

2024 Regular Session

HOUSE BILL NO. 80

BY REPRESENTATIVE ECHOLS

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

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

11 §2206. Nonemergency medical transportation

12 A. The legislature hereby declares that transportation network companies are
13 ideal providers of services that protect and promote public health by facilitating
14 access to primary care, pharmacy services, and other forms of health care that help
15 people maintain and improve their health.

16 B. Notwithstanding any provision of law to the contrary and subject to
17 compliance with applicable federal Medicaid and Medicare requirements, any
18 transportation network company that complies with the provisions of this Chapter
19 is authorized to connect a driver to a rider for the purpose of providing

1 nonemergency medical transportation services within the state through the Louisiana
2 Medicaid program.

3 C. The Louisiana Department of Health, referred to in this Section as the
4 "department", shall not require any driver affiliated with a transportation network
5 company to enroll as a nonemergency medical transportation provider in the
6 Louisiana Medicaid program in order for any nonemergency medical transportation
7 services provided to Medicaid enrollees by the driver through a company's digital
8 network to be eligible for Medicaid reimbursement.

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

17 (b) No driver may provide nonemergency medical transportation services to
18 a Medicaid enrollee through a transportation network company's digital network
19 prior to the completion of a criminal background check on that driver which
20 comports with the requirements for such background checks provided in R.S.
21 40:1203.1 et seq. or R.S. 48:2199.

22 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
23 department may require that, prior to facilitating nonemergency medical
24 transportation services for Medicaid enrollees, a transportation network company be
25 under contract with a transportation broker that is under contract with either of the
26 following:

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

28 (b) The department.

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.
- (2) Background check requirements provided in present law relative to transportation network companies.

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 within proposed law shall be construed to authorize a company or individual to violate any provision of present law relative to the 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.

The rules and regulations required by proposed law shall be promulgated by LDH no later than Oct. 1, 2024.

(Adds R.S. 48:2206)