

2022 Regular Session

HOUSE BILL NO. 1012

BY REPRESENTATIVE LYONS

MEDICAID: Provides relative to non-emergency medical transportation services within the La. Medicaid program

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part VI of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of  
11 1950, comprised of R.S. 40:1257.1 through 1257.4, is hereby enacted to read as follows:

12 PART VI. NON-EMERGENCY MEDICAL TRANSPORTATION

13 §1257.1. Definitions

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

15 Section:

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

17 (2) "Healthcare provider" means a person, partnership, limited liability  
18 partnership, limited liability company, corporation, facility, or institution that  
19 provides healthcare or professional services to individuals enrolled in the Medicaid  
20 program.

1           (3) "Medicaid" means the medical assistance program provided for in Title  
2           XIX of the Social Security Act.

3           (4) "Non-emergency medical transportation" and "NEMT" mean  
4           transportation provided to a Medicaid beneficiary to or from a medically necessary  
5           Medicaid-covered service. The term shall not include any non-emergency or other  
6           type of transportation by ambulance.

7           §1257.2. Non-emergency medical transportation services

8           A. The Medicaid program of this state shall include non-emergency medical  
9           transportation services, referred to hereafter in this Part as "NEMT services". The  
10           purpose of NEMT services shall be to provide non-emergency medical transportation  
11           to a Medicaid beneficiary after all other reasonable means of free transportation for  
12           that person have been explored and found to be unavailable. The Medicaid  
13           beneficiary or his representative shall confirm that the beneficiary has no other  
14           means of transportation.

15           B. Non-emergency medical transportation to or from a pharmacy, a nursing  
16           facility, hospice care, or an appointment for Special Supplemental Nutrition Program  
17           for Women, Infants, and Children services at an office of public health location is  
18           prohibited.

19           §1257.3. Standards for services; prohibition

20           No healthcare provider shall contract with or hire a transportation company  
21           to provide NEMT services if that company does not meet local, city, and state  
22           requirements to provide non-emergency medical transportation as defined in this Part  
23           and in administrative rules of the department.

24           §1257.4. Rulemaking

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

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**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)]

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HB 1012 Engrossed

2022 Regular Session

Lyons

**Abstract:** Defines "non-emergency 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, "non-emergency medical transportation" and "NEMT" mean transportation provided to a Medicaid beneficiary to or from a medically necessary Medicaid-covered service. Stipulates that the term shall not include any non-emergency or other type of transportation by ambulance.

Proposed law requires that the La. Medicaid program include NEMT services. Establishes that the purpose of NEMT services shall be to provide non-emergency 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. Requires the Medicaid beneficiary or his representative to confirm that the beneficiary has no other means of transportation.

Proposed law prohibits NEMT services from being utilized for transportation to or from a pharmacy, a nursing facility, hospice care, or a Special Supplemental Nutrition Program for Women, Infants, and Children (known commonly as "WIC") appointment at an office of public health location.

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 non-emergency medical transportation as defined in proposed law and in LDH administrative rules.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise the definition of "non-emergency medical transportation" and "NEMT" provided in proposed law to establish that these terms mean transportation provided to a Medicaid beneficiary to or from a medically necessary Medicaid-covered service. Provide that the term shall not include any non-emergency or other type of transportation by ambulance.
2. Delete proposed law relative to requirements and qualifications for NEMT services; add in lieu thereof a prohibition on NEMT services being utilized for transportation to or from a pharmacy, a nursing facility, hospice care, or a WIC program appointment at an office of public health location.
3. Make technical changes.