

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 2136
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 13, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 20, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays
1-6 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2136 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to regional contracted brokers and subcontractors of
1-11 regional contracted brokers providing Medicaid nonemergency
1-12 medical transportation services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 531.02414, Government Code, is amended
1-15 by amending Subsection (a) and adding Subsections (e) and (f) to
1-16 read as follows:

1-17 (a) In this section:

1-18 (1) "Medical [~~,"~~ "medical] transportation program"
1-19 means the program that provides nonemergency transportation
1-20 services:

1-21 (A) to and from covered health care services,
1-22 based on medical necessity, to recipients under the Medicaid
1-23 program, the children with special health care needs program, and
1-24 the transportation for indigent cancer patients program, who have
1-25 no other means of transportation; and

1-26 (B) that do not include emergency transportation
1-27 services provided by ambulance.

1-28 (2) "Regional contracted broker" means an entity that
1-29 contracts with the commission to provide or arrange for the
1-30 provision of nonemergency transportation services under the
1-31 medical transportation program.

1-32 (e) The executive commissioner shall adopt rules to ensure
1-33 the safe and efficient provision of nonemergency transportation
1-34 services under the medical transportation program by regional
1-35 contracted brokers and subcontractors of regional contracted
1-36 brokers. The rules must include:

1-37 (1) minimum standards regarding the physical
1-38 condition and maintenance of motor vehicles used to provide the
1-39 services, including standards regarding the accessibility of motor
1-40 vehicles by persons with disabilities;

1-41 (2) a requirement that a regional contracted broker
1-42 verify that each motor vehicle operator providing the services or
1-43 seeking to provide the services has a valid driver's license;

1-44 (3) a requirement that a regional contracted broker
1-45 check the driving record information maintained by the Department
1-46 of Public Safety under Subchapter C, Chapter 521, Transportation
1-47 Code, of each motor vehicle operator providing the services or
1-48 seeking to provide the services;

1-49 (4) a requirement that a regional contracted broker
1-50 check the public criminal record information maintained by the
1-51 Department of Public Safety and made available to the public
1-52 through the department's Internet website of each motor vehicle
1-53 operator providing the services or seeking to provide the services;
1-54 and

1-55 (5) training requirements for motor vehicle operators
1-56 providing the services through a regional contracted broker,
1-57 including training on the following topics:

1-58 (A) passenger safety;

1-59 (B) passenger assistance;

1-60 (C) assistive devices, including wheelchair
1-61 lifts, tie-down equipment, and child safety seats;

1-62 (D) sensitivity and diversity;

1-63 (E) customer service;

2-1 (F) defensive driving techniques; and
2-2 (G) prohibited behavior by motor vehicle
2-3 operators.

2-4 (f) The commission shall require compliance with the rules
2-5 adopted under Subsection (e) in any contract entered into with a
2-6 regional contracted broker to provide nonemergency transportation
2-7 services under the medical transportation program.

2-8 SECTION 2. (a) Not later than August 31, 2013, the
2-9 executive commissioner of the Health and Human Services Commission
2-10 shall adopt rules as required by Section 531.02414(e), Government
2-11 Code, as added by this Act.

2-12 (b) The Health and Human Services Commission shall, in a
2-13 contract between the commission and a regional contracted broker
2-14 under Section 531.02414, Government Code, as amended by this Act,
2-15 that is entered into or renewed on or after the date the rules
2-16 required by that section take effect, require that the regional
2-17 contracted broker comply with those rules.

2-18 SECTION 3. If before implementing any provision of this Act
2-19 a state agency determines that a waiver or authorization from a
2-20 federal agency is necessary for implementation of that provision,
2-21 the agency affected by the provision shall request the waiver or
2-22 authorization and may delay implementing that provision until the
2-23 waiver or authorization is granted.

2-24 SECTION 4. This Act takes effect September 1, 2011.

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