
DIGEST

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HB 91 Original

2021 Regular Session

Echols

Abstract: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program.

Proposed law provides legislative findings and a declaration concerning the suitability of transportation network companies to protect and promote public health by facilitating access to primary care, pharmacy services, and other forms of health care that help people to maintain and improve their health.

Proposed law authorizes transportation network companies to provide nonemergency medical transportation (NEMT) services through the state Medicaid program.

Proposed law prohibits the La. Dept. 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, 2021. Provides, however, that any transportation network company licensed by the Dept. of Transportation and Development that contracts with a transportation broker may facilitate NEMT services at any time on or after the effective date of proposed law and before the adoption of the rules required by proposed law.

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 relative to transportation network companies, except with respect to criminal background checks and as may be necessary to conform with applicable federal Medicaid transportation requirements.

With respect to criminal background checks, proposed law prohibits drivers from providing NEMT services to Medicaid enrollees through a transportation network company's digital network prior to the completion of a criminal background check on that driver which comports with either of the following:

- (1) Background check requirements provided in present law relative to nonlicensed persons providing health-related services (R.S. 40:1203.1 et seq.).

- (2) Background check requirements provided in present law relative to transportation network companies (R.S. 48:2199).

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 provides that nothing therein shall be construed to authorize a company or individual to violate any provision of present law relative to operation of ambulances.

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)