

BILL ANALYSIS

C.S.H.B. 2136
By: Guillen
Insurance
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Regional contracted brokers provide transportation to Medicaid recipients to access nonemergency medical services through the medical transportation program. These regional contracted brokers act as a taxi service to help individuals get to doctors' appointments and access other nonemergency medical services. C.S.H.B. 2136 seeks to protect these brokers and the individuals they serve by authorizing the executive commissioner of the Health and Human Services Commission to adopt rules to ensure the safe and efficient provision of nonemergency transportation services under the medical transportation program.

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 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 2136 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC), not later than August 31, 2013, to adopt rules to ensure the safe and efficient provision of nonemergency transportation services under the medical transportation program by regional contracted brokers and subcontractors of regional contracted brokers.

C.S.H.B. 2136 requires the rules to include:

- minimum standards regarding the physical condition and maintenance of motor vehicles used to provide the services, including standards regarding the accessibility of motor vehicles by persons with disabilities;
- a requirement that a regional contracted broker verify that each motor vehicle operator providing the services or seeking to provide the services has a valid driver's license;
- a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety (DPS) of each motor vehicle operator providing the services or seeking to provide the services;
- a requirement that a regional contracted broker check the public criminal record information maintained by DPS and made available to the public through the DPS Internet website of each motor vehicle operator providing the services or seeking to provide the services; and
- training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on passenger safety, passenger assistance, assistive devices, sensitivity and diversity, customer service, defensive driving techniques, and prohibited behavior by motor vehicle operators.

C.S.H.B. 2136 requires HHSC to require compliance with the adopted rules in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program. The bill requires HHSC, in a contract between HHSC and a regional contracted broker that is entered into or renewed on or after the date the rules required by the bill's provisions take effect, to require that the regional contracted broker comply with those rules.

C.S.H.B. 2136 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision and authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

C.S.H.B. 2136 defines "regional contracted broker" and redefines "medical transportation program" to include a program that provides nonemergency transportation services that do not include transportation services provided by ambulance. The bill makes a nonsubstantive change.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2136 differs from the original by redefining "medical transportation program" to include a program that provides nonemergency transportation services that do not include transportation services provided by ambulance.