

By: Guillen

H.B. No. 4556

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) "Full-risk regional transportation broker" means a regional contracted broker that is paid a capitated rate for providing medical transportation program services to program participants.

(1-a) "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.

(3) "Rural or urban transit district" means a transit district created under Chapter 458, Transportation Code.

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

(f) Except as provided by Subsection (k), the ~~[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.

(k) A full-risk regional transportation broker may establish a preferred transportation provider network under which medical transportation program services are provided exclusively through a rural or urban transit district, subject to rules adopted under Subdivision (1). Rules adopted under Subsection (e) do not apply to providers under a preferred transportation provider network, and the commission may not regulate those providers. The executive commissioner shall adopt rules relating to the establishment of a preferred transportation provider network. The rules adopted under this subsection must provide that a full-risk regional transportation broker:

(1) may provide medical transportation program services through another provider with whom the broker contracts if a network provider is not able to provide the services to a person at a particular time; and

(2) may not regulate a transit district's motor vehicles or motor vehicle operators.

SECTION 3. Section [533.00257](#), Government Code, is amended by amending Subsections (d) and (g) and adding Subsections (m) and (n) to read as follows:

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

(1) are considered significant traditional providers,

as defined by rule by the executive commissioner;

(2) except as provided by Subsections (m) and (n),
meet the minimum quality and efficiency measures required under
Subsection (g) and other requirements that may be imposed by the
managed transportation organization; and

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

(g) Except as provided by Subsections (m) and (n), the [The]
commission shall require that managed transportation organizations
and providers participating in the medical transportation program
meet minimum quality and efficiency measures as determined by the
commission.

(m) A managed transportation organization other than an
organization described by Subsection (a)(1)(A) may establish a
preferred transportation provider network under which medical
transportation program services are provided exclusively through a
rural or urban transit district, subject to rules adopted under
Subdivision (1). Minimum quality and efficiency measures under
Subsection (g) do not apply to providers under a preferred
transportation provider network, and the commission may not
regulate those providers. The executive commissioner shall adopt
rules relating to the establishment of a preferred transportation
provider network. The rules adopted under this subsection must
provide that a managed transportation organization:

(1) may provide medical transportation program
services through another provider with whom the organization
contracts if a network provider is not able to provide the services

1 to a person at a particular time; and

2 (2) may not regulate a transit district's motor
3 vehicles or motor vehicle operators.

4 (n) The commission may not impose minimum quality or
5 efficiency measures on, or otherwise regulate, a managed
6 transportation organization described by Subsection (a)(1)(A),
7 provided that medical transportation program services are provided
8 exclusively through the organization, subject to rules adopted
9 under this section. The executive commissioner shall adopt rules
10 that allow a managed transportation organization described by
11 Subsection (a)(1)(A) to provide medical transportation program
12 services through another provider with whom the organization
13 contracts if the organization is not otherwise able to provide the
14 services to a person at a particular time.

15 SECTION 4. As soon as practicable after the effective date
16 of this Act, the executive commissioner of the Health and Human
17 Services Commission shall adopt rules as necessary to implement the
18 changes in law made by this Act.

19 SECTION 5. If before implementing any provision of this Act
20 a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 6. This Act takes effect September 1, 2019.