

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H4/1/19

A Bill

HOUSE BILL 1521

5 By: Representative M. Gray
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH RULES TO IMPROVE CONTRACTING AND
10 SERVICE DELIVERY OF MEDICAID NONEMERGENCY
11 TRANSPORTATION AND TO ENSURE COMPLIANCE WITH FEDERAL
12 REGULATIONS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ESTABLISH RULES TO IMPROVE CONTRACTING
16 AND SERVICE DELIVERY OF MEDICAID
17 NONEMERGENCY TRANSPORTATION AND TO ENSURE
18 COMPLIANCE WITH FEDERAL REGULATIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
25 amended to add an additional section to read as follows:

26 20-77-135. Nonemergency transportation – Intent – Rules – Federal
27 compliance.

28 (a) The General Assembly finds that it is the obligation of the
29 Department of Human Services to ensure that a contractor that is awarded a
30 contract to provide nonemergency transportation in the Arkansas Medicaid
31 Program is prepared to deliver those services in a manner that minimizes
32 disruption for Medicaid beneficiaries during the contract transition period.

33 (b) The department shall adopt rules concerning nonemergency
34 transportation, including without limitation rules that address:

35 (1) Operational stability for nonemergency transportation
36 networks in the state; and



1 (2) Transition planning for both incoming and outgoing
2 nonemergency transportation contractors.

3 (c) Regarding procurements for nonemergency transportation broker
4 services, the department shall comply with 42 C.F.R. § 440.170, as it existed
5 on March 1, 2019, which requires that a competitive bidding process be used
6 to select a broker of nonemergency transportation based on the state’s
7 evaluation of the broker’s experience, performance, references, resources,
8 qualifications, and costs.

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10 SECTION 2. DO NOT CODIFY. Rules.

11 (a) When adopting the initial rules required under this act, the
12 Department of Human Services shall file the final rules with the Secretary of
13 State for adoption under § 25-15-204(f):

14 (1) On or before January 1, 2021; or

15 (2) If approval under § 10-3-309 has not occurred by January 1,
16 2021, as soon as practicable after approval under § 10-3-309.

17 (b) The department shall file the proposed rules with the Legislative
18 Council under § 10-3-309(c) sufficiently in advance of January 1, 2021, so
19 that the Legislative Council may consider the rules for approval before
20 January 1, 2021.

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22 /s/M. Gray
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