

HB1328\_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB26-1328 be amended as follows:

1 Amend printed bill, page 4, line 17, strike "THE STATE DEPARTMENT" and  
2 substitute "THE TRANSPORTATION BROKER".

3 Page 4, line 18, strike "ADVISORY BOARD." and substitute "ADVISORY  
4 BOARD, WHICH IS COMPOSED OF REPRESENTATIVES OF A CROSS-SECTION  
5 OF NEMT STAKEHOLDERS, INCLUDING MEMBERS, TRANSPORTATION  
6 PROVIDERS, HEALTH-CARE TREATMENT PROVIDERS, AND DISABILITY  
7 ADVOCATES."

8 Page 5, strike lines 4 and 5 and substitute:

9           (f) HOSPITAL AND HEALTH SYSTEM REPRESENTATIVES, INCLUDING  
10 ENTITIES INVOLVED IN DISCHARGE PLANNING AND CARE TRANSITIONS FOR  
11 MEMBERS; AND

12           (g) A REPRESENTATIVE FROM THE STATE DEPARTMENT WITH  
13 KNOWLEDGE AND SPECIALIZATION IN NEMT."

14 Page 5, line 26, before "DEPARTMENT" insert "STATE".

15 Page 6, line 9, strike "MARKET;" and insert "MARKET, EXCEPT AS  
16 ALLOWED PURSUANT TO SUBSECTION (11) OF THIS SECTION;"

17 Page 7, line 7, strike "AND".

18 Page 7, line 9, strike "SERVICES." and substitute "SERVICES;

19           (k) REQUIRE A TRANSPORTATION PROVIDER TO MAINTAIN  
20 AUDITABLE ELECTRONIC TRIP RECORDS THAT INCLUDE, AT A MINIMUM,  
21 MEMBER PICKUP AND DROP-OFF LOCATIONS; GPS LOCATION DATA WITH  
22 TIME STAMPS, WHEN AVAILABLE; MILEAGE TRAVELED; DRIVER AND  
23 VEHICLE IDENTIFICATION; AND ANY OTHER DATA REQUIRED BY THE STATE  
24 DEPARTMENT; AND

25           (l) ESTABLISH THAT MEMBERS HAVE A RIGHT TO RECEIVE NEMT  
26 SERVICES THAT ARE ACCESSIBLE AND APPROPRIATE TO THEIR INDIVIDUAL  
27 MEDICAL AND FUNCTIONAL NEEDS, INCLUDING MOBILITY AND  
28 COMMUNICATION ACCOMMODATIONS."

29 Page 7, after line 9 insert:

30           "(11) THE STATE DEPARTMENT MAY IMPOSE TRIP CAPS OR  
31 MARKET-SHARE RESTRICTIONS ON A TRANSPORTATION PROVIDER AS  
32 CORRECTIVE ACTION AS PART OF A CORRECTIVE ACTION PLAN BASED ON

1 A TRANSPORTATION PROVIDER'S DOCUMENTED MATERIAL PERFORMANCE  
2 DEFICIENCIES THAT ARE SUPPORTED BY OBJECTIVE MEASURABLE CRITERIA  
3 APPLIED ON AN INDIVIDUALIZED, PROPORTIONAL, AND TIME-LIMITED BASIS  
4 FOLLOWING PRIOR WRITTEN NOTICE OF THE DEFICIENCIES AND A  
5 MEANINGFUL OPPORTUNITY TO CURE."

6 Renumber succeeding subsections accordingly.

7 Page 7, line 10, before "THE" insert "FOR THE PRIMARY PURPOSE OF  
8 SAFETY AND DRIVER ACCOUNTABILITY, EACH TRANSPORTATION PROVIDER  
9 SHALL IMPLEMENT AND UTILIZE A VIDEO RECORDING SYSTEM WITHIN EACH  
10 VEHICLE USED TO TRANSPORT MEMBERS."

11 Page 7, strike lines 15 through 17 and substitute "FOR BILLING  
12 PURPOSES."

13 Page 7, line 25, after "SECTION." insert "THE PROCEDURES MUST BE  
14 CONSISTENT WITH STATE AND FEDERAL MEDICAID REQUIREMENTS AND  
15 MUST NOT REQUIRE PAYMENT FOR CLAIMS THAT DO NOT MEET APPLICABLE  
16 PROGRAM INTEGRITY, DOCUMENTATION, OR ELIGIBILITY STANDARDS."

