

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 2136

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

9 (a) In this section:

10 (1) "Medical [~~,"~~ "medical] transportation program"
11 means the program that provides nonemergency transportation
12 services:

13 (A) to and from covered health care services,
14 based on medical necessity, to recipients under the Medicaid
15 program, the children with special health care needs program, and
16 the transportation for indigent cancer patients program, who have
17 no other means of transportation; and

18 (B) that do not include transportation services
19 provided by ambulance.

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

24 (e) The executive commissioner shall adopt rules to ensure

1 the safe and efficient provision of nonemergency transportation
2 services under the medical transportation program by regional
3 contracted brokers and subcontractors of regional contracted
4 brokers. The rules must include:

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

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

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

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

22 and

23 (5) training requirements for motor vehicle operators
24 providing the services through a regional contracted broker,
25 including training on the following topics:

26 (A) passenger safety;

27 (B) passenger assistance;

1 (C) assistive devices, including wheelchair
2 lifts, tie-down equipment, and child safety seats;
3 (D) sensitivity and diversity;
4 (E) customer service;
5 (F) defensive driving techniques; and
6 (G) prohibited behavior by motor vehicle
7 operators.

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

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

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

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

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

ADOPTED

MAY 23 2011

Patay Spaw
Secretary of the Senate

By: GUILLEN

H.B. No. 2136

Substitute the following for H.B. No. 2136 :

By: Zaffinini

C.S.H.B. No. 2136

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10 (1) "Medical [~~,"medical"~~] transportation program"
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15 program, the children with special health care needs program, and
16 the transportation for indigent cancer patients program, who have
17 no other means of transportation; and

18 (B) that do not include emergency transportation
19 services provided by ambulance.

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

24 (e) The executive commissioner shall adopt rules to ensure

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2 services under the medical transportation program by regional
3 contracted brokers and subcontractors of regional contracted
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6 condition and maintenance of motor vehicles used to provide the
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8 vehicles by persons with disabilities;

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14 of Public Safety under Subchapter C, Chapter 521, Transportation
15 Code, of each motor vehicle operator providing the services or
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19 Department of Public Safety and made available to the public
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3 (D) sensitivity and diversity;
4 (E) customer service;
5 (F) defensive driving techniques; and
6 (G) prohibited behavior by motor vehicle
7 operators.

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

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

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

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

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


FLOOR AMENDMENT NO. 1

BY: Zaffirini

- 1 Amend C.S.H.B. 2136 (Senate Committee Printing) as follows:
- 2 In SECTION 1 strike added Section 531.02414(a)(1)(B),
- 3 Government Code, in its entirety.

ADOPTED

MAY 23 2011


Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2136 by Guillen (Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) by 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 their subcontractors. The rules would be required to include that regional contracted brokers check the driving record information and the public criminal record information maintained by the Department of Public Safety (DPS) of each motor vehicle operator providing or seeking to provide services. Compliance with adopted rules would be required in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program. According to HHSC, current contracts already include requirements similar to those in the bill so there would be no significant fiscal impact. No fiscal impact to DPS is anticipated as required record checks are already assumed to be performed.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 405 Department of Public Safety

LBB Staff: JOB, CL, KJG, MB, LR, NB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2136 by Guillen (Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 405 Department of Public Safety

LBB Staff: JOB, CL, KJG, MB, LR, NB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2136 by Guillen (Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) by 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 their subcontractors. The rules would be required to include that regional contracted brokers check the driving record information and the public criminal record information maintained by the Department of Public Safety (DPS) of each motor vehicle operator providing or seeking to provide services. Compliance with adopted rules would be required in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program. According to HHSC, current contracts already include requirements similar to those in the bill so there would be no significant fiscal impact. No fiscal impact to DPS is anticipated as required record checks are already assumed to be performed.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 405 Department of Public Safety

LBB Staff: JOB, CL, KJG, MB, LR, NB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 14, 2011

TO: Honorable John T. Smithee, Chair, House Committee on Insurance

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2136 by Guillen (Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) by 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 their subcontractors. The rules would be required to include that regional contracted brokers check the driving record information and the public criminal record information maintained by the Department of Public Safety (DPS) of each motor vehicle operator providing or seeking to provide services. Compliance with adopted rules would be required in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program. According to HHSC, current contracts already include requirements similar to those in the bill so there would be no significant fiscal impact. No fiscal impact to DPS is anticipated as required record checks are already assumed to be performed.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 405 Department of Public Safety

LBB Staff: JOB, KJG, MB, LR, NB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable John T. Smithee, Chair, House Committee on Insurance

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2136 by Guillen (Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) by 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 their subcontractors. The rules would be required to include that regional contracted brokers check the driving record information and the public criminal record information maintained by the Department of Public Safety (DPS) of each motor vehicle operator providing or seeking to provide services. Compliance with adopted rules would be required in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program. According to HHSC, current contracts already include requirements similar to those in the bill so there would be no significant fiscal impact. No fiscal impact to DPS is anticipated as required record checks are already assumed to be performed.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission

LBB Staff: JOB, KJG, MB, LR, NB