

2020 Regular Session

HOUSE BILL NO. 838

BY REPRESENTATIVE LYONS

MEDICAID MANAGED CARE: Provides relative to nonemergency, non-ambulance medical transportation services delivered through the Medicaid managed care program

1 AN ACT

2 To enact Subpart E of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 46:460.101 through 460.103, relative to the state
4 medical assistance program known commonly as Medicaid; to provide relative to
5 nonemergency, non-ambulance medical transportation services; to provide for
6 administration of nonemergency, non-ambulance medical transportation services by
7 Medicaid managed care organizations; to provide requirements for contracts between
8 the Louisiana Department of Health and managed care organizations; to require
9 administrative rulemaking by the Louisiana Department of Health; and to provide
10 for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Subpart E of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised
13 Statutes of 1950, comprised of R.S. 46:460.101 through 460.103, is hereby enacted to read
14 as follows:

15 SUBPART E. TRANSPORTATION PROGRAM

16 §460.101. Nonemergency, non-ambulance medical transportation; administration
17 by managed care organizations; contractual requirements

18 A. In any contract with a managed care organization with an effective date
19 of January 1, 2022, or after, the department shall require any managed care

1 organization which utilizes a transportation broker to have a Louisiana-based call
2 center.

3 B. In order to ensure fair competition among providers on a regional basis,
4 the department, through its contracts with managed care organizations, shall prohibit
5 an out-of-region nonemergency, non-ambulance medical transportation provider
6 from providing services to a Medicaid enrollee if there is a willing and available
7 nonemergency, non-ambulance medical transportation provider in the region where
8 the Medicaid enrollee is domiciled. The department shall provide in rule for the
9 boundaries of the regions which apply to this Subsection and for penalties for
10 providers which violate the out-of-region service prohibition established by this
11 Paragraph.

12 §460.102. Partnership for support of nonemergency, non-ambulance medical
13 transportation industry

14 The department may partner or otherwise enter into a formal relationship
15 with an association to accomplish the following:

16 (1) Promote uniformity to the nonemergency, non-ambulance medical
17 transportation industry.

18 (2) Set standards that elevate quality and trusted service.

19 (3) Provide opportunities for training and business counseling.

20 (4) Maintain a vetted, updated list of active nonemergency, non-ambulance
21 medical transportation providers.

22 (5) Develop a platform for all that work within the nonemergency, non-
23 ambulance medical transportation industry or utilize nonemergency medical
24 transportation services to receive the latest news and trends affecting the
25 nonemergency, non-ambulance medical transportation industry.

26 §460.103. Administrative rulemaking

27 The department shall promulgate all rules and regulations in accordance with
28 the Administrative Procedure Act as may be necessary to implement the provisions
29 of this Subpart.

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 838 Engrossed

2020 Regular Session

Lyons

Abstract: Provides for regulations and requirements concerning non-ambulance, nonemergency medical transportation services delivered through the Medicaid managed care program.

Proposed law specifies that it applies to non-ambulance, nonemergency medical transportation (NEMT) providers and services.

Proposed law stipulates that in any contract between the La. Department of Health (LDH) and a Medicaid managed care organization (MCO) that has an effective date of Jan. 1, 2022, or after, the department shall require any MCO which utilizes a transportation broker to have a La.-based call center.

Proposed law stipulates that in order to ensure fair competition among NEMT providers on a regional basis, LDH, through its contracts with MCOs, shall prohibit an out-of-region, NEMT provider from providing services to a Medicaid enrollee if there is a willing and available NEMT provider in the region where the enrollee is domiciled. Requires LDH to provide in rule for the boundaries of the regions which apply to proposed law and for penalties for violation of the out-of-region service prohibition provided in proposed law.

Proposed law authorizes LDH to partner or otherwise enter into a formal relationship with an association to accomplish the following:

- (1) Promote uniformity to the non-ambulance NEMT industry.
- (2) Set standards that elevate quality and trusted service.
- (3) Provide opportunities for training and business counseling.
- (4) Maintain a vetted, updated list of active non-ambulance NEMT providers.
- (5) Develop a platform for all that work within the non-ambulance NEMT industry or utilize NEMT services to receive the latest news and trends affecting the industry.

(Adds R.S. 46:460.101-460.103)

Summary of Amendments Adopted by House

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

1. Delete proposed law which would have required that the annual Medicaid managed care transparency report issued by the La. Department of Health (LDH) address payments to nonemergency medical transportation (NEMT) providers and transportation brokers and third-party administrators in the Medicaid NEMT program.
2. Specify that proposed law applies to non-ambulance NEMT providers.

3. Delete proposed law which would have mandated that LDH require by contract that if a Medicaid managed care organization (MCO) hires or subcontracts with any transportation broker or third-party administrator for the administration of any aspect of its NEMT program, then that broker or administrator shall have its call center located in La.
4. Delete proposed law which would have mandated that each MCO which hires or subcontracts with any transportation broker or third-party administrator for the administration of any aspect of its NEMT program shall require that the broker or administrator have minority business partnerships with its call center.
5. Delete proposed law which would have mandated that LDH require by contract that MCOs and their subcontractors report to the department the reimbursement rates and total payments made to individual providers of NEMT services.
6. Stipulate that in any LDH contract with an MCO that has an effective date of Jan. 1, 2022, or after, the department shall require any MCO which utilizes a transportation broker to have a La.-based call center.
7. Delete proposed law which would have required LDH to limit NEMT services rendered by an individual provider to a specific region of the state and to provide in MCO contracts for penalties for failure to enforce this limitation.
8. Require LDH, through its contracts with MCOs, to prohibit an out-of-region, non-ambulance NEMT provider from providing services to a Medicaid enrollee if there is a willing and available non-ambulance NEMT provider in the region where the enrollee is domiciled; and to provide in rule for the boundaries of the regions which apply to this provision and for penalties for violation of the out-of-region service prohibition.
9. Authorize LDH to partner or otherwise enter into a formal relationship with an association to accomplish the following:
 - (a) Promote uniformity to the non-ambulance NEMT industry.
 - (b) Set standards that elevate quality and trusted service.
 - (c) Provide opportunities for training and business counseling.
 - (d) Maintain a vetted, updated list of active non-ambulance NEMT providers.
 - (e) Develop a platform for all that work within the non-ambulance NEMT industry or utilize NEMT services to receive the latest news and trends affecting the industry.
10. Make technical changes.