



March 29, 2019

**ENGROSSED
SENATE BILL No. 480**

DIGEST OF SB 480 (Updated March 27, 2019 8:14 pm - DI 77)

Citations Affected: IC 12-7; IC 12-15.

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 October 1, 2019, a report concerning nonemergency medical transportation Medicaid claims and submit the report to the commission.

Effective: July 1, 2019.

**Becker, Messmer, Charbonneau,
Houchin, Leising, Merritt, Tomes,
Breux, Melton, Randolph Lonnie M,
Buck**

(HOUSE SPONSORS — PRESSEL, KARICKHOFF, BACON, HATFIELD)

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

January 31, 2019, amended, reported favorably — Do Pass.

February 5, 2019, read second time, amended, ordered engrossed.

February 6, 2019, engrossed.

February 7, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Public Health.

March 28, 2019, amended, reported — Do Pass.

ES 480—LS 6602/DI 104



March 29, 2019

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.

ENGROSSED 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.

ES 480—LS 6602/DI 104



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 listed by county, of the broker's
 28 fully contracted 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, including
 34 whether:
 35 (i) the failure related to picking up the recipient to go to
 36 an appointment;
 37 (ii) the failure related to picking up the recipient from an
 38 appointment;
 39 (iii) the recipient resides in the community, a health
 40 facility, an intermediate care facility for individuals with
 41 intellectual disabilities, a hospital, or another location;
 42 and



- 1 (iv) the failure resulted from the transportation request
 2 being canceled by the transportation provider more than
 3 forty-eight (48) hours before the appointment or within
 4 forty-eight (48) hours of the appointment.
- 5 (D) A summary of the complaints received by the broker,
 6 whether or not the complaints have been substantiated.
 7 Information under this clause must include the total
 8 number of complaints and whether the complaint related
 9 to:
- 10 (i) a scheduled ride to go to an appointment;
 11 (ii) a scheduled ride from an appointment; and
 12 (iii) a recipient who resided in the community, a health
 13 facility, an intermediate care facility for individuals with
 14 intellectual disabilities, a hospital, or another location.
- 15 (2) Post monthly on the broker's Internet web site a report
 16 comparing:
- 17 (A) the number of eligible Medicaid recipients; to
 18 (B) the number of contracted and credentialed
 19 transportation vehicles, by type and by county;
 20 and including the calculation of the ratio of eligible Medicaid
 21 recipients to vehicle type.
- 22 (3) Submit a monthly report to the office that includes the
 23 following information for the previous month:
- 24 (A) The number of ride requests received.
 25 (B) Call center statistics.
 26 (C) Information on claims payments.
 27 (D) Program integrity referrals.
 28 (E) Information concerning grievances and appeals,
 29 including the status of any grievance or appeal that is
 30 either open or closed in the month of the report.
- 31 (b) If the broker has not assigned a transportation provider to
 32 a request for nonemergency medical transportation within
 33 forty-eight (48) hours of the time in which the transportation is to
 34 be provided, the broker shall do the following:
- 35 (1) Notify the:
- 36 (A) Medicaid recipient for which the request was made;
 37 and
 38 (B) health facility, if the Medicaid recipient resides in a
 39 health facility;
 40 that a transportation provider has not yet been assigned.
- 41 (2) Continue to make every effort in securing transportation
 42 for the Medicaid recipient.



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

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

6 (1) One (1) toll free telephone number clearly identified for
 7 the handling of complaints concerning the nonemergency
 8 medical transportation services.

9 (2) A link on the home page of the broker's Internet web site
 10 titled "File a Complaint Here" that is accessible by the public
 11 and that allows for the submission of a complaint concerning
 12 the nonemergency medical transportation services.

13 (3) Instructions on the broker's Internet web site on how to
 14 file a complaint concerning nonemergency medical
 15 transportation services.

16 (4) A process to notify a person who files a complaint about:
 17 (A) the steps the broker will take to investigate the
 18 complaint; and
 19 (B) the results of the investigation.

