

2021 Regular Session

HOUSE BILL NO. 91

BY REPRESENTATIVE ECHOLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program

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AN ACT

To enact R.S. 48:2206, relative to transportation network companies; to provide legislative findings; to provide relative to requirements for certain businesses to furnish certain medical transportation services; to authorize transportation network companies to provide nonemergency medical transportation through the state Medicaid program; to establish company and driver requirements; to provide for the promulgation of rules by the Louisiana Department of Health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:2206 is hereby enacted to read as follows:

§2206. Nonemergency medical transportation

A. The legislature hereby finds that during the global outbreak of the respiratory disease known as "COVID-19" which became a declared public health emergency in Louisiana in March of 2020, many citizens of this state would have benefitted from access to nonemergency transportation services offering individualized options and opportunities for safe transportation in environments that minimize the risk of exposure to infectious disease. The legislature hereby declares that transportation network companies are ideal providers of services that protect and promote public health by facilitating access to primary care, pharmacy services, and other forms of health care that help people maintain and improve their health.

1 B. Notwithstanding any provision of law to the contrary and subject to
2 compliance with applicable federal Medicaid and Medicare requirements, any
3 transportation network company that complies with the provisions of this Chapter
4 is authorized to connect a driver to a rider for the purpose of providing
5 nonemergency medical transportation services within the state through the Louisiana
6 Medicaid program.

7 C. The Louisiana Department of Health shall not require any driver affiliated
8 with a transportation network company to enroll as a nonemergency medical
9 transportation provider in the Louisiana Medicaid program in order for any
10 nonemergency medical transportation services provided to Medicaid enrollees by the
11 driver through a company's digital network to be eligible for Medicaid
12 reimbursement.

13 D.(1)(a) The Louisiana Department of Health shall promulgate rules and
14 regulations as are necessary for the implementation of this Section by October 1,
15 2021. Requirements imposed for companies and drivers to act as Medicaid
16 transportation providers, including requirements for enrollment and specifications
17 for the vehicles used, may not exceed those imposed by R.S. 48:2191 through 2203
18 and R.S. 45:201.1 through 201.13, except as provided in Subparagraph (b) of this
19 Paragraph and as may be necessary to conform to applicable federal Medicaid
20 transportation requirements administered by the Louisiana Department of Health,
21 bureau of health services financing.

22 (b) No driver may provide any nonemergency medical transportation service
23 to a Medicaid enrollee through a transportation network company's digital network
24 prior to the completion of a criminal background check on that driver which
25 comports with the requirements for such background checks provided in R.S.
26 40:1203.1 et seq. or R.S. 48:2199.

27 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
28 Louisiana Department of Health may require that, prior to facilitating nonemergency
29 medical transportation services for Medicaid enrollees, a transportation network

1 company be under contract with a transportation broker that is under contract with
2 either of the following:

3 (a) A Medicaid managed care organization as defined in R.S. 46:460.51.

4 (b) The Louisiana Department of Health.

5 (3) Notwithstanding any provision of law to the contrary, any transportation
6 network company licensed by the Department of Transportation and Development
7 that contracts with a transportation broker may facilitate nonemergency medical
8 transportation services at any time on or after the effective date of this Section and
9 before the adoption of the rules required by Paragraph (1) of this Subsection.

10 E. The provisions of R.S. 48:2205 shall extend to the regulation of
11 companies, drivers, and vehicles facilitating or providing nonemergency medical
12 transportation services as authorized in this Section.

13 F. Nothing in this Section shall be construed to authorize a company or an
14 individual to violate any provision of R.S. 40:1135.1.

15 G. No ambulance, emergency medical response vehicle, or EMS practitioner
16 as defined in R.S. 40:1131 shall be used for the purpose of providing nonemergency
17 medical transportation services under this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 91 Original

2021 Regular Session

Echols

Abstract: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program.

Proposed law provides legislative findings and a declaration concerning the suitability of transportation network companies to protect and promote public health by facilitating access to primary care, pharmacy services, and other forms of health care that help people to maintain and improve their health.

Proposed law authorizes transportation network companies to provide nonemergency medical transportation (NEMT) services through the state Medicaid program.

Proposed law prohibits the La. Dept. of Health (LDH) from requiring a driver affiliated with a transportation network company to enroll as a NEMT provider in the La. Medicaid program in order for any NEMT services provided to Medicaid enrollees by the driver through a company's digital network to be eligible for Medicaid reimbursement.

Proposed law requires LDH to promulgate rules and regulations as are necessary for the implementation of proposed law by Oct. 1, 2021. Provides, however, that any transportation network company licensed by the Dept. of Transportation and Development that contracts with a transportation broker may facilitate NEMT services at any time on or after the effective date of proposed law and before the adoption of the rules required by proposed law.

Proposed law specifies that the requirements for companies and drivers to act as Medicaid transportation providers, including requirements for enrollment and specifications for vehicles used, may not exceed the requirements imposed under present law relative to transportation network companies, except with respect to criminal background checks and as may be necessary to conform with applicable federal Medicaid transportation requirements.

With respect to criminal background checks, proposed law prohibits drivers from providing NEMT services to Medicaid enrollees through a transportation network company's digital network prior to the completion of a criminal background check on that driver which comports with either of the following:

- (1) Background check requirements provided in present law relative to nonlicensed persons providing health-related services (R.S. 40:1203.1 et seq.).
- (2) Background check requirements provided in present law relative to transportation network companies (R.S. 48:2199).

Proposed law stipulates that, notwithstanding other provisions of proposed law, LDH may require that prior to facilitating NEMT services for Medicaid enrollees, a transportation network company shall be under contract with a transportation broker that is under contract with either of the following:

- (1) A Medicaid managed care organization.
- (2) LDH.

Proposed law provides that nothing therein shall be construed to authorize a company or individual to violate any provision of present law relative to operation of ambulances.

Proposed law prohibits the use of ambulances, emergency medical response vehicles, and EMS practitioners as defined in present law in providing NEMT services authorized by proposed law.

(Adds R.S. 48:2206)