

2020 Second Extraordinary Session

HOUSE BILL NO. 35

BY REPRESENTATIVES ECHOLS AND BAGLEY

TRANSPORTATION: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program and all other publicly and privately issued health insurance plans (Item #32)

1 AN ACT

2 To enact R.S. 48:2206, relative to transportation network companies; to provide legislative
3 findings; to provide relative to requirements for certain businesses to furnish
4 transportation services in association with health insurance plans; to authorize
5 transportation network companies to provide nonemergency medical transportation
6 through the state Medicaid program, Medicare plans, and other forms of publicly and
7 privately issued health insurance; to establish company and driver requirements; to
8 provide for the promulgation of rules by the Louisiana Department of Health; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 48:2206 is hereby enacted to read as follows:

12 §2206. Nonemergency medical transportation

13 A. The legislature hereby finds that during the global outbreak of the
14 respiratory disease known as "COVID-19" which became a declared public health
15 emergency in Louisiana in March of 2020, many citizens of this state would have
16 benefitted from access to nonemergency transportation services offering
17 individualized options and opportunities for safe transportation in environments that
18 minimize the risk of exposure to infectious disease. The legislature hereby declares
19 that transportation network companies are ideal providers of services that protect and

1 promote public health by facilitating access to primary care, pharmacy services, and
2 other forms of health care that help people maintain and improve their health.

3 B. Notwithstanding any provision of law to the contrary and subject to
4 compliance with applicable federal Medicaid and Medicare requirements, any
5 transportation network company that complies with the provisions of this Chapter
6 is authorized to connect a driver to a rider for the purpose of providing
7 nonemergency medical transportation services within the state through the Louisiana
8 Medicaid program, a Medicare plan, a Medicare supplemental plan, a Medicare
9 Advantage plan, or any other type of publicly or privately issued insurance classified
10 by the provisions of R.S. 22:47 as health and accident insurance.

11 C. The Louisiana Department of Health shall not require any driver affiliated
12 with a transportation network company to enroll as a nonemergency medical
13 transportation provider in the Louisiana Medicaid program in order for any
14 nonemergency medical transportation services provided to Medicaid enrollees by the
15 driver through a company's digital network to be eligible for Medicaid
16 reimbursement.

17 D.(1) The Louisiana Department of Health shall promulgate rules and
18 regulations as are necessary for the implementation of this Section by March 1, 2021.
19 Requirements imposed for companies and drivers to act as Medicaid transportation
20 providers, including requirements for enrollment and specifications for the vehicles
21 used, may not exceed those imposed by R.S. 48:2191 through 2203 and R.S.
22 45:201.1 through 201.13, except as necessary to conform to applicable federal
23 Medicaid transportation requirements administered by the Louisiana Department of
24 Health, bureau of health services financing.

25 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
26 Louisiana Department of Health may require that, prior to facilitating nonemergency
27 medical transportation services for Medicaid enrollees, a transportation network
28 company be under contract with a transportation broker that is under contract with
29 either of the following:

- 1 (a) A Medicaid managed care organization as defined in R.S. 46:460.51.
- 2 (b) The Louisiana Department of Health.
- 3 E. The provisions of R.S. 48:2205 shall extend to the regulation of
4 companies, drivers, and vehicles facilitating or providing nonemergency medical
5 transportation services as authorized in this Section.
- 6 F. Ambulances, emergency medical response vehicles, and EMS
7 practitioners as defined in R.S. 40:1131 shall not be used for the purpose of
8 providing nonemergency medical transportation services under this Section.

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 35 Original

2020 Second Extraordinary Session

Echols

Abstract: Authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program, Medicare plans, and all other types of publicly or privately issued health insurance.

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 La. Medicaid program, Medicare plans, Medicare supplemental plans, Medicare Advantage plans, and all other types of publicly or privately issued insurance classified by the provisions of present law as health and accident insurance.

Proposed law prohibits the La. Department 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 March 1, 2021.

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, except as necessary to conform with applicable federal Medicaid transportation requirements.

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 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)