable under section 3 of the P.L.2021,  
10 c.314, as determined by the State Treasurer, to effectuate the  
11 purposes and provisions of P.L.1983, c.578 (C.27:25-25 et seq.).  
12 (cf: P.L.2021, c.314, s.6)

13  
14 15. Section 7 of P.L.1983, c.578 (C.27:25-31) is amended to  
15 read as follows:

16 7. a. **【Moneys】** Except for any monies that may be transferred to  
17 the Department of Transportation pursuant to subsection e. of  
18 section 2 of P.L. , c. (C. ) (pending before the Legislature  
19 as this bill), monies under this program shall be allocated by the  
20 corporation in the following manner:

21 (1) **【85%】** 85 percent shall be available to be allocated to  
22 eligible counties for the purposes specified under paragraph (1) of  
23 subsection a. of section 4 of **【this act.】** P.L.1983, c.578 (C.27:25-  
24 28); and

25 (2) **【15%】** 15 percent shall be available for use by the  
26 corporation for the purposes specified under paragraph (2) of  
27 subsection a. of section 4 of **【this act】** P.L.1983, c.578 (C.27:25-28)  
28 and for the general administration of the program, but no more than  
29 **【10%】** 10 percent of the total moneys allocated under this program  
30 shall be used for the general administration of the program.

31 b. The amount of money which each eligible county may  
32 receive shall be based upon the number of persons resident in that  
33 county of 60 years of age or older expressed as a percentage of the  
34 whole number of persons resident in this State of 60 years or older,  
35 as provided by the U.S. Bureau of the Census. As similar data  
36 become available for the disabled population, such data shall be  
37 used in conjunction with the senior citizen data to determine the  
38 county allocation formula. No eligible county shall receive less  
39 than **【\$150,000.00】** \$150,000 during a fiscal year under this  
40 program, except that during the first fiscal year no county shall  
41 receive less than **【\$50,000.00】** \$50,000 nor more than  
42 **【\$150,000.00】** \$150,000.

43 c. The governing body of an eligible county, or a group or  
44 groups designated as an applicant or as applicants by the county  
45 after a public hearing in which senior citizens and the disabled shall  
46 have the opportunity to comment on the appropriateness of such  
47 designation, may make application to the board for moneys

1 available under subsection b. of this section. The application shall  
2 be in the form of a proposal to the board for transportation  
3 assistance and shall specify the degree to which the proposal meets  
4 the purposes of the program under paragraph (1) of subsection a. of  
5 section 4 of **【this act】** P.L.1983, c.578 (C.27:25-28) and the  
6 implementation criteria under the program guidelines and the  
7 proposal shall have been considered at a public hearing. The board  
8 shall allocate moneys based upon a review of the merits of the  
9 proposals in meeting the purposes of the program, and the  
10 implementation criteria, under the program guidelines. The  
11 governing body of an eligible county shall schedule a public  
12 hearing annually for interested parties to provide the governing  
13 body with any facts, materials, or recommendations that would be  
14 of assistance regarding the efficacy of the program established  
15 under paragraph (1) of subsection a. of section 4 **【this act】**  
16 P.L.1983, c.578 (C.27:25-28).  
17 (cf: P.L.2009, c.261, s.2)  
18

19 16. Section 2 of P.L.1987, c.455 (C.34:16-52) is amended to  
20 read as follows:

21 2. As used in **【this act】**:

22 a. "Division" means the Division of Vocational Rehabilitation  
23 Services in the Department of Labor and Workforce Development.

24 **b.】** P.L.1987, c.455 (C.34:16-51 et seq.):

25 "Citizen with a disability" means any individual who, by reason  
26 of illness, injury, age, congenital condition, or other permanent or  
27 temporary incapacity or disability, is unable without special  
28 facilities or special planning or design to utilize mass transportation  
29 facilities and services as effectively as persons who are not so  
30 affected.

31 **【c.】** "Division" means the Division of Vocational Rehabilitation  
32 Services in the Department of Labor and Workforce Development.

33 "Paratransit" means and includes any service, other than  
34 motorbus regular route service and charter services, including, but  
35 not limited to, dial-a-ride, nonregular route, jitney or community  
36 minibus, and shared-ride services such as vanpools, limousines, or  
37 taxicabs which are regularly available to the public. Paratransit  
38 shall not include limousine or taxicab service reserved for the  
39 private and exclusive use of individual passengers.

40 **【d.】** "Paratransit brokerage program" means the program  
41 established pursuant to section 2 of P.L. , c. (C. ) (pending  
42 before the Legislature as this bill).

43 "Public transportation" means all rail passenger service operated  
44 by the New Jersey Transit Corporation, and all motorbus regular  
45 route service operated pursuant to P.L.1979, c.150 (C.27:25-1 et  
46 seq.) or operated pursuant to R.S.48:4-3.

1       **【e.】** "Sheltered (extended) employment programs" means those  
2 programs established pursuant to regulations adopted pursuant to  
3 section 8 of P.L.1955, c.64 (C.34:16-27).

4       **【f.】** "Sheltered workshop" means a facility possessing a valid  
5 certificate to vend services to the division issued by the director  
6 thereof, in compliance with the rules and regulations governing  
7 vocational rehabilitation facilities.  
8 (cf: P.L.2017, c.131, s.144)

10       17. Section 3 of P.L.1987, c.455 (C.34:16-53) is amended to  
11 read as follows:

12       3. a. The Commissioner of Labor and Workforce Development  
13 is directed to establish and implement within 120 days of the  
14 effective date of **【this act】** P.L.1987, c.455 (C.34:16-51 et seq.) a  
15 program to be administered by the division to defray the public  
16 transportation or paratransit expenses of citizens with disabilities  
17 enrolled in sheltered (extended) employment programs at sheltered  
18 workshops. The program may provide for the defraying of these  
19 expenses by the purchase of bus cards or other appropriate methods  
20 as prescribed by the commissioner.

21       b. Notwithstanding any provision of this section to the  
22 contrary, if the paratransit brokerage program is expanded, pursuant  
23 to subsection d. of section 2 of P.L. , c. (C. ) (pending  
24 before the Legislature as this bill), to include the provision of any  
25 paratransit services otherwise provided under this section, the  
26 department shall be responsible for defraying all costs associated  
27 with the provision of these services under the program, which  
28 monies shall be transferred to the Department of Transportation in  
29 accordance the provisions of subsection e. of section 2 of P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill).

31 (cf: P.L.2017, c.131, s.145)

33       18. Section 2 of P.L.1973, c.126 (C.27:1A-65) is amended to  
34 read as follows:

35       2. For the purposes of P.L.1973, c.126 (C.27:1A-64 et seq.),  
36 unless the context clearly indicates otherwise:

37       **【**"Access Link service" means the paratransit service  
38 implemented by the New Jersey Transit Corporation for the  
39 purposes of complying with the "Americans with Disabilities Act of  
40 1990," Pub.L.101-336 (42 U.S.C. s.12101 et seq.)**】** "ADA  
41 paratransit service" means the same as the term is defined in section  
42 1 of P.L. , c. (C. ) (pending before the Legislature as this  
43 bill).

44       "Carrier" means any individual, copartnership, association,  
45 corporation, joint stock company, public agency, trustee, or receiver  
46 operating motor buses or rail passenger service on established  
47 routes within this State or between points in this State and points in  
48 adjacent states.

1 "Commissioner" means the Commissioner of Transportation;  
2 provided, however, that the commissioner may delegate any of the  
3 commissioner's powers or duties under P.L.1973, c.126 (C.27:1A-  
4 64 et seq.) to any subordinate division, agency, or employee of the  
5 Department of Transportation or to the New Jersey Transit  
6 Corporation.

7 "Disabled veteran" means "disabled veteran" as defined in  
8 N.J.S.11A:5-1.

9 "Motor bus" means "autobus" as defined in R.S.48:4-1, and  
10 includes those autobuses, commonly called jitneys, as defined in  
11 R.S.48:16-23.

12 "Offpeak times" means the hours from 9:30 a.m. to 4 p.m. and  
13 from 7 p.m. to 6 a.m. during the weekdays, and all day on  
14 Saturdays, Sundays, and holidays.

15 "Person with disabilities" means any individual who, by reason  
16 of illness, injury, age, congenital malfunction, or other permanent  
17 or temporary incapacity or disability, is unable without special  
18 facilities or special planning or design to utilize mass transportation  
19 facilities and services as effectively as persons who are not so  
20 affected. A "person with disabilities" shall include a person  
21 determined by the New Jersey Transit Corporation to be eligible for  
22 **【its Access Link】** ADA paratransit service.