20 (b) Except for disclosure to the office of the secretary, the
 21 broker shall keep confidential the identity of any individual who
 22 submits a complaint with the broker concerning nonemergency
 23 medical transportation services.

24 (c) If a complaint concerning nonemergency medical
 25 transportation services made to the broker is substantiated, the
 26 broker shall develop a corrective action plan concerning the
 27 complaint and publish the corrective action plan on the broker's
 28 Internet web site.

29 **Sec. 6. (a) Before October 1, 2019, the office of the secretary**
 30 **shall prepare a report containing the number of Medicaid**
 31 **fee-for-service nonemergency medical transportation claims paid**
 32 **by:**

33 (1) vehicle type;
 34 (2) Medicaid recipient category; and
 35 (3) whether the recipient for which the claim was paid resided
 36 in:

37 (A) the community;
 38 (B) a health facility;
 39 (C) an intermediate care facility for individuals with
 40 intellectual disabilities;
 41 (D) a hospital; or
 42 (E) another location.



1 (b) Beginning June 1, 2016, through May 30, 2019, the claims
2 data reported in subsection (a) must be organized by month.

3 (c) The office of the secretary shall submit the report prepared
4 under subsection (a) to the commission.

5 Sec. 7. (a) The nonemergency medical transportation
6 commission is established for the purpose of overseeing the
7 provision of nonemergency medical transportation services to
8 ensure that Medicaid fee-for-service recipients are receiving
9 satisfactory service and to ensure that brokers pay the claims of
10 transportation providers in a timely manner.

11 (b) The commission consists of the following members:

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

16 (2) Two (2) members of the house of representatives, who may
17 not be members of the same political party, appointed by the
18 speaker of the house of representatives with the advice of the
19 minority leader of the house of representatives.

20 (3) One (1) representative of the office of the secretary.

21 (4) One (1) individual representing a broker.

22 (5) One (1) individual representing a transportation provider
23 that has contracted with a broker.

24 (6) One (1) individual representing the Indiana Hospital
25 Association.

26 (7) One (1) individual representing the Indiana Health Care
27 Association.

28 (8) One (1) individual representing the Indiana Association of
29 Rehabilitation Facilities.

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

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

32 (11) One (1) individual representing dialysis providers.

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

34 (13) One (1) individual representing the Indiana Association
35 of Area Agencies on Aging.

36 (14) One (1) individual representing the Indiana Emergency
37 Medical Services Association.

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

40 (1) as nonvoting advisory members; and

41 (2) for a four (4) year term.

42 (d) The members of the commission described in subsection



1 (b)(3) through (b)(14) shall be appointed by the governor for terms
 2 of four (4) years. The term of a member of the commission expires
 3 July 1. However, a member may continue to serve until a successor
 4 is appointed. In case of a vacancy, the governor shall appoint an
 5 individual to serve for the remainder of the unexpired term. The
 6 governor shall designate one (1) member described in this
 7 subsection as chairperson of the commission.

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

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

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

11 (A) Two (2) years for the members appointed under
 12 subsection (b)(4), (b)(6), (b)(8), (b)(10), (b)(12), and (b)(14).

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

15 This subsection expires July 1, 2024.

16 (f) The office shall provide staff support and technical assistance
 17 to the commission, including the collection of and dissemination of
 18 data and reports required by this chapter, in order for the
 19 commission to carry out its duties under this chapter.

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

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

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

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

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



- 1 **(2) Provide feedback and make recommendations to the office**
- 2 **of the secretary concerning the provision of nonemergency**
- 3 **medical transportation services.**
- 4 **(3) Review complaints received by the broker and the office**
- 5 **of the secretary concerning the provision of nonemergency**
- 6 **medical transportation services and provide feedback on the**
- 7 **complaints and any corrective action taken concerning the**
- 8 **complaints.**
- 9 **(4) Approve any monies to be awarded to a broker as part of**
- 10 **an incentive outlined in the contract between the office of the**
- 11 **secretary and the broker.**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 27, delete "type," and insert "**type listed by county,**".

