

AN ACT

relating to the delivery of certain transportation services under Medicaid and certain other health and human services programs.

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

SECTION 1. Section 531.001, Government Code, is amended by adding Subdivision (4-c) to read as follows:

(4-c) "Medicaid managed care organization" means a managed care organization as defined by Section 533.001 that contracts with the commission under Chapter 533 to provide health care services to Medicaid recipients.

SECTION 2. The heading to Section 531.02414, Government Code, is amended to read as follows:

Sec. 531.02414. NONEMERGENCY TRANSPORTATION SERVICES UNDER ~~[ADMINISTRATION AND OPERATION OF]~~ MEDICAL TRANSPORTATION PROGRAM.

SECTION 3. Section 531.02414(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3) to read as follows:

(1) "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 Medicaid, subject to Subsection (a-1), the children with special health care needs program, and the transportation for indigent cancer patients program, who have no other means of transportation.

1 (1-a) "Nonemergency transportation service" means
2 nonemergency medical transportation services authorized under:

3 (A) for a Medicaid recipient, the state Medicaid
4 plan; and

5 (B) for a recipient under another program
6 described by Subdivision (1), that program.

7 (3) "Transportation network company" has the meaning
8 assigned by Section 2402.001, Occupations Code.

9 SECTION 4. Section 531.02414, Government Code, is amended
10 by adding Subsections (a-1), (i), (j), (k), (l), and (m) and
11 amending Subsections (b), (e), and (f) to read as follows:

12 (a-1) Subject to Section 533.002571(i), this section does
13 not apply to the provision of nonemergency transportation services
14 on or after September 1, 2020, to a Medicaid recipient who is
15 enrolled in a managed care plan offered by a Medicaid managed care
16 organization.

17 (b) Notwithstanding any other law, the commission shall
18 directly supervise the administration and operation of the medical
19 transportation program under this section.

20 (e) The executive commissioner shall adopt rules to ensure
21 the safe and efficient provision of nonemergency transportation
22 services under this section [~~the medical transportation program by~~
23 ~~regional contracted brokers and subcontractors of regional~~
24 ~~contracted brokers~~]. The rules must include:

25 (1) minimum standards regarding the physical
26 condition and maintenance of motor vehicles used to provide the
27 services, including standards regarding the accessibility of motor

1 vehicles by persons with disabilities;

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

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

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

16 (5) training requirements for motor vehicle operators
17 providing the services through a regional contracted broker,
18 including training on the following topics:

19 (A) passenger safety;

20 (B) passenger assistance;

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

23 (D) sensitivity and diversity;

24 (E) customer service;

25 (F) defensive driving techniques; and

26 (G) prohibited behavior by motor vehicle
27 operators.

1 (f) Except as provided by Subsection (j), the [The]
2 commission shall require compliance with the rules adopted under
3 Subsection (e) in any contract entered into with a regional
4 contracted broker to provide nonemergency transportation services
5 under the medical transportation program.

6 (i) Emergency medical services personnel and emergency
7 medical services vehicles, as those terms are defined by Section
8 773.003, Health and Safety Code, may not provide nonemergency
9 transportation services under the medical transportation program.

10 (j) A regional contracted broker may subcontract with a
11 transportation network company to provide services under this
12 section. A rule or other requirement adopted by the executive
13 commissioner under Subsection (e) does not apply to the
14 subcontracted transportation network company or a motor vehicle
15 operator who is part of the company's network. The commission or
16 the regional contracted broker may not require a motor vehicle
17 operator who is part of the subcontracted transportation network
18 company's network to enroll as a Medicaid provider to provide
19 services under this section.

20 (k) The commission or a regional contracted broker that
21 subcontracts with a transportation network company under
22 Subsection (j) may require the transportation network company or a
23 motor vehicle operator who provides services under this section to
24 be periodically screened against the list of excluded individuals
25 and entities maintained by the Office of Inspector General of the
26 United States Department of Health and Human Services.

27 (l) Notwithstanding any other law, a motor vehicle operator

1 who is part of the network of a transportation network company that
2 subcontracts with a regional contracted broker under Subsection (j)
3 and who satisfies the driver requirements in Section 2402.107,
4 Occupations Code, is qualified to provide services under this
5 section. The commission and the regional contracted broker may not
6 impose any additional requirements on a motor vehicle operator who
7 satisfies the driver requirements in Section 2402.107, Occupations
8 Code, to provide services under this section.