23 "Senior citizen" means any individual 62 years of age or over.  
24 (cf: P.L.2020, c.155, s.1)

25  
26 19. Section 4 of P.L.1973, c.126 (C.27:1A-67) is amended to  
27 read as follows:

28 4. In establishing this program, the commissioner shall, after  
29 consulting with the Commissioner of Community Affairs, the  
30 Director of the Division of Aging Services in the Department of  
31 Human Services, and the Board of Public Utilities, establish  
32 uniform procedures for:

33 a. Determining the eligibility of persons to receive the reduced  
34 fares provided pursuant to P.L.1973, c.126 (C.27:1A-64 et seq.),  
35 which shall include those persons determined by the New Jersey  
36 Transit Corporation to be eligible for **【its Access Link】** ADA  
37 paratransit service;

38 b. Making reduced fares available to eligible persons; and

39 c. Auditing and accounting to insure that no carrier receives  
40 payments in excess of the value of services actually rendered to  
41 senior citizens, persons with disabilities, and disabled veterans  
42 pursuant to P.L.1973, c.126 (C.27:1A-64 et seq.).

43 (cf: P.L.2020, c.64, s.2)

44  
45 20. Section 8 of P.L.1973, c.126 (C.27:1A-71) is amended to  
46 read as follows:

47 8. The commissioner is hereby authorized to hire, employ, or  
48 assign secretarial, clerical, and other personnel as shall be required

1 for complying with the provisions of P.L.1973, c.126 (C.27:1A-64  
2 et seq.). The commissioner shall also expend a reasonable sum, not  
3 to exceed \$50,000 annually, for advertising to make senior citizens,  
4 persons with disabilities, and disabled veterans aware of the  
5 program, the availability and cost of the reduced fares thereunder,  
6 the hours when reduced fares may be used, the public transportation  
7 facilities made accessible to persons with disabilities, and the  
8 availability of other transportation services offered to the public for  
9 use by persons with disabilities including **【Access Link】** ADA  
10 paratransit service.

11 (cf: P.L.2020, c.155, s.2)

12

13 21. Section 2 of P.L.1987, c.99 (C.27:1A-74) is amended to read  
14 as follows:

15 2. The Commissioner of Transportation shall, after consulting  
16 with other relevant departments and agencies, adopt reasonable  
17 regulations necessary to carry out the purposes of P.L.1987, c.99  
18 (C.27:1A-73 et seq.) pursuant to the "Administrative Procedure  
19 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The regulations shall  
20 include a procedure by which the commissioner shall:

21 a. issue an identification card , upon certification of a  
22 physician or upon certification of another person as prescribed by  
23 the commissioner, that a person with disabilities requires the  
24 assistance of a travel attendant in order to use public transportation;  
25 and

26 b. automatically issue an identification card to a person  
27 determined by the New Jersey Transit Corporation, after the  
28 effective date of P.L.2020, c.64, to be eligible for **【its Access Link】**  
29 ADA paratransit service at the time of that determination. For a  
30 person determined eligible for **【Access Link】** ADA paratransit  
31 service prior to the effective date of P.L.2020, c.64, the  
32 commissioner shall issue an identification card within 60 days after  
33 the effective date of P.L.2020, c.64 or immediately upon request of  
34 the eligible person, whichever shall be earlier.

35 (cf: P.L.2020, c.64, s.3)

36

37 22. The following sections are repealed:

38 Section 4 of P.L.2020, c.114 (C.27:25-38);

39 Section 5 of P.L.2020, c.114 (C.27:25-39); and

40 Section 7 of P.L.2020, c.114 (C.27:25-41).

41

42 23. Notwithstanding the repeal of section 5 of P.L.2020, c.114  
43 (C.27:25-39), the repeal shall not eliminate or reduce any  
44 obligations of the New Jersey Transit Corporation with respect to  
45 the contract entered into with a qualified community organization to  
46 develop a paratransit best practices training module, except that the  
47 repeal shall cancel all responsibilities of the organization under the  
48 contract to develop the training module.

1       24. This act shall take effect immediately.

2

3

4

#### STATEMENT

5

6       This bill requires the Department of Transportation (DOT) to  
7       oversee the implementation of a paratransit brokerage program,  
8       through which the provision of certain forms of paratransit service  
9       would be managed by a transportation broker and made available  
10      through an interactive brokerage software.

11      Under current law, the State is required to provide various forms  
12      of paratransit service, including: (1) ADA paratransit service, which  
13      is currently administered by the New Jersey Transit Corporation  
14      (NJ Transit) under the Access Link program, which service is  
15      required under the federal “Americans with Disabilities Act of  
16      1990”; and (2) Medicaid paratransit service, which is currently  
17      administered by the Department of Human Services (DHS), through  
18      a contracted broker, under the State Medicaid program, which  
19      service is required under Title XIX of the federal “Social Security  
20      Act.”

