

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 possible 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 through utilizing a Medicaid NEMT

1 broker for the purpose of providing nonemergency medical transportation services  
2 within the state through the Louisiana Medicaid program.

3 C. If a qualified transportation network company or a transportation broker  
4 of the company wants to provide nonemergency medical transportation services to  
5 Medicaid enrollees by a driver through the company's digital network, the  
6 transportation network company or its broker shall submit to the department that  
7 driver's valid driver's license and vehicle registration prior to authorizing the driver  
8 to furnish nonemergency medical transportation services to any Medicaid enrollee.

9 D.(1)(a) The Louisiana Department of Health, referred to in this Section as  
10 the "department", shall promulgate rules and regulations as are necessary for the  
11 implementation of this Section. Requirements imposed for companies and drivers  
12 to act as Medicaid transportation providers, shall be consistent with the requirements  
13 established in Chapter 10 of the Medicaid Services Manual pertaining to  
14 nonemergency medical transportation, including but not limited to insurance, driver,  
15 training, vehicle, and general requirements and conform to applicable federal  
16 Medicaid transportation requirements administered by the department, bureau of  
17 health services financing.

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

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

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

29 (b) The department.



Proposed law requires the La. Dept. of Health (LDH) to promulgate rules and regulations as are necessary for the implementation of proposed law. Proposed law 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 after 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.

Proposed law requires the consistency between state law and the requirements established in the Medicaid Services Manual.

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

(Adds R.S. 48:2206)

#### Summary of Amendments Adopted by House

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

1. Require a qualified transportation network company or its broker that wants to provide NEMT services to Medicaid enrollees to submit the driver's valid license and registration prior to authorizing the drivers to provide NEMT services.

2. Require consistency between state law and the requirements established in the Medicaid Services Manual.
3. Clarify that riders should be connected to drivers by utilizing a Medicaid NEMT broker.
4. Provide 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 after the adoption of the rules.
5. Remove the provision that does not require an affiliate driver to enroll as an NEMT provider in the state Medicaid program.
6. Make technical corrections.