The Honorable Mitch McConnell

Majority Leader  
United States Senate  
S-230 The Capitol

Washington, DC 20510

The Honorable Chuck Schumer

Minority Leader  
United States Senate  
S-220 The Capitol

Washington, DC 20510

May 20, 2020

Dear Majority Leader McConnell and Minority Leader Schumer:

The 58 undersigned advocacy organizations request that you maintain the provision, Section 30111, in the House-passed HEROES Act to protect Medicaid non-emergency medical transportation (NEMT) in the next relief package addressing the COVID-19 pandemic.

NEMT has been a mandatory benefit in the Medicaid program since the outset of the program in 1966 but has never been explicitly required in statute. While medical appointments vary by state, beneficiaries use NEMT to access critical services including COVID-19 testing, kidney dialysis, substance use disorder (SUD) treatments, behavioral health appointments, and primary care preventive health visits.

The NEMT benefit is used by only 7 percent of the Medicaid population and accounts for less than 1 percent of total Medicaid spending. For those who rely most upon NEMT—the chronically ill, particularly those with ESRD—it can be a lifeline allowing beneficiaries to live independently and avoid costly visits to the emergency room. The modest cost of transporting a beneficiary to a dialysis center or to a doctor’s appointment to help manage multiple chronic conditions has been proven across multiple studies to be far less than the costs incurred if such appointments are missed and beneficiaries require more drastic and expensive interventions.

In addition, as NEMT providers have seen their trip volumes decline in the pandemic, they have stepped up to provide additional services to meet the needs of the Medicaid population—delivering meals and DME to vulnerable beneficiaries.

Despite this dire need for NEMT services at this time as well as the need for the additional services that NEMT networks provide in this crisis, CMS is proposing to make the benefit optional at the state level. Although the fiscal year 2020 omnibus appropriations contained clear congressional direction to the administration to delay any regulatory action until completion of a study of the impact of the policy, CMS continues to move forward, and the policy was included in the fiscal year 2021 budget request to Congress.

Now is the time to codify this benefit. The Congressional Budget Office has scored the provision as having no cost but only so long as the administration does not change the policy. There is currently bipartisan legislation to codify the benefit in the Senate (S. 2846), and a provision to do so was included in the House-passed HEROES Act on a bipartisan basis.

As our healthcare system strains to meet the needs of the COVID-19 pandemic, Congress must act now to ensure the NEMT benefit is available for Medicaid’s most vulnerable beneficiaries.

Respectfully,

AIDS Action Baltimore

AIDS Alabama

AIDS Alabama South

AIDS Foundation of Chicago

Allies for Independence

American Academy of HIV Medicine

American Association of People with Disabilities

American Association on Health and Disability

American Federation of County and Municipal Employees

American Kidney Fund

American Network of Community Options and Resources

American Public Transportation Association

American Therapeutic Recreation Association

Amida Care

The Arc of the United States

Association of Programs for Rural Independent Living (APRIL)

Autistic Self Advocacy Network

Center for Autism and Related Disorders

Center for Public Representation

Children's Health Fund

Community Catalyst

Community Transportation Association of America

Dialysis Patient Citizens

Disability Rights Education and Defense Fund

Easterseals

Equality NC

FamiliesUSA

First Focus Campaign for Children

Global Alliance for Behavioral Health and Social Justice

Greater WI Agency on Aging Resources, Inc. (GWAAR)

Justice in Aging

HIV Dental Alliance

HIV Medicine Association

Hudson Valley Community Services

Lakeshore Foundation

Los Angelos LGBT Center

Lutheran Services in America

Medicare Rights Center

Mental Health America

Michael J. Fox Foundation for Parkinson's Research

National Adult Day Services Association (NADSA)

National Alliance on Mental Illness

National Association for Children's Behavioral Health

National Association of Area Agencies on Aging (N4A)

National Association of Directors of Developmental Disabilities Services

National Association of Nutrition and Aging Services Programs (NANASP)

National Council on Aging

National Healthcare for the Homeless Council

Nevada Disability Coalition

Pennsylvania Council on Independent Living

Schizophrenia And Related Disorders Alliance of America

SKIL Resource Center

The Transportation Alliance

Treatment Action Group

Treatment Communities of America

United Spinal Association

WI Association of Mobility Managers (WAMM)

Wisconsin Aging Advocacy Network (WAAN)