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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 91 LCM-64

Date: April 18, 1991

Division: Medical Assistance

TO: Local District Commissioners

SUBJECT: Medical Assistance Transportation
Reimbursement

ATTACHMENTS: Bryson v. Blum
(467 NYS 2d 884)
Salomon v. Perales
(Sup. Ct., Schoharie Co.)
Attachments are not available on-line.

The purpose of this memorandum is to share with you two court decisions on the issue of reimbursement for Medical Assistance (MA) transportation.

The two decisions clarify a social services district's responsibility to advise applicants/recipients that they may receive reimbursement for transportation expenses when essential to obtain medical care and services.

The first case on this issue (Bryson v. Blum) is an appellate court decision. In this case, the court found that the agency failed to give adequate explanation to the plaintiff of the availability of reimbursement for out-of-pocket medical transportation expenses, therefore, the prior authorization requirements were waived and the district was ordered to reimburse the plaintiff for transportation costs paid.

The case of Salomon v. Perales (Sup. Ct., Schoharie County) relies on the Bryson v. Blum case. This decision also found that the district failed to provide an adequate explanation of transportation benefits to the recipient.

You should review the attached cases to ensure that you are adequately advising recipients of MA transportation policies. As the above-referenced decisions indicate, your agency cannot deny reimbursement for transportation

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expenses on the grounds that the recipient has failed to obtain prior authorization where you have failed to provide the recipient with information about the prior authorization process and about the availability of reimbursement for transportation services, if any.

If you have any questions concerning this information please contact Timothy Perry-Coon at 1-800-342-3715, extension 35958.

Jo-Ann A. Costantino
Deputy Commissioner
Division of Medical Assistance