MEDICAID: Provides relative to nonemergency medical transportation services within the La. Medicaid program

AN ACT

To enact Part VI of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1257.1 through 1257.4, relative to the medical assistance program of this state known commonly as Medicaid; to provide relative to Medicaid-funded nonemergency medical transportation services; to provide for duties of the Louisiana Department of Health with respect to such services; to provide for standards for such services; to require promulgation of administrative rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1257.1 through 1257.4, is hereby enacted to read as follows:

PART VI. NONEMERGENCY MEDICAL TRANSPORTATION

§1257.1. Definitions

As used in this Part, the following terms have the meaning ascribed in this Section:

(1) "Department" means the Louisiana Department of Health.

(2) "Healthcare provider" means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution that provides healthcare or professional services to individuals enrolled in the Medicaid program.
(3) "Medicaid" means the medical assistance program provided for in Title
XIX of the Social Security Act.

(4) "Nonemergency medical transportation" and "NEMT" mean
transportation for a Medicaid enrollee which facilitates the enrollee going to or from
a medical facility or provider including but not limited to a doctor's office, hospital,
medical clinic, dental office, urgent care, dialysis, physical therapy, mental health
facility, vision center, and a hearing and speech facility.

§1257.2. Nonemergency medical transportation services

A. The Medicaid program of this state shall include nonemergency medical
transportation services, referred to hereafter in this Part as "NEMT services". The
purpose of NEMT services shall be to provide nonemergency medical transportation
to a Medicaid beneficiary after all other reasonable means of free transportation for
that person have been explored and found to be unavailable.

B. The department shall ensure that nonemergency medical transportation
to and from medically necessary Medicaid-covered services is provided to Medicaid
beneficiaries who are eligible for such transportation.

C. The department shall ensure that NEMT services are available to a
Medicaid beneficiary when all of the following conditions are met:

   (1) The beneficiary is enrolled in a Medicaid benefit program that explicitly
       includes transportation services.

   (2) The beneficiary or his representative has stated that he has no other
       means of transportation.

§1257.3. Standards for services; prohibition

No healthcare provider shall contract with or hire a transportation company
to provide NEMT services if that company does not meet local, city, and state
requirements to provide nonemergency medical transportation as defined in this Part
and in administrative rules of the department.
§1257.4. Rulemaking

The department shall promulgate in accordance with the Administrative Procedure Act all such rules as are necessary to implement the provisions of this Part.

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 1012 Original 2022 Regular Session Lyons

Abstract: Defines "nonemergency medical transportation" and provides for standards and limitations relating to such transportation provided to Medicaid program enrollees.

Proposed law provides that, for purposes of proposed law, "nonemergency medical transportation" and "NEMT" mean transportation for a Medicaid enrollee which facilitates the enrollee going to or from a medical facility or provider including but not limited to a doctor's office, hospital, medical clinic, dental office, urgent care, dialysis, physical therapy, mental health facility, vision center, and a hearing and speech facility.

Proposed law requires that the La. Medicaid program include NEMT services. Establishes that the purpose of NEMT services shall be to provide nonemergency medical transportation to a Medicaid beneficiary after all other reasonable means of free transportation for that person have been explored and found to be unavailable.

Proposed law requires the La. Department of Health (LDH) to ensure that nonemergency medical transportation to and from medically necessary Medicaid-covered services is provided to Medicaid beneficiaries who are eligible for such transportation. Further requires LDH to ensure that NEMT services are available to a Medicaid beneficiary when all of the following conditions are met:

(1) The beneficiary is enrolled in a Medicaid benefit program that explicitly includes transportation services.

(2) The beneficiary or his representative has stated that he has no other means of transportation.

Proposed law prohibits healthcare providers within the La. Medicaid program from contracting with or hiring a transportation company to provide NEMT services if that company does not meet local, city, and state requirements to provide nonemergency medical transportation as defined in proposed law and in LDH administrative rules.

(Adds R.S. 40:1257.1-1257.4)