

By: Phelan

H.B. No. 1576

A BILL TO BE ENTITLED

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 531.02414(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, the children with special health care needs program, and the transportation for indigent cancer patients program, who have no other means of transportation.

(1-a) "Nonemergency transportation service" means a service provided to transport a person to or from medically necessary services covered under a health care program in which the person is enrolled. The term does not include a nonmedical transportation service as defined by Section 531.024142.

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

SECTION 2. Section 531.02414, Government Code, is amended by amending Subsection (f) and adding Subsections (i) and (j) to read as follows:

(f) Except as provided by Subsection (i), the ~~[The]~~

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

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

15 (j) Notwithstanding any other law, a motor vehicle operator
16 who is part of the network of a transportation network company that
17 subcontracts with a regional contracted broker under Subsection (i)
18 and who satisfies the driver requirements in Section 2402.107,
19 Occupations Code, is qualified to provide services under this
20 section. The commission and the regional contracted broker may not
21 impose any additional requirements on a motor vehicle operator who
22 satisfies the driver requirements in Section 2402.107, Occupations
23 Code, to provide services under this section.

24 SECTION 3. Subchapter B, Chapter 531, Government Code, is
25 amended by adding Section 531.024142 to read as follows:

26 Sec. 531.024142. NONMEDICAL TRANSPORTATION SERVICES UNDER
27 MEDICAID. (a) In this section:

1 (1) "Managed care organization" means a managed care
2 organization that contracts with the commission to provide health
3 care services to Medicaid recipients under Chapter 533.

4 (2) "Nonmedical transportation service" means:

5 (A) transportation of a Medicaid recipient
6 enrolled in a managed care plan, other than a recipient whose
7 medical or physical condition contraindicates the use of
8 transportation services, to and from a medically necessary,
9 nonemergency covered health care service that is scheduled not more
10 than 48 hours before the transportation occurs, including
11 transportation related to:

12 (i) discharge of a recipient from a health
13 care facility;

14 (ii) receipt of urgent care;

15 (iii) obtaining pharmacy services and
16 prescription drugs; and

17 (iv) obtaining any other time-sensitive
18 covered health care service; and

19 (B) any other transportation to or from a
20 medically necessary, nonemergency covered health care service the
21 commission considers appropriate to be provided by a transportation
22 vendor, as determined by commission rule or policy.

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

25 (4) "Transportation vendor" means an entity,
26 including a transportation network company, that contracts with a
27 managed care organization to provide nonmedical transportation

1 services.

2 (b) The executive commissioner shall adopt rules regarding
3 the manner in which nonmedical transportation services may be
4 arranged and provided.

5 (c) The rules must require a managed care organization to
6 create a process to:

7 (1) verify that a passenger is eligible to receive
8 nonmedical transportation services; and

9 (2) ensure that nonmedical transportation services
10 are provided only to and from covered health care services.

11 (d) The rules must require a transportation vendor to,
12 before permitting a motor vehicle operator to provide nonmedical
13 transportation services:

14 (1) confirm that the operator:

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

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

18 (C) possesses proof of registration and
19 automobile financial responsibility for each motor vehicle to be
20 used to provide nonmedical transportation services;

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

24 (A) a commercial multistate and
25 multijurisdiction criminal records locator or other similar
26 commercial nationwide database; and

27 (B) the national sex offender public website

1 maintained by the United States Department of Justice or a
2 successor agency;

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

5 (A) meets the applicable requirements of Chapter
6 548, Transportation Code; and

7 (B) has at least four doors; and

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

9 (e) The rules may not permit a motor vehicle operator to
10 provide nonmedical transportation services if the operator:

11 (1) has been convicted in the three-year period
12 preceding the issue date of the driving record obtained under
13 Subsection (d)(4) of:

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

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

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

19 (ii) reckless driving under Section
20 545.401, Transportation Code;

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

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

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

27 (A) driving while intoxicated under Section

1 49.04 or 49.045, Penal Code;

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

3 (C) a felony crime involving property damage;

4 (D) fraud;

5 (E) theft;

6 (F) an act of violence; or

7 (G) an act of terrorism; or

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

11 (f) The commission may not require:

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

14 (2) a managed care organization to credential a motor
15 vehicle operator to provide nonmedical transportation services.

16 (g) Notwithstanding any other law, a motor vehicle operator
17 who is part of a transportation network company's network and who
18 satisfies the driver requirements in Section 2402.107, Occupations
19 Code, is qualified to provide nonmedical transportation services.
20 The commission and a managed care organization may not impose any
21 additional requirements on a motor vehicle operator who satisfies
22 the driver requirements in Section 2402.107, Occupations Code, to
23 provide nonmedical transportation services.

24 SECTION 4. Section 533.00257(a), Government Code, is
25 amended by adding Subdivision (2-a) to read as follows:

26 (2-a) "Transportation network company" has the
27 meaning assigned by Section 2402.001, Occupations Code.

1 SECTION 5. Section [533.00257](#), Government Code, is amended
2 by amending Subsections (d) and (g) and adding Subsections (k) and
3 (l) to read as follows:

4 (d) A managed transportation organization that participates
5 in the medical transportation program must attempt to contract with
6 medical transportation providers that:

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

9 (2) except as provided by Subsections (k) and (l),
10 meet the minimum quality and efficiency measures required under
11 Subsection (g) and other requirements that may be imposed by the
12 managed transportation organization; and

13 (3) agree to accept the prevailing contract rate of
14 the managed transportation organization.

15 (g) Except as provided by Subsections (k) and (l), the [The]
16 commission shall require that managed transportation organizations
17 and providers participating in the medical transportation program
18 meet minimum quality and efficiency measures as determined by the
19 commission.

20 (k) A managed transportation organization may subcontract
21 with a transportation network company to provide services under
22 this section. A rule or other requirement adopted by the executive
23 commissioner under this section or Section [531.02414](#) does not apply
24 to the subcontracted transportation network company or a motor
25 vehicle operator who is part of the company's network. The
26 commission or the managed transportation organization may not
27 require a motor vehicle operator who is part of the subcontracted

1 transportation network company's network to enroll as a Medicaid
2 provider to provide services under this section.

3 (1) Notwithstanding any other law, a motor vehicle operator
4 who is part of the network of a transportation network company that
5 subcontracts with a managed transportation organization under
6 Subsection (k) and who satisfies the driver requirements in Section
7 2402.107, Occupations Code, is qualified to provide services under
8 this section. The commission and the managed transportation
9 organization may not impose any additional requirements on a motor
10 vehicle operator who satisfies the driver requirements in Section
11 2402.107, Occupations Code, to provide services under this section.

12 SECTION 6. Subchapter A, Chapter 533, Government Code, is
13 amended by adding Section 533.00259 to read as follows:

14 Sec. 533.00259. DELIVERY OF NONMEDICAL TRANSPORTATION
15 SERVICES. (a) In this section, "nonmedical transportation
16 service" and "transportation vendor" have the meanings assigned by
17 Section 531.024142.

18 (b) Each managed care organization that contracts with the
19 commission to provide health care services to recipients shall
20 arrange for the provision of nonmedical transportation services. A
21 managed care organization may contract with a transportation vendor
22 or other third party to arrange for the provision of nonmedical
23 transportation services. If a managed care organization contracts
24 with a third party that is not a transportation vendor to arrange
25 for the provision of nonmedical transportation services, the third
26 party shall contract with a transportation vendor to deliver the
27 nonmedical transportation services.

1 (c) A managed care organization that contracts with a
2 transportation vendor or other third party to arrange for the
3 provision of nonmedical transportation services shall ensure the
4 effective sharing and integration of service coordination, service
5 authorization, and utilization management data between the managed
6 care organization and the transportation vendor or third party.

7 (d) A managed care organization may not require:

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

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

12 SECTION 7. As soon as practicable after the effective date
13 of this Act, the executive commissioner of the Health and Human
14 Services Commission shall adopt rules as necessary to implement the
15 changes in law made by this Act.

16 SECTION 8. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 9. This Act takes effect September 1, 2019.