

BILL ANALYSIS

C.S.H.B. 1576
By: Phelan
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised about a reported gap in transportation services provided under the state Medicaid program in situations where a recipient's need for transportation to and from a health care service appointment cannot be met due to difficulties in scheduling the transportation within the required time frame. C.S.H.B. 1576 seeks to provide for a more efficient model for the delivery of certain nonmedical transportation services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 3 and 7 of this bill.

ANALYSIS

C.S.H.B. 1576 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules, as described by the bill, regarding the manner in which nonmedical transportation services may be arranged and provided under the state Medicaid program. The bill establishes the following as constituting nonmedical transportation service:

- curb-to-curb transportation in a standard passenger vehicle to and from a medically necessary, nonemergency covered health care service of a Medicaid recipient enrolled in a managed care plan that the managed care organization (MCO) that provides health care services to the recipient determines meets the level of care that is medically appropriate for the recipient, including certain related transportation and that is scheduled not more than 48 hours before the transportation occurs; and
- any other transportation to or from a medically necessary, nonemergency covered health care service HHSC considers appropriate to be provided by a transportation vendor, as determined by HHSC rule or policy.

C.S.H.B. 1576 requires each Medicaid MCO that contracts with HHSC to provide health care services to Medicaid recipients to arrange for the provision of nonmedical transportation services. The bill authorizes such an MCO to contract with a transportation vendor or other third party to arrange for the provision of these services. If the MCO contracts with a third party that is not a transportation vendor, the third party is required to contract with a transportation vendor to deliver these services. The bill requires an MCO that contracts with a vendor or third party to arrange for the provision of such transportation services to ensure the effective sharing and integration of service coordination, service authorization, and utilization management data

between the organization and the vendor or party.

C.S.H.B. 1576 prohibits HHSC and an MCO from requiring a motor vehicle operator to enroll as a Medicaid provider to provide nonmedical transportation services. The bill prohibits an MCO from requiring the credentialing of a motor vehicle operator to provide nonmedical transportation services and prohibits HHSC from requiring an MCO to implement such credentialing. The bill establishes that a motor vehicle operator who is part of a transportation network company's network and who satisfies applicable Occupations Code driver requirements is qualified to provide nonmedical transportation services. The bill prohibits HHSC and an MCO from imposing any additional requirements on such a motor vehicle operator who satisfies the applicable driver requirements to provide nonmedical transportation services.

C.S.H.B. 1576 authorizes a motor vehicle operator who provides nonmedical transportation services or services under the medical transportation program to use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets certain applicable requirements.

C.S.H.B. 1576 authorizes a regional contracted broker or a managed transportation organization to subcontract with a transportation network company to provide services under the medical transportation program. The bill prohibits emergency medical services personnel and emergency services vehicles from providing nonemergency transportation services under that program. The bill exempts the company subcontracted by a regional contracted broker or a motor vehicle operator who is part of that company's network from a rule or other requirement adopted for the purposes of ensuring the safe and efficient provision of nonemergency transportation under the program and exempts the company subcontracted by a managed transportation organization or such a motor vehicle operator from a rule or other requirement adopted that relates to the administration, operation, or delivery of services under the program.

C.S.H.B. 1576 establishes that a motor vehicle operator who is part of such a subcontracted transportation network company's network and who satisfies applicable Occupations Code driver requirements is qualified to provide services under the medical transportation program. The bill prohibits HHSC and the broker or organization, as applicable, from requiring a motor vehicle operator who is part of the subcontracted company's network to enroll as a Medicaid provider to provide services under the program and from imposing any additional requirements on a motor vehicle operator who satisfies the applicable driver requirements to provide services under the program.

C.S.H.B. 1576 authorizes HHSC, an MCO, a broker, or a managed transportation organization that contracts or subcontracts with a transportation vendor or transportation network company, as applicable, to require the vendor, company, or a motor vehicle operator who provides transport services under the bill's provisions to be periodically screened against the list of excluded individuals and entities maintained by the U.S. Department of Health and Human Services' office of inspector general.

C.S.H.B. 1576 requires the executive commissioner of HHSC to adopt rules as necessary to implement the changes in law made by the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1576 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee

substitute versions of the bill.

The substitute revises what constitutes a nonmedical transportation service.

The substitute includes authorization for HHSC, an MCO, a broker, or a managed transportation organization to require an applicable transportation vendor, transportation network company, or motor vehicle operator to be periodically screened against a federal list of excluded individuals and entities.

The substitute includes authorization for a motor vehicle operator providing certain transportation services to use a wheelchair-accessible vehicle equipped with a certain lift or ramp if the vehicle otherwise meets certain requirements.

The substitute provides for the bill to take immediate effect if it receives the necessary vote.