9 (m) For purposes of this section and notwithstanding
10 Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle
11 operator who provides services under this section may use a
12 wheelchair-accessible vehicle equipped with a lift or ramp that is
13 capable of transporting passengers using a fixed-frame wheelchair
14 in the cabin of the vehicle if the vehicle otherwise meets the
15 requirements of Section 2402.111, Occupations Code.

16 SECTION 5. The heading to Section 533.00257, Government
17 Code, is amended to read as follows:

18 Sec. 533.00257. DELIVERY OF MEDICAL TRANSPORTATION PROGRAM
19 SERVICES THROUGH MANAGED TRANSPORTATION ORGANIZATION.

20 SECTION 6. Section 533.00257(a), Government Code, is
21 amended by adding Subdivision (2-a) to read as follows:

22 (2-a) "Transportation network company" has the
23 meaning assigned by Section 2402.001, Occupations Code.

24 SECTION 7. Section 533.00257, Government Code, is amended
25 by amending Subsections (b), (d), and (g) and adding Subsections
26 (k), (l), (m), and (n) to read as follows:

27 (b) The [~~Subject to Subsection (i), the~~] commission may

1 ~~shall~~ provide medical transportation program services on a
2 regional basis through a managed transportation delivery model
3 using managed transportation organizations and providers, as
4 appropriate, that:

5 (1) operate under a capitated rate system;
6 (2) assume financial responsibility under a full-risk
7 model;

8 (3) operate a call center;

9 (4) use fixed routes when available and appropriate;

10 and

11 (5) agree to provide data to the commission if the
12 commission determines that the data is required to receive federal
13 matching funds.

14 (d) Except as provided by Subsections (k) and (m), a ~~A~~
15 managed transportation organization that participates in the
16 medical transportation program must attempt to contract with
17 medical transportation providers that:

18 (1) are considered significant traditional providers,
19 as defined by rule by the executive commissioner;

20 (2) meet the minimum quality and efficiency measures
21 required under Subsection (g) and other requirements that may be
22 imposed by the managed transportation organization; and

23 (3) agree to accept the prevailing contract rate of
24 the managed transportation organization.

25 (g) Except as provided by Subsections (k) and (m), the ~~The~~
26 commission shall require that managed transportation organizations
27 and providers participating in the medical transportation program

1 meet minimum quality and efficiency measures as determined by the
2 commission.

3 (k) A managed transportation organization may subcontract
4 with a transportation network company to provide services under
5 this section. A rule or other requirement adopted by the executive
6 commissioner under this section or Section 531.02414 does not apply
7 to the subcontracted transportation network company or a motor
8 vehicle operator who is part of the company's network. The
9 commission or the managed transportation organization may not
10 require a motor vehicle operator who is part of the subcontracted
11 transportation network company's network to enroll as a Medicaid
12 provider to provide services under this section.

13 (l) The commission or a managed transportation organization
14 that subcontracts with a transportation network company under
15 Subsection (k) may require the transportation network company or a
16 motor vehicle operator who provides services under this section to
17 be periodically screened against the list of excluded individuals
18 and entities maintained by the Office of Inspector General of the
19 United States Department of Health and Human Services.

20 (m) Notwithstanding any other law, a motor vehicle operator
21 who is part of the network of a transportation network company that
22 subcontracts with a managed transportation organization under
23 Subsection (k) and who satisfies the driver requirements in Section
24 2402.107, Occupations Code, is qualified to provide services under
25 this section. The commission and the managed transportation
26 organization may not impose any additional requirements on a motor
27 vehicle operator who satisfies the driver requirements in Section

1 2402.107, Occupations Code, to provide services under this section.

2 (n) For purposes of this section and notwithstanding
3 Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle
4 operator who provides services under this section may use a
5 wheelchair-accessible vehicle equipped with a lift or ramp that is
6 capable of transporting passengers using a fixed-frame wheelchair
7 in the cabin of the vehicle if the vehicle otherwise meets the
8 requirements of Section 2402.111, Occupations Code.