Page 2, line 33, delete "recipient." and insert "**recipient, including whether:**

- (i) **the failure related to picking up the recipient to go to an appointment;**
- (ii) **the failure related to picking up the recipient from an appointment;**
- (iii) **the recipient resides in the community, a health facility, an intermediate care facility for individuals with intellectual disabilities, a hospital, or another location; and**
- (iv) **the failure resulted from the transportation request being cancelled by the transportation provider more than forty-eight (48) hours before the appointment or within forty-eight (48) hours of the appointment."**

Page 2, line 35, after "." insert "**Information under this clause must include the total number of complaints and whether the complaint related to:**

- (i) **a scheduled ride to go to an appointment;**
- (ii) **a scheduled ride from an appointment; and**
- (iii) **a recipient who resided in the community, a health facility, an intermediate care facility for individuals with intellectual disabilities, a hospital, or another location."**

Page 2, line 36, delete "Prepare a monthly" and insert "**Post monthly on the broker's Internet web site a**".

Page 2, between lines 41 and 42, begin a new line block indented and insert:

"(3) Submit a monthly report to the office that includes the following information for the previous month:

- (A) **The number of ride requests received.**
- (B) **Call center statistics.**
- (C) **Information on claims payments.**
- (D) **Program integrity referrals.**
- (E) **Information concerning grievances and appeals, including the status of any grievance or appeal that is either open or closed in the month of the report."**



Page 3, line 20, after "the" insert "**home page of the**".

Page 3, line 26, delete "services and how to appeal a determination on" and insert "**services**".

Page 3, delete line 27, begin a new line block indented and insert:

"(4) A process to notify a person who files a complaint about:

(A) the steps the broker will take to investigate the complaint; and

(B) the results of the investigation."

Page 3, line 37, delete "July 31, 2019," and insert "**October 1, 2019**".

Page 4, line 4, delete "or".

Page 4, line 6, delete "." and insert ";

(D) a hospital; or

(E) another location."

Page 4, line 7, after "(b)" insert "**Beginning June 1, 2016, through May 30, 2019, the claims data reported in subsection (a) must be organized by month.**

(c)".

Page 4, between lines 36 and 37, begin a new line block indented and insert:

"(13) One (1) individual representing the Indiana Association of Area Agencies on Aging."

Page 4, line 42, delete "(b)(12)" and insert "**(b)(13)**".

Page 5, line 13, delete "and (b)(11)." and insert "**(b)(11), and (b)(13)**".

Page 5, line 41, after "by" insert "**the broker and**".

and when so amended that said bill do pass.

(Reference is to SB 480 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.



SENATE MOTION

Madam President: I move that Senate Bill 480 be amended to read as follows:

Page 5, line 9, delete "." and insert "**and to ensure that brokers pay the claims of transportation providers in a timely manner.**".

(Reference is to SB 480 as printed February 1, 2019.)

BREAUX

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 2, delete "cancelled" and insert "**canceled**".

Page 5, between lines 35 and 36, begin a new line block indented and insert:

"(14) One (1) individual representing the Indiana Emergency Medical Services Association."

Page 5, line 41, delete "(b)(13)" and insert "**(b)(14)**".

Page 6, line 10, delete "and (b)(12)." and insert "**(b)(12), and (b)(14).**".

Page 6, between lines 13 and 14, begin a new paragraph and insert:

"(f) The office shall provide staff support and technical assistance to the commission, including the collection of and dissemination of data and reports required by this chapter, in order for the commission to carry out its duties under this chapter."

and when so amended that said bill do pass.

(Reference is to SB 480 as reprinted February 6, 2019.)

KIRCHHOFER

Committee Vote: yeas 11, nays 0.

