

1-1 By: Janek S.B. No. 314
1-2 (In the Senate - Filed January 29, 2003; February 6, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 6, 2003, reported favorably by the following vote:
1-5 Yeas 5, Nays 2; March 6, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the medical transportation program.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-11 amended by adding Section 531.063 to read as follows:

1-12 Sec. 531.063. CONTRACTS FOR TRANSPORTATION BROKERAGE
1-13 SERVICES. (a) The commission shall contract with a single
1-14 statewide transportation broker or with an appropriate number of
1-15 regional transportation brokers for administrative assistance in
1-16 providing transportation services under the medical transportation
1-17 program.

1-18 (b) The commission may contract under this section with any
1-19 person who meets the criteria established by the commission,
1-20 including a nonprofit organization, public entity, or private
1-21 contractor.

1-22 (c) A contract between the commission and a broker must:

1-23 (1) require the broker to act as a gatekeeper to
1-24 control costs and the use of transportation services, as well as to
1-25 ensure consistent quality of and access to those services;

1-26 (2) require the broker to implement procedures
1-27 designed to:

1-28 (A) prevent fraud and abuse in the medical
1-29 transportation program; and

1-30 (B) promote use of the most efficient and least
1-31 costly modes of transportation; and

1-32 (3) include an overall cap on the amount that may be
1-33 paid by the commission under the contract.

1-34 (d) The broker or brokers selected by the commission may
1-35 contract with transportation providers as necessary to provide
1-36 transportation services to persons eligible for those services.

1-37 SECTION 2. On September 1, 2004, or on an earlier date
1-38 specified by the Health and Human Services Commission:

1-39 (1) all powers, duties, functions, activities,
1-40 obligations, rights, contracts, records, property, and
1-41 appropriations or other money of the Texas Department of Health
1-42 that are determined by the commissioner of health and human
1-43 services to be essential to the administration of the medical
1-44 transportation program are transferred to the Health and Human
1-45 Services Commission;

1-46 (2) a rule or form adopted by the Texas Department of
1-47 Health that relates to the medical transportation program is a rule
1-48 or form of the Health and Human Services Commission and remains in
1-49 effect until altered by the commission;

1-50 (3) a reference in law or an administrative rule to the
1-51 Texas Department of Health that relates to the medical
1-52 transportation program means the Health and Human Services
1-53 Commission;

1-54 (4) a license, permit, or certification in effect that
1-55 was issued by the Texas Department of Health that relates to the
1-56 medical transportation program is continued in effect as a license,
1-57 permit, or certification of the Health and Human Services
1-58 Commission; and

1-59 (5) a complaint, investigation, or other proceeding
1-60 pending before the Texas Department of Health that relates to the
1-61 medical transportation program is transferred without change in
1-62 status to the Health and Human Services Commission.

1-63 SECTION 3. The Health and Human Services Commission shall
1-64 take all action necessary to provide for:

2-1 (1) the transfer of the medical transportation program
2-2 to the commission as soon as possible after the effective date of
2-3 this Act but not later than September 1, 2004; and

2-4 (2) the execution of a contract authorized by Section
2-5 531.063, Government Code, as added by this Act, not later than
2-6 September 1, 2004.

2-7 SECTION 4. This Act takes effect September 1, 2003.

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