17 Page 8, strike line 7, and substitute "PROCEDURES ADOPTED PURSUANT TO  
18 SUBSECTION (14) OF THIS SECTION, EXCEPT AS NECESSARY TO ADDRESS  
19 PROGRAM INTEGRITY RISKS, INCLUDING FRAUD, WASTE, OR ABUSE, OR TO  
20 ENSURE COMPLIANCE WITH STATE OR FEDERAL LAW. IN INSTANCES OF  
21 FRAUD, WASTE, OR ABUSE OF NEMT SERVICES, THE STATE DEPARTMENT  
22 MAY PROVIDE IMMEDIATE INTERIM OPERATIONAL GUIDANCE IF THE STATE  
23 DEPARTMENT INCLUDES THE JUSTIFICATION FOR THE INTERIM  
24 OPERATIONAL GUIDANCE IN THE GUIDANCE AND PROVIDES REASONABLE  
25 ADVANCED NOTICE TO AFFECTED TRANSPORTATION PROVIDERS, UNLESS  
26 IMMEDIATE ACTION IS REQUIRED TO PREVENT ONGOING FRAUD. IF THE  
27 STATE DEPARTMENT TAKES IMMEDIATE ACTION, THE ACTIONS MUST BE:

- 28 (a) LIMITED IN SCOPE AND DURATION;
- 29 (b) INCLUDE PROMPT WRITTEN NOTICE EXPLAINING THE CHANGE;
- 30 (c) APPLIED PROSPECTIVELY TO THE EXTENT PERMITTED BY STATE  
31 AND FEDERAL LAW AND MUST NOT ALTER CLAIMS SUBMITTED PRIOR TO  
32 THE EFFECTIVE DATE OF THE INTERIM OPERATIONAL GUIDANCE, EXCEPT AS  
33 REQUIRED TO ADDRESS FRAUD, WASTE, OR ABUSE."

34 Page 8, after line 15 add:

35 "(17) NOTHING IN THIS SECTION ENTITLES A PROVIDER TO  
36 PAYMENT OR LIMITS THE STATE DEPARTMENT'S AUTHORITY TO DENY,  
37 RECOUP, OR ADJUST CLAIMS IN ACCORDANCE WITH STATE OR FEDERAL

1 LAW.  
2 (18) MATTERS OUTSIDE THE SCOPE OF THE BOARD OR THAT  
3 CANNOT BE RESOLVED AMONG BOARD MEMBERS MUST BE DIRECTED TO  
4 THE STATE DEPARTMENT."

5 Page 9, line 18, strike "MEMBER DEMAND" and substitute "MEMBERS'  
6 MEDICAL NEEDS".

7 Page 11, line 18, strike "REQUIRE" and substitute "ENCOURAGE".

8 Page 11, line 19, strike "MORE THAN" and substitute "AT LEAST".

9 Page 11, line 22, strike "TRANSPORTATION REQUESTS." and substitute  
10 "AND NEXT-DAY TRANSPORTATION REQUESTS, INCLUDING REQUESTS FOR  
11 URGENT MEDICAL AND BEHAVIORAL HEALTH OUTPATIENT, SPECIALTY,  
12 AND HOSPITAL VISITS; TIME-SENSITIVE IN-STATE AND OUT-OF-STATE  
13 TRANSFERS; AND DISCHARGES FROM HEALTH-CARE FACILITIES, WHEN  
14 FEASIBLE, AND SHALL NOT REQUIRE ADVANCED NOTICE THAT WOULD  
15 UNREASONABLY LIMIT ACCESS TO MEDICALLY NECESSARY SERVICES."

16 Page 12, line 3, after "PURPOSES." insert "THE TRANSPORTATION BROKER  
17 MAY ONLY PROVIDE MEMBERS THE OPTION TO REQUEST A SPECIFIC  
18 PROVIDER AFTER ALL SERVICE REGIONS HAVE BEEN IMPLEMENTED."

19 Page 14, lines 5 and 6, strike "BILLING OR PAYMENT PURPOSES." and  
20 substitute "ROUTINE BILLING PURPOSES."

21 Page 14, line 8, after "PURPOSES." insert "THE STATE DEPARTMENT MAY  
22 REQUEST VIDEO RECORDINGS FOR PROGRAM INTEGRITY REVIEW WITHOUT  
23 ADVANCED NOTICE TO THE TRANSPORTATION PROVIDER, PROVIDED THAT  
24 REQUESTS ARE NARROWLY TAILORED TO SPECIFIC ISSUES UNDER REVIEW.  
25 THE USE OF VIDEO RECORDINGS MUST COMPLY WITH APPLICABLE PRIVACY  
26 AND CONFIDENTIALITY REQUIREMENTS. TRANSPORTATION PROVIDERS ARE  
27 NOT REQUIRED TO RETAIN OR PRODUCE VIDEO RECORDINGS BEYOND THE  
28 STANDARD RETENTION PERIOD ESTABLISHED IN THEIR OPERATING  
29 PROCEDURES. ABSENCE OF VIDEO RECORDINGS OUTSIDE A RETENTION  
30 PERIOD DOES NOT CONSTITUTE NONCOMPLIANCE, AND ADVERSE ACTION  
31 SHALL NOT BE TAKEN AGAINST A TRANSPORTATION PROVIDER ON THIS  
32 BASIS."

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