

AN ACT

relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 531.02414, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) In this section:

(1) "Medical [~~,"~~ ~~"medical~~ transportation program" means the program that provides nonemergency transportation services to and from covered health care services, based on medical necessity, to recipients under the Medicaid program, the children with special health care needs program, and the transportation for indigent cancer patients program, who have no other means of transportation.

(2) "Regional contracted broker" means an entity that contracts with the commission to provide or arrange for the provision of nonemergency transportation services under the medical transportation program.

(e) The executive commissioner shall 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

1 brokers. The rules must include:

2 (1) minimum standards regarding the physical  
3 condition and maintenance of motor vehicles used to provide the  
4 services, including standards regarding the accessibility of motor  
5 vehicles by persons with disabilities;

6 (2) a requirement that a regional contracted broker  
7 verify that each motor vehicle operator providing the services or  
8 seeking to provide the services has a valid driver's license;

9 (3) a requirement that a regional contracted broker  
10 check the driving record information maintained by the Department  
11 of Public Safety under Subchapter C, Chapter 521, Transportation  
12 Code, of each motor vehicle operator providing the services or  
13 seeking to provide the services;

14 (4) a requirement that a regional contracted broker  
15 check the public criminal record information maintained by the  
16 Department of Public Safety and made available to the public  
17 through the department's Internet website of each motor vehicle  
18 operator providing the services or seeking to provide the services;  
19 and

20 (5) training requirements for motor vehicle operators  
21 providing the services through a regional contracted broker,  
22 including training on the following topics:

23 (A) passenger safety;

24 (B) passenger assistance;

25 (C) assistive devices, including wheelchair  
26 lifts, tie-down equipment, and child safety seats;

27 (D) sensitivity and diversity;

1                   (E) customer service;  
2                   (F) defensive driving techniques; and  
3                   (G) prohibited behavior by motor vehicle  
4 operators.

5           (f) The commission shall require compliance with the rules  
6 adopted under Subsection (e) in any contract entered into with a  
7 regional contracted broker to provide nonemergency transportation  
8 services under the medical transportation program.

9           SECTION 2. (a) Not later than August 31, 2013, the  
10 executive commissioner of the Health and Human Services Commission  
11 shall adopt rules as required by Section 531.02414(e), Government  
12 Code, as added by this Act.

13           (b) The Health and Human Services Commission shall, in a  
14 contract between the commission and a regional contracted broker  
15 under Section 531.02414, Government Code, as amended by this Act,  
16 that is entered into or renewed on or after the date the rules  
17 required by that section take effect, require that the regional  
18 contracted broker comply with those rules.

19           SECTION 3. If before implementing any provision of this Act  
20 a state agency determines that a waiver or authorization from a  
21 federal agency is necessary for implementation of that provision,  
22 the agency affected by the provision shall request the waiver or  
23 authorization and may delay implementing that provision until the  
24 waiver or authorization is granted.

25           SECTION 4. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2136 was passed by the House on May 5, 2011, by the following vote: Yeas 144, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2136 on May 25, 2011, by the following vote: Yeas 139, Nays 0, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2136 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor