

# SENATE BILL No. 480

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-15-30.5.

**Synopsis:** Medicaid nonemergency medical transport. Sets forth requirements for brokers of nonemergency medical transportation under the Medicaid fee-for-service program. Establishes the nonemergency medical transportation commission (commission) and sets forth duties of the commission. Requires the office of the secretary of family and social services to prepare before July 31, 2019, a report concerning nonemergency medical transportation Medicaid claims and submit the report to the commission.

**Effective:** July 1, 2019.

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## Becker, Messmer, Tomes

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January 14, 2019, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 480

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-7-2-23.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2019]: **Sec. 23.5. "Broker", for purposes of IC 12-15-30.5, has the**
- 4 **meaning set forth in IC 12-15-30.5-1.**
- 5 SECTION 2. IC 12-7-2-34, AS AMENDED BY P.L.85-2017,
- 6 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2019]: Sec. 34. "Commission" means the following:
- 8 (1) For purposes of IC 12-10-2, the meaning set forth in
- 9 IC 12-10-2-1.
- 10 (2) For purposes of IC 12-12-2, the meaning set forth in
- 11 IC 12-12-2-1.
- 12 (3) For purposes of IC 12-13-14, the meaning set forth in
- 13 IC 12-13-14-1.
- 14 **(4) For purposes of IC 12-15-30.5, the meaning set forth in**
- 15 **IC 12-15-30.5-2.**
- 16 ~~(4)~~ **(5)** For purposes of IC 12-28-1, the meaning set forth in
- 17 IC 12-28-1-3.



1 SECTION 3. IC 12-7-2-132.1 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2019]: **Sec. 132.1. "Nonemergency medical  
 4 transportation", for purposes of IC 12-15-30.5, has the meaning set  
 5 forth in IC 12-15-30.5-3.**

6 SECTION 4. IC 12-15-30.5 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2019]:

9 **Chapter 30.5. Nonemergency Medical Transportation**

10 **Sec. 1. As used in this chapter, "broker" means a contractor of  
 11 the office that administers the Medicaid fee-for-service  
 12 nonemergency medical transportation program.**

13 **Sec. 2. As used in this chapter, "commission" refers to the  
 14 nonemergency medical transportation commission established by  
 15 section 7 of this chapter.**

16 **Sec. 3. As used in this chapter, "nonemergency medical  
 17 transportation" means medically necessary transportation to  
 18 Medicaid covered services for an eligible Medicaid recipient who:**

- 19 (1) participates in the Medicaid fee-for-service program; and  
 20 (2) does not have available transportation to:  
 21 (A) a Medicaid reimbursable service; or  
 22 (B) a pharmacy to obtain Medicaid reimbursable  
 23 pharmacy services.

24 **Sec. 4. (a) A broker must do the following:**

- 25 (1) Post weekly reports on the broker's Internet web site of  
 26 the following:  
 27 (A) A list, by vehicle type, of the broker's fully contracted  
 28 and credentialed transportation vehicles.  
 29 (B) The number, listed by county, of drivers providing  
 30 nonemergency medical transportation.  
 31 (C) The number of instances in which there was a failure  
 32 to provide requested nonemergency medical  
 33 transportation for an eligible Medicaid recipient.  
 34 (D) A summary of the complaints received by the broker,  
 35 whether or not the complaints have been substantiated.  
 36 (2) Prepare a monthly report comparing:  
 37 (A) the number of eligible Medicaid recipients; to  
 38 (B) the number of contracted and credentialed  
 39 transportation vehicles, by type and by county;  
 40 and including the calculation of the ratio of eligible Medicaid  
 41 recipients to vehicle type.  
 42 (b) If the broker has not assigned a transportation provider to



1 a request for nonemergency medical transportation within  
 2 forty-eight (48) hours of the time in which the transportation is to  
 3 be provided, the broker shall do the following:

4 (1) Notify the:

5 (A) Medicaid recipient for which the request was made;  
 6 and

7 (B) health facility, if the Medicaid recipient resides in a  
 8 health facility;

9 that a transportation provider has not yet been assigned.

10 (2) Continue to make every effort in securing transportation  
 11 for the Medicaid recipient.

12 (3) Update the persons described in subdivision (1) of the  
 13 status of the request at least twelve (12) hours before the  
 14 requested transportation time.

15 **Sec. 5. (a)** A broker shall establish, implement, and maintain the  
 16 following:

17 (1) One (1) toll free telephone number clearly identified for  
 18 the handling of complaints concerning the nonemergency  
 19 medical transportation services.

20 (2) A link on the broker's Internet web site titled "File a  
 21 Complaint Here" that is accessible by the public and that  
 22 allows for the submission of a complaint concerning the  
 23 nonemergency medical transportation services.

24 (3) Instructions on the broker's Internet web site on how to  
 25 file a complaint concerning nonemergency medical  
 26 transportation services and how to appeal a determination on  
 27 a complaint.

28 (b) Except for disclosure to the office of the secretary, the  
 29 broker shall keep confidential the identity of any individual who  
 30 submits a complaint with the broker concerning nonemergency  
 31 medical transportation services.

32 (c) If a complaint concerning nonemergency medical  
 33 transportation services made to the broker is substantiated, the  
 34 broker shall develop a corrective action plan concerning the  
 35 complaint and publish the corrective action plan on the broker's  
 36 Internet web site.

37 **Sec. 6. (a)** Before July 31, 2019, the office of the secretary shall  
 38 prepare a report containing the number of Medicaid  
 39 fee-for-service nonemergency medical transportation claims paid  
 40 by:

41 (1) vehicle type;

42 (2) Medicaid recipient category; and



1           **(3) whether the recipient for which the claim was paid resided**  
 2           **in:**

3           **(A) the community;**

4           **(B) a health facility; or**

5           **(C) an intermediate care facility for individuals with**  
 6           **intellectual disabilities.**

7           **(b) The office of the secretary shall submit the report prepared**  
 8           **under subsection (a) to the commission.**

9           **Sec. 7. (a) The nonemergency medical transportation**  
 10           **commission is established for the purpose of overseeing the**  
 11           **provision of nonemergency medical transportation services to**  
 12           **ensure that Medicaid fee-for-service recipients are receiving**  
 13           **satisfactory service.**

14           **(b) The commission consists of the following members:**

15           **(1) Two (2) members of the senate, who may not be members**  
 16           **of the same political party, appointed by the president pro**  
 17           **tempore of the senate with the advice of the minority leader**  
 18           **of the senate.**

19           **(2) Two (2) members of the house of representatives, who may**  
 20           **not be members of the same political party, appointed by the**  
 21           **speaker of the house of representatives with the advice of the**  
 22           **minority leader of the house of representatives.**

23           **(3) One (1) representative of the office of the secretary.**

24           **(4) One (1) individual representing a broker.**

25           **(5) One (1) individual representing a transportation provider**  
 26           **that has contracted with a broker.**

27           **(6) One (1) individual representing the Indiana Hospital**  
 28           **Association.**

29           **(7) One (1) individual representing the Indiana Health Care**  
 30           **Association.**

31           **(8) One (1) individual representing the Indiana Association of**  
 32           **Rehabilitation Facilities.**

33           **(9) One (1) individual representing the Arc of Indiana.**

34           **(10) One (1) physician licensed under IC 25-22.5.**

35           **(11) One (1) individual representing dialysis providers.**

36           **(12) One (1) Medicaid fee-for-service recipient.**

37           **(c) The members of the commission described in subsection**  
 38           **(b)(1) and (b)(2) shall serve:**

39           **(1) as nonvoting advisory members; and**

40           **(2) for a four (4) year term.**

41           **(d) The members of the commission described in subsection**  
 42           **(b)(3) through (b)(12) shall be appointed by the governor for terms**



1 of four (4) years. The term of a member of the commission expires  
 2 July 1. However, a member may continue to serve until a successor  
 3 is appointed. In case of a vacancy, the governor shall appoint an  
 4 individual to serve for the remainder of the unexpired term. The  
 5 governor shall designate one (1) member described in this  
 6 subsection as chairperson of the commission.

7 (e) The initial appointments beginning July 1, 2019, must be:

8 (1) made by the governor not later than October 1, 2019; and

9 (2) notwithstanding subsection (d), staggered as follows:

10 (A) Two (2) years for the members appointed under  
 11 subsection (b)(4), (b)(6), (b)(8), (b)(10), and (b)(12).

12 (B) Three (3) years for the members appointed under  
 13 subsection (b)(5), (b)(7), (b)(9), and (b)(11).

14 This subsection expires July 1, 2024.

15 Sec. 8. (a) Each member of the commission who is not a state  
 16 employee is entitled to the minimum salary per diem provided by  
 17 IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement  
 18 for traveling expenses and other expenses actually incurred in  
 19 connection with the member's duties, as provided in the state travel  
 20 policies and procedures established by the Indiana department of  
 21 administration and approved by the budget agency.

22 (b) Each member of the commission who is a state employee but  
 23 who is not a member of the general assembly is entitled to  
 24 reimbursement for traveling expenses and other expenses actually  
 25 incurred in connection with the member's duties, as provided in the  
 26 state travel policies and procedures established by the Indiana  
 27 department of administration and approved by the budget agency.

28 (c) Each member of the commission who is a member of the  
 29 general assembly is entitled to receive the same per diem, mileage,  
 30 and travel allowances paid to legislative members of interim study  
 31 committees established by the legislative council. Per diem,  
 32 mileage, and travel allowances paid under this subsection shall be  
 33 paid from appropriations made to the legislative council or the  
 34 legislative services agency.

35 Sec. 9. The commission shall meet at least two (2) times per year  
 36 at a public meeting to do the following:

37 (1) Review a report submitted under this chapter.

38 (2) Provide feedback and make recommendations to the office  
 39 of the secretary concerning the provision of nonemergency  
 40 medical transportation services.

41 (3) Review complaints received by the office of the secretary  
 42 concerning the provision of nonemergency medical



1           **transportation services and provide feedback on the**  
2           **complaints and any corrective action taken concerning the**  
3           **complaints.**  
4           **(4) Approve any monies to be awarded to a broker as part of**  
5           **an incentive outlined in the contract between the office of the**  
6           **secretary and the broker.**