21      Under the bill, the provision of these paratransit services would  
22      be consolidated into one paratransit brokerage program overseen by  
23      the DOT. Specifically, the paratransit brokerage program would be  
24      managed by a transportation broker contracted by the DOT and  
25      facilitated through the use of an interactive brokerage software,  
26      which would allow eligible persons to schedule requests for service  
27      and allow participating providers to competitively bid to fulfill  
28      these requests. Importantly, this brokerage model is intended to  
29      achieve cost savings and operational efficiencies in the provision of  
30      paratransit service, which efficiencies are not achievable under the  
31      current, fragmented service models.

32      In managing the paratransit brokerage program, the bill requires  
33      the transportation broker to assume the following responsibilities:  
34      (1) maintaining a paratransit provider network for ADA paratransit  
35      service and Medicaid transportation service, respectively, with  
36      sufficient capacity to provide all required forms of paratransit  
37      service within all applicable service areas in the State; (2) ensuring  
38      that each provider of ADA paratransit service and Medicaid  
39      paratransit service is qualified to provide the service and complies  
40      with all applicable provisions of law or regulation; (3) ensuring that  
41      each recipient of ADA paratransit service and Medicaid paratransit  
42      service is eligible to receive the service; (4) compensating each  
43      paratransit provider that operates in the program; (5) receiving and  
44      acting upon passenger complaints; and (6) divesting from any  
45      ownership stake or equity interest in any entity or organization that  
46      operates as a paratransit provider under the program.

47      The bill also requires the DOT and DHS to develop separate  
48      standards concerning the provision of ADA paratransit service and

1 Medicaid paratransit service, respectively, under the program. At a  
2 minimum, these standards would be required to prescribe minimum  
3 functionality requirements for interactive brokerage software to  
4 ensure that the provision of ADA paratransit service and Medicaid  
5 paratransit service, respectively, complies with all applicable  
6 requirements of law.

7       Thereafter, the bill requires the DOT, in consultation with DHS  
8 and NJ Transit, to issue a request for proposal (RFP) and enter into  
9 a contract for the development of the interactive brokerage  
10 software. After this software has been developed, the bill also  
11 requires the DOT, in consultation with DHS and NJ Transit, to issue  
12 an RFP and enter into a contract for the procurement of the  
13 transportation broker. In each case, the contractor selected by the  
14 DOT would be required to demonstrate experience in the  
15 development of a similar software platform or the administration of  
16 a similar brokerage program.

17       Immediately after the paratransit brokerage program has been  
18 implemented, the program would be limited to the provision of  
19 ADA paratransit service and Medicaid transportation service by  
20 paratransit providers other than county transit agencies and  
21 community organizations. However, within two years following the  
22 implementation of the program, and every five years thereafter, the  
23 DOT would be required to conduct a study to assess whether the  
24 program should be expanded to incorporate other forms of  
25 paratransit service or to allow county transit agencies and  
26 community organizations to operate as paratransit providers.  
27 Thereafter, the bill provides that the program could be expanded,  
28 subject to the determinations of this study and the adoption of rules  
29 and regulations effectuating such expansion.

30       Under the bill, the operational and administrative costs of the  
31 paratransit brokerage program would be defrayed by proportionate  
32 funding from the DHS and NJ Transit, with DHS responsible for the  
33 costs of Medicaid paratransit service and NJ Transit responsible for  
34 the costs of ADA paratransit service. In each case, the bill requires  
35 these monies to be transferred to the DOT and paid to the  
36 transportation broker. Using these monies, the transportation  
37 broker would be required to compensate the paratransit providers  
38 operating in the program, which compensation would be based  
39 exclusively on the requests for paratransit service that have been  
40 fulfilled by the provider. Of the remaining funds, the bill permits  
41 the transportation broker to retain such amounts as may be  
42 prescribed in the transportation brokerage contract to support the  
43 costs of managing the program.

44       The bill would also amend and repeal various sections of  
45 statutory law to reflect the creation of the paratransit brokerage  
46 program and to allow for the possibility of program expansion.  
47 Specifically, the bill would repeal several sections of the  
48 “Paratransit Services Improvement Act,” P.L.2020, c.114 (C.27:25-



1 35 et seq.), which sections set forth an alternative process for  
2 integrating the provision of certain paratransit services. However,  
3 the bill would amend this law to clarify that the Regional  
4 Paratransit Coordinating Councils would also be responsible for  
5 encouraging participation in the program.