

2020 Regular Session

HOUSE BILL NO. 331

BY REPRESENTATIVE BAGLEY

TRANSPORTATION: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program and all other publicly and privately issued health insurance plans

1 AN ACT

2 To enact R.S. 48:2206, relative to transportation network companies; to authorize
3 transportation network companies to provide nonemergency medical transportation
4 through the state Medicaid program, Medicare plans, and other forms of publicly and
5 privately issued health insurance; to establish company and driver requirements; to
6 provide for the promulgation of rules by the Louisiana Department of Health; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §2206. Nonemergency medical transportation

11 A. Notwithstanding any provision of law to the contrary and subject to
12 compliance with applicable federal Medicaid and Medicare requirements, any
13 transportation network company that complies with the provisions of this Chapter
14 is authorized to connect a driver to a rider for the purpose of providing
15 nonemergency medical transportation services within the state through the Louisiana
16 Medicaid program, a Medicare plan, a Medicare supplemental plan, a Medicare
17 Advantage plan, or any other type of publicly or privately issued insurance classified
18 by the provisions of R.S. 22:47 as health and accident insurance.

1 B. The Louisiana Department of Health shall not require any driver affiliated
2 with a transportation network company to enroll as a nonemergency medical
3 transportation provider in the Louisiana Medicaid program in order for any
4 nonemergency medical transportation services provided to Medicaid enrollees by the
5 driver through a company's digital network to be eligible for Medicaid
6 reimbursement.

7 C.(1) The Louisiana Department of Health shall promulgate rules and
8 regulations as are necessary for the implementation of this Section by October 1,
9 2020. Requirements imposed for companies and drivers to act as Medicaid
10 transportation providers, including requirements for enrollment and specifications
11 for the vehicles used, may not exceed those imposed by R.S. 48:2191 through 2203
12 and R.S. 45:201.1 through 201.13, except as necessary to conform to applicable
13 federal Medicaid transportation requirements administered by the Louisiana
14 Department of Health, bureau of health services financing.

15 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
16 Louisiana Department of Health may require that, prior to facilitating nonemergency
17 medical transportation services for Medicaid enrollees, a transportation network
18 company be under contract with a transportation broker that is under contract with
19 either of the following:

20 (a) A Medicaid managed care organization.

21 (b) The Louisiana Department of Health.

22 D. The provisions of R.S. 48:2205 shall extend to the regulation of
23 companies, drivers, and vehicles facilitating or providing nonemergency medical
24 transportation services as authorized in this Section.

25 E. Ambulances, emergency medical response vehicles, and EMS
26 practitioners as defined in R.S. 40:1131 shall not be used for the purpose of
27 providing nonemergency 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 331 Engrossed

2020 Regular Session

Bagley

Abstract: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program, Medicare plans, and all other types of publicly or privately issued health insurance.

Proposed law authorizes transportation network companies to provide nonemergency medical transportation (NEMT) services through the La. Medicaid program, Medicare plans, Medicare supplemental plans, Medicare Advantage plans, and all other types of publicly or privately issued insurance classified by the provisions of present law as health and accident insurance.

Proposed law prohibits the La. Department 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, 2020.

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, except as necessary to conform with applicable federal Medicaid transportation requirements.

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 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)

Summary of Amendments Adopted by House

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

1. Revise proposed law to authorize transportation network companies to provide nonemergency medical transportation (NEMT) services through Medicare plans, Medicare supplemental plans, Medicare Advantage plans, and all other types of health and accident insurance in addition to providing such services through the state Medicaid program.

2. Delete proposed law which would have required a transportation network company to meet all of the following conditions and requirements in order to provide NEMT services through the state Medicaid program:
 - (a) The company has complied with the requirements set forth in present law relative to transportation network companies.
 - (b) All drivers and prospective drivers have been screened pursuant to the procedures set forth in present law relative to transportation network company driver requirements.
 - (c) The company is under contract with one of the following:
 - (i) A Medicaid managed care organization.
 - (ii) A transportation broker that is under contract with a Medicaid managed care organization.
 - (iii) A transportation broker that is under contract with the La. Department of Health (LDH).
3. Prohibit 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.
4. Revise proposed law stipulating, in part, that requirements imposed for companies and drivers to act as Medicaid transportation providers may not exceed those imposed by present law relative to transportation network companies to stipulate also that such requirements may not exceed those imposed by other provisions of present law known as The Transportation Network Company Motor Vehicle Responsibility Law.
5. Revise proposed law to specify that the provisions of present law relative to transportation network companies shall extend to the regulation of companies, drivers, and vehicles facilitating or providing NEMT services as authorized in proposed law.
6. Stipulate 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:
 - (a) A Medicaid managed care organization.
 - (b) LDH.
7. Prohibit the use of ambulances, emergency medical response vehicles, and EMS practitioners as defined in present law in providing NEMT services authorized by proposed law.
8. Make technical changes.