9 SECTION 8. Subchapter A, Chapter 533, Government Code, is
10 amended by adding Sections 533.002571, 533.00258, and 533.002581 to
11 read as follows:

12 Sec. 533.002571. DELIVERY OF NONEMERGENCY TRANSPORTATION
13 SERVICES TO CERTAIN MEDICAID RECIPIENTS THROUGH MEDICAID MANAGED
14 CARE ORGANIZATION. (a) In this section:

15 (1) "Nonemergency transportation service" has the
16 meaning assigned by Section 531.02414.

17 (2) "Nonmedical transportation service" and
18 "transportation network company" have the meanings assigned by
19 Section 533.00258.

20 (b) The commission shall require each Medicaid managed care
21 organization to arrange and provide nonemergency transportation
22 services to a recipient enrolled in a managed care plan offered by
23 the organization using the most cost-effective and cost-efficient
24 method of delivery, including by delivering nonmedical
25 transportation services through a transportation network company
26 or other transportation vendor as provided by Section 533.002581,
27 if available and medically appropriate. The commission shall

1 supervise the provision of the services.

2 (c) Subject to Subsection (d), the executive commissioner
3 shall adopt rules as necessary to ensure the safe and efficient
4 provision of nonemergency transportation services by a Medicaid
5 managed care organization under this section.

6 (d) A Medicaid managed care organization may subcontract
7 with a transportation network company to provide nonemergency
8 transportation services under this section. A rule or other
9 requirement adopted by the executive commissioner under Subsection
10 (c) or Section 531.02414 does not apply to the subcontracted
11 transportation network company or a motor vehicle operator who is
12 part of the company's network. The commission or the Medicaid
13 managed care organization may not require a motor vehicle operator
14 who is part of the subcontracted transportation network company's
15 network to enroll as a Medicaid provider to provide services under
16 this section.

17 (e) The commission or a Medicaid managed care organization
18 that subcontracts with a transportation network company under
19 Subsection (d) may require the transportation network company or a
20 motor vehicle operator who provides services under this section to
21 be periodically screened against the list of excluded individuals
22 and entities maintained by the Office of Inspector General of the
23 United States Department of Health and Human Services.

24 (f) Notwithstanding any other law, a motor vehicle operator
25 who is part of the network of a transportation network company that
26 subcontracts with a Medicaid managed care organization under
27 Subsection (d) and who satisfies the driver requirements in Section

1 2402.107, Occupations Code, is qualified to provide services under
2 this section. The commission and the Medicaid managed care
3 organization may not impose any additional requirements on a motor
4 vehicle operator who satisfies the driver requirements in Section
5 2402.107, Occupations Code, to provide services under this section.

6 (g) For purposes of this section and notwithstanding
7 Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle
8 operator who provides services under this section may use a
9 wheelchair-accessible vehicle equipped with a lift or ramp that is
10 capable of transporting passengers using a fixed-frame wheelchair
11 in the cabin of the vehicle if the vehicle otherwise meets the
12 requirements of Section 2402.111, Occupations Code.

13 (h) The commission may temporarily waive the applicability
14 of Subsection (b) to a Medicaid managed care organization as
15 necessary based on the results of a review conducted under Section
16 533.007 and until enrollment of recipients in a managed care plan
17 offered by the organization is permitted under that section.

18 (i) The commission shall extend a contract for the provision
19 of nonemergency transportation services under Section 533.00257 or
20 other law as necessary until the requirements of this section are
21 implemented with respect to each Medicaid managed care
22 organization. This subsection expires September 1, 2023.

23 Sec. 533.00258. NONMEDICAL TRANSPORTATION SERVICES UNDER
24 MEDICAID MANAGED CARE PROGRAM. (a) In this section:

25 (1) "Nonmedical transportation service" means:

26 (A) curb-to-curb transportation to or from a
27 medically necessary, nonemergency covered health care service in a

1 standard passenger vehicle that is scheduled not more than 48 hours
2 before the transportation occurs, that is provided to a recipient
3 enrolled in a managed care plan offered by a Medicaid managed care
4 organization, and that the organization determines meets the level
5 of care that is medically appropriate for the recipient, including
6 transportation related to:

7 (i) discharge of a recipient from a health
8 care facility;

9 (ii) receipt of urgent care; and

10 (iii) obtaining pharmacy services and
11 prescription drugs; and

12 (B) any other transportation to or from a
13 medically necessary, nonemergency covered health care service the
14 commission considers appropriate to be provided by a transportation
15 vendor, as determined by commission rule or policy.

16 (2) "Transportation network company" has the meaning
17 assigned by Section 2402.001, Occupations Code.

18 (3) "Transportation vendor" means an entity,
19 including a transportation network company, that contracts with a
20 Medicaid managed care organization to provide nonmedical
21 transportation services.

22 (b) The executive commissioner shall adopt rules regarding
23 the manner in which nonmedical transportation services may be
24 arranged and provided.

25 (c) The rules must require a Medicaid managed care
26 organization to create a process to:

27 (1) verify that a passenger is eligible to receive

1 nonmedical transportation services;

2 (2) ensure that nonmedical transportation services
3 are provided only to and from covered health care services in areas
4 in which a transportation network company operates; and

5 (3) ensure the timely delivery of nonmedical
6 transportation services to a recipient, including by setting
7 reasonable service response goals.

8 (d) Before September 1, 2020, and subject to Section
9 533.002581(h), a rule adopted in accordance with Subsection (c)(3)
10 may not impose a penalty on a Medicaid managed care organization
11 that contracts with a transportation vendor under this section if
12 the vendor is unable to provide nonmedical transportation services
13 to a recipient after the Medicaid managed care organization has
14 made a specific request for those services.

15 (e) The rules must require a transportation vendor to,
16 before permitting a motor vehicle operator to provide nonmedical
17 transportation services:

18 (1) confirm that the operator:

19 (A) is at least 18 years of age;

20 (B) maintains a valid driver's license issued by
21 this state, another state, or the District of Columbia; and

22 (C) possesses proof of registration and
23 automobile financial responsibility for each motor vehicle to be
24 used to provide nonmedical transportation services;

25 (2) conduct, or cause to be conducted, a local, state,
26 and national criminal background check for the operator that
27 includes the use of:

1 (A) a commercial multistate and
2 multijurisdiction criminal records locator or other similar
3 commercial nationwide database; and

4 (B) the national sex offender public website
5 maintained by the United States Department of Justice or a
6 successor agency;

7 (3) confirm that any vehicle to be used to provide
8 nonmedical transportation services:

9 (A) meets the applicable requirements of Chapter
10 548, Transportation Code; and

11 (B) except as provided by Subsection (j), has at
12 least four doors; and

13 (4) obtain and review the operator's driving record.

14 (f) The rules may not permit a motor vehicle operator to
15 provide nonmedical transportation services if the operator:

16 (1) has been convicted in the three-year period
17 preceding the issue date of the driving record obtained under
18 Subsection (e)(4) of:

19 (A) more than three offenses classified by the
20 Department of Public Safety as moving violations; or

21 (B) one or more of the following offenses:

22 (i) fleeing or attempting to elude a police
23 officer under Section 545.421, Transportation Code;

24 (ii) reckless driving under Section
25 545.401, Transportation Code;

26 (iii) driving without a valid driver's
27 license under Section 521.025, Transportation Code; or

1 (iv) driving with an invalid driver's
2 license under Section 521.457, Transportation Code;

3 (2) has been convicted in the preceding seven-year
4 period of any of the following:

5 (A) driving while intoxicated under Section
6 49.04 or 49.045, Penal Code;

7 (B) use of a motor vehicle to commit a felony;

8 (C) a felony crime involving property damage;

9 (D) fraud;

10 (E) theft;

11 (F) an act of violence; or

12 (G) an act of terrorism; or

13 (3) is found to be registered in the national sex
14 offender public website maintained by the United States Department
15 of Justice or a successor agency.

16 (g) The commission may not require:

17 (1) a motor vehicle operator to enroll as a Medicaid
18 provider to provide nonmedical transportation services; or

19 (2) a Medicaid managed care organization to credential
20 a motor vehicle operator to provide nonmedical transportation
21 services.

22 (h) The commission or a Medicaid managed care organization
23 that contracts with a transportation vendor may require the
24 transportation vendor or a motor vehicle operator who provides
25 services under this section to be periodically screened against the
26 list of excluded individuals and entities maintained by the Office
27 of Inspector General of the United States Department of Health and

1 Human Services.

2 (i) Notwithstanding any other law, a motor vehicle operator
3 who is part of a transportation network company's network and who
4 satisfies the driver requirements in Section 2402.107, Occupations
5 Code, is qualified to provide nonmedical transportation services.
6 The commission and a Medicaid managed care organization may not
7 impose any additional requirements on a motor vehicle operator who
8 satisfies the driver requirements in Section 2402.107, Occupations
9 Code, to provide nonmedical transportation services.

10 (j) For purposes of this section and notwithstanding
11 Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle
12 operator who provides services under this section may use a
13 wheelchair-accessible vehicle equipped with a lift or ramp that is
14 capable of transporting passengers using a fixed-frame wheelchair
15 in the cabin of the vehicle if the vehicle otherwise meets the
16 requirements of Section 2402.111, Occupations Code.

17 Sec. 533.002581. DELIVERY OF NONMEDICAL TRANSPORTATION
18 SERVICES UNDER MEDICAID MANAGED CARE PROGRAM. (a) In this section,
19 "nonmedical transportation service" and "transportation vendor"
20 have the meanings assigned by Section 533.00258.

21 (b) The commission shall designate managed care service
22 areas in which to require, beginning not later than January 1, 2020,
23 each Medicaid managed care organization with which the commission
24 has a contract that is anticipated to be in effect on September 1,
25 2020, and that operates in a designated service area to arrange for
26 the provision of nonmedical transportation services to recipients
27 enrolled in a managed care plan offered by the organization. The

1 commission shall designate at least three, but not more than four,
2 managed care service areas for purposes of this subsection. At
3 least one of the designated service areas must be located in an
4 urban service area, and at least one must be located in a rural
5 service area. This subsection expires September 1, 2021.

6 (c) Beginning not later than September 1, 2020, the
7 commission shall require each Medicaid managed care organization to
8 arrange for the provision of nonmedical transportation services to
9 recipients enrolled in a managed care plan offered by the
10 organization.

11 (d) A Medicaid managed care organization may contract with a
12 transportation vendor or other third party to arrange for the
13 provision of nonmedical transportation services. If a Medicaid
14 managed care organization contracts with a third party that is not a
15 transportation vendor to arrange for the provision of nonmedical
16 transportation services, the third party shall contract with a
17 transportation vendor to deliver the nonmedical transportation
18 services.

19 (e) A Medicaid managed care organization that contracts
20 with a transportation vendor or other third party to arrange for the
21 provision of nonmedical transportation services shall ensure the
22 effective sharing and integration of service coordination, service
23 authorization, and utilization management data between the managed
24 care organization and the transportation vendor or third party.

25 (f) A Medicaid managed care organization may not require:

26 (1) a motor vehicle operator to enroll as a Medicaid
27 provider to provide nonmedical transportation services; or

1 (2) the credentialing of a motor vehicle operator to
2 provide nonmedical transportation services.

3 (g) For purposes of this section and notwithstanding
4 Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle
5 operator who provides services under this section may use a
6 wheelchair-accessible vehicle equipped with a lift or ramp that is
7 capable of transporting passengers using a fixed-frame wheelchair
8 in the cabin of the vehicle if the vehicle otherwise meets the
9 requirements of Section 2402.111, Occupations Code.

10 (h) The commission may waive the applicability of
11 Subsection (c) to a Medicaid managed care organization for not more
12 than three months as necessary based on the results of a review
13 conducted under Section 533.007 and until enrollment of recipients
14 in a managed care plan offered by the organization is permitted
15 under that section.

16 SECTION 9. Section 533.00257(i), Government Code, is
17 repealed.

18 SECTION 10. Notwithstanding Sections 533.002571(b) and
19 533.002581(c), Government Code, as added by this Act, the Health
20 and Human Services Commission is not required to implement those
21 subsections until September 1, 2020.

22 SECTION 11. If before implementing any provision of this
23 Act 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 12. As soon as practicable after the effective date
2 of this Act, the executive commissioner of the Health and Human
3 Services Commission shall adopt rules as necessary to implement the
4 changes in law made by this Act.

5 SECTION 13. This Act takes effect immediately if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, this Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1576 was passed by the House on April 25, 2019, by the following vote: Yeas 133, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1576 on May 24, 2019, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1576 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor