

1 **SEC. 30111. MEDICAID COVERAGE OF CERTAIN MEDICAL**
2 **TRANSPORTATION.**

3 (a) CONTINUING REQUIREMENT OF MEDICAID COV-
4 ERAGE OF NECESSARY TRANSPORTATION.—

5 (1) REQUIREMENT.—Section 1902(a)(4) of the
6 Social Security Act (42 U.S.C. 1396a(a)(4)) is
7 amended—

8 (A) by striking “and including provision
9 for utilization” and inserting “including provi-
10 sion for utilization”; and

11 (B) by inserting after “supervision of ad-
12 ministration of the plan” the following: “, and,
13 subject to section 1903(i), including a specifica-
14 tion that the single State agency described in
15 paragraph (5) will ensure necessary transpor-
16 tation for beneficiaries under the State plan to
17 and from providers and a description of the
18 methods that such agency will use to ensure
19 such transportation”.

20 (2) APPLICATION WITH RESPECT TO BENCH-
21 MARK BENEFIT PACKAGES AND BENCHMARK EQUIV-
22 ALENT COVERAGE.—Section 1937(a)(1) of the Social
23 Security Act (42 U.S.C. 1396u–7(a)(1)) is amend-
24 ed—

1 (A) in subparagraph (A), by striking “sub-
2 section (E)” and inserting “subparagraphs (E)
3 and (F)”; and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(F) NECESSARY TRANSPORTATION.—The
7 State may only exercise the option under sub-
8 paragraph (A)(i) if, subject to section
9 1903(i)(9) and in accordance with section
10 1902(a)(4), the benchmark benefit package or
11 benchmark equivalent coverage described in
12 such subparagraph (or the State)—

13 “(i) ensures necessary transportation
14 for individuals enrolled under such package
15 or coverage to and from providers; and

16 “(ii) provides a description of the
17 methods that will be used to ensure such
18 transportation.”.

19 (3) LIMITATION ON FEDERAL FINANCIAL PAR-
20 TICIPATION.—Section 1903(i) of the Social Security
21 Act (42 U.S.C. 1396b(i)) is amended by inserting
22 after paragraph (8) the following new paragraph:

23 “(9) with respect to any amount expended
24 for non-emergency transportation described in
25 section 1902(a)(4), unless the State plan pro-

1 vides for the methods and procedures required
2 under section 1902(a)(30)(A); or”.

3 (4) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on the date of the
5 enactment of this Act and shall apply to transpor-
6 tation furnished on or after such date.

7 (b) MEDICAID PROGRAM INTEGRITY MEASURES RE-
8 LATED TO COVERAGE OF NONEMERGENCY MEDICAL
9 TRANSPORTATION.—

10 (1) GAO STUDY.—Not later than two years
11 after the date of the enactment of this Act, the
12 Comptroller General of the United States shall con-
13 duct a study, and submit to Congress, a report on
14 coverage under the Medicaid program under title
15 XIX of the Social Security Act of nonemergency
16 transportation to medically necessary services. Such
17 study shall take into account the 2009 report of the
18 Office of the Inspector General of the Department of
19 Health and Human Services, titled “Fraud and
20 Abuse Safeguards for Medicaid Nonemergency Med-
21 ical Transportation” (OEI–06–07–003200). Such
22 report shall include the following:

23 (A) An examination of the 50 States and
24 the District of Columbia to identify safeguards
25 to prevent and detect fraud and abuse with re-

1 spect to coverage under the Medicaid program
2 of nonemergency transportation to medically
3 necessary services.

4 (B) An examination of transportation bro-
5 kers to identify the range of safeguards against
6 such fraud and abuse to prevent improper pay-
7 ments for such transportation.

8 (C) Identification of the numbers, types,
9 and outcomes of instances of fraud and abuse,
10 with respect to coverage under the Medicaid
11 program of such transportation, that State
12 Medicaid Fraud Control Units have investigated
13 in recent years.

14 (D) Identification of commonalities or
15 trends in program integrity, with respect to
16 such coverage, to inform risk management
17 strategies of States and the Centers for Medi-
18 care & Medicaid Services.

19 (2) STAKEHOLDER WORKING GROUP.—

20 (A) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act, the
22 Secretary of Health and Human Services,
23 through the Centers of Medicare & Medicaid
24 Services, shall convene a series of meetings to
25 obtain input from appropriate stakeholders to

1 facilitate discussion and shared learning about
2 the leading practices for improving Medicaid
3 program integrity, with respect to coverage of
4 nonemergency transportation to medically nec-
5 essary services.

6 (B) TOPICS.—The meetings convened
7 under subparagraph (A) shall—

8 (i) focus on ongoing challenges to
9 Medicaid program integrity as well as lead-
10 ing practices to address such challenges;
11 and

12 (ii) address specific challenges raised
13 by stakeholders involved in coverage under
14 the Medicaid program of nonemergency
15 transportation to medically necessary serv-
16 ices, including unique considerations for
17 specific groups of Medicaid beneficiaries
18 meriting particular attention, such as
19 American Indians and tribal land issues or
20 accommodations for individuals with dis-
21 abilities.

22 (C) STAKEHOLDERS.—Stakeholders de-
23 scribed in subparagraph (A) shall include indi-
24 viduals from State Medicaid programs, brokers
25 for nonemergency transportation to medically

1 necessary services that meet the criteria de-
2 scribed in section 1902(a)(70)(B) of the Social
3 Security Act (42 U.S.C. 1396a(a)(70)(B)), pro-
4 viders (including transportation network compa-
5 nies), Medicaid patient advocates, and such
6 other individuals specified by the Secretary.

7 (3) GUIDANCE REVIEW.—Not later than 18
8 months after the date of the enactment of this Act,
9 the Secretary of Health and Human Services,
10 through the Centers for Medicare & Medicaid Serv-
11 ices, shall assess guidance issued to States by the
12 Centers for Medicare & Medicaid Services relating to
13 Federal requirements for nonemergency transpor-
14 tation to medically necessary services under the
15 Medicaid program under title XIX of the Social Se-
16 curity Act and update such guidance as necessary to
17 ensure States have appropriate and current guidance
18 in designing and administering coverage under the
19 Medicaid program of nonemergency transportation
20 to medically necessary services.

21 (4) NEMT TRANSPORTATION PROVIDER AND
22 DRIVER REQUIREMENTS.—

23 (A) STATE PLAN REQUIREMENT.—Section
24 1902(a) of the Social Security Act (42 U.S.C.
25 1396a(a)) is amended—

1 (i) by striking “and” at the end of
2 paragraph (85);

3 (ii) by striking the period at the end
4 of paragraph (86) and inserting “; and”;
5 and

6 (iii) by inserting after paragraph (86)
7 the following new paragraph:

8 “(87) provide for a mechanism, which may in-
9 clude attestation, that ensures that, with respect to
10 any provider (including a transportation network
11 company) or individual driver of nonemergency
12 transportation to medically necessary services receiv-
13 ing payments under such plan (but excluding any
14 public transit authority), at a minimum—

15 “(A) each such provider and individual
16 driver is not excluded from participation in any
17 Federal health care program (as defined in sec-
18 tion 1128B(f)) and is not listed on the exclu-
19 sion list of the Inspector General of the Depart-
20 ment of Health and Human Services;

21 “(B) each such individual driver has a
22 valid driver’s license;

23 “(C) each such provider has in place a
24 process to address any violation of a State drug
25 law; and

1 “(D) each such provider has in place a
2 process to disclose to the State Medicaid pro-
3 gram the driving history, including any traffic
4 violations, of each such individual driver em-
5 ployed by such provider, including any traffic
6 violations.”.

7 (B) EFFECTIVE DATE.—

8 (i) IN GENERAL.—Except as provided
9 in clause (ii), the amendments made by
10 subparagraph (A) shall take effect on the
11 date of the enactment of this Act and shall
12 apply to services furnished on or after the
13 date that is one year after the date of the
14 enactment of this Act.

15 (ii) EXCEPTION IF STATE LEGISLA-
16 TION REQUIRED.—In the case of a State
17 plan for medical assistance under title XIX
18 of the Social Security Act which the Sec-
19 retary of Health and Human Services de-
20 termines requires State legislation (other
21 than legislation appropriating funds) in
22 order for the plan to meet the additional
23 requirement imposed by the amendments
24 made by subparagraph (A), the State plan
25 shall not be regarded as failing to comply

1 with the requirements of such title solely
2 on the basis of its failure to meet this ad-
3 ditional requirement before the first day of
4 the first calendar quarter beginning after
5 the close of the first regular session of the
6 State legislature that begins after the date
7 of the enactment of this Act. For purposes
8 of the previous sentence, in the case of a
9 State that has a 2-year legislative session,
10 each year of such session shall be deemed
11 to be a separate regular session of the
12 State legislature.

13 (5) ANALYSIS OF T-MSIS DATA.—Not later
14 than one year after the date of the enactment of this
15 Act, the Secretary of Health and Human Services,
16 through the Centers for Medicare & Medicaid Serv-
17 ices, shall analyze, and submit to Congress a report
18 on, the nation-wide data set under the Transformed
19 Medicaid Statistical Information System to identify
20 recommendations relating to coverage under the
21 Medicaid program under title XIX of the Social Se-
22 curity Act of nonemergency transportation to medi-
23 cally necessary services.