

House Bill 2136
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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; (A) 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; and

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

(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 brokers. The rules must include:

(1) 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;

(2) 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;

(3) a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety under Subchapter C, Chapter 521,

SENATE VERSION (IE)

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; (A) 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 brokers. The rules must include:

(1) 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;

(2) 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;

(3) a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety under Subchapter C, Chapter 521,

CONFERENCE

House Bill 2136
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Transportation Code, of each motor vehicle operator providing the services or seeking to provide the services;
(4) a requirement that a regional contracted broker check the public criminal record information maintained by the Department of Public Safety and made available to the public through the department's Internet website of each motor vehicle operator providing the services or seeking to provide the services; and
(5) training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on the following topics:
(A) passenger safety;
(B) passenger assistance;
(C) assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats;
(D) sensitivity and diversity;
(E) customer service;
(F) defensive driving techniques; and
(G) prohibited behavior by motor vehicle operators.
(f) The commission shall require compliance with the rules adopted under Subsection (e) in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program.

SECTION 2. (a) Not later than August 31, 2013, the executive commissioner of the Health and Human Services Commission shall adopt rules as required by Section 531.02414(e), Government Code, as added by this Act.
(b) The Health and Human Services Commission shall, in a contract between the commission and a regional contracted

SENATE VERSION (IE)

Transportation Code, of each motor vehicle operator providing the services or seeking to provide the services;
(4) a requirement that a regional contracted broker check the public criminal record information maintained by the Department of Public Safety and made available to the public through the department's Internet website of each motor vehicle operator providing the services or seeking to provide the services; and
(5) training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on the following topics:
(A) passenger safety;
(B) passenger assistance;
(C) assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats;
(D) sensitivity and diversity;
(E) customer service;
(F) defensive driving techniques; and
(G) prohibited behavior by motor vehicle operators.
(f) The commission shall require compliance with the rules adopted under Subsection (e) in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program. [FA1]

SECTION 2. Same as House version.

CONFERENCE

House Bill 2136
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

broker under Section 531.02414, Government Code, as amended by this Act, that is entered into or renewed on or after the date the rules required by that section take effect, require that the regional contracted broker comply with those rules.

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

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

SENATE VERSION (IE)

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE