



**State of Louisiana**  
Louisiana Department of Health  
Office of the Secretary

**To:** The Honorable John Bel Edwards, Governor, State of Louisiana (Via Email)  
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice (apa.submission@ag.louisiana.gov)  
The Honorable Patrick Page Cortez, President, Louisiana Senate (apa.senatepresident@legis.la.gov)  
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives (apa.housespeaker@legis.la.gov)  
Catherine Brindley, Editor, *Louisiana Register* (reg.submission@la.gov)  
Senate Health and Welfare Committee (apa.s-h&w@legis.la.gov)  
House Health and Welfare Committee (apa.h-hw@legis.la.gov)

**From:** Stephen R. Russo, JD, Secretary, LDH

**Date:** October 10, 2023

**Re:** Justification of Promulgation of Emergency Rule  
Medical Transportation Program – Non-Emergency Medical Transportation –  
American Rescue Plan Act (LAC 50:XXVII.531)

**MEMORANDUM**

In accordance with the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) as amended, the Louisiana Department of Health is submitting the following emergency rule that amends Medical Transportation Program – Non-Emergency Medical Transportation – American Rescue Plan Act (LAC 50:XXVII.531).

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Veronica Gonzalez, at [Veronica.Gonzalez@la.gov](mailto:Veronica.Gonzalez@la.gov).

**Attachments:** Emergency Rule – Medical Transportation Program – Non-Emergency Medical Transportation – American Rescue Plan Act (LAC 50:XXVII.531)

**Cc:** Kimberly Sullivan, Interim Medicaid Director, LDH  
Kolynda Parker, Medicaid Deputy Director, LDH  
Tangela Womack, Medicaid Deputy Director, LDH  
Brandon Bueche, Medicaid Program Manager, LDH  
Veronica Dent, Medicaid Program Manager, LDH  
Bethany Blackson, Legislative Liaison, LDH  
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

## **DECLARATION OF EMERGENCY**

**Department of Health  
Bureau of Health Services Financing**

**Medical Transportation Program  
Non-Emergency Medical Transportation  
American Rescue Plan Act  
(LAC 50:XXVII.531)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXVII.531 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of funds provided under the American Rescue Plan Act of 2021 (ARPA) for bonus payments to providers of non-emergency medical transportation (NEMT) services. The Department of Health, Bureau of Health Services Financing adopted provisions in the Medical Transportation Program in order to establish guidelines for the administration and distribution of ARPA bonus payment funds to eligible NEMT providers (*Louisiana Register*, Volume 49, Number 5). The department now amends the provisions governing ARPA bonus payments in order to establish the guidelines that will be

utilized to oversee the administration and distribution of ARPA bonus payment funds to eligible NEMT providers by the Medicaid managed care organizations.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$2,800,584 for state fiscal year 2023-2024.

Effective December 1, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing ARPA bonus payments in order to establish the guidelines that will be utilized to oversee the administration and distribution of ARPA bonus payment funds to eligible NEMT providers by the Medicaid managed care organizations.

**Title 50**  
**PUBLIC HEALTH-GENERAL**  
**Part XXVII. Medical Transportation Program**

**Chapter 5. Non-Emergency Medical Transportation**

**Subchapter E. Non-Emergency Medical Transportation American Rescue Plan Act**

**§531. Non-Emergency Medical Transportation Bonus Payments**

A. ...

1. Non-emergency medical transportation (NEMT) providers that are fully credentialed in the Medicaid Program

may be eligible to receive a bonus payment under the Department of Health's (LDH) American Rescue Plan Act (ARPA) NEMT Program until the program's federal funds are exhausted or through the conclusion of the program ~~in March 2024.~~

2. Fully credentialed NEMT providers who meet all eligibility requirements are entitled to a monthly disbursement of \$500 per vehicle, for up to three vehicles per month, totaling a maximum payment of \$1,500 per month per transportation provider. ~~LDH~~The managed care organization (MCO) will determine eligibility for monthly payments based on the NEMT provider's ongoing compliance for all provider, driver, and vehicle requirements set forth by the Medicaid Program and the LDH ARPA NEMT Program.

3. ...

4. ~~LDH~~The MCO will ~~administer all payments for the~~  
~~provide a weekly report to LDH~~ ARPA ~~containing all newly~~  
~~acquired~~ NEMT Program providers. LDH will assign each active NEMT  
provider to an affiliated MCO.

5. ~~In order to receive~~The MCO will administer all  
payments ~~under~~for the LDH ARPA NEMT Program, ~~the NEMT provider~~  
~~shall do the following:~~

a. ~~accede to all provisions of the LDH ARPA~~  
~~NEMT Program and execute a contractual agreement with LDH,~~  
~~solely for the distribution of ARPA funds,~~

~~\_\_\_\_\_ b. create an account with LAGov to ensure eligibility of payment,~~

~~\_\_\_\_\_ c. maintain ongoing compliance for all provider, driver, and vehicle requirements set forth by the Medicaid Program;.~~

~~\_\_\_\_\_ d. submit reporting and credentialing documentation for all drivers and vehicles within their individual company used for NEMT services on a monthly basis. Failure to meet program time requirements shall result in loss of the monthly bonus payment; and~~

~~\_\_\_\_\_ e. submit a monthly attestation to certify the accuracy of the submitted supporting and credentialing documentation. a. - e. Repealed.~~

6. In order to receive payments under the LDH ARPA  
NEMT services are ineligible andProgram, the NEMT provider shall  
not be submitted as a completed service ifdo the status of the  
NEMT service rendered results in one of the following:

a. the provider isaccede to all provisions of  
the LDH ARPA NEMT Program and execute ano-showcontractual  
agreement with the MCO, solely for the distribution of ARPA  
funds;

b. no NEMTmaintain ongoing compliance for all  
provider, driver, and vehicleis availablerequirements set  
forth by the Medicaid Program;

c. ~~re~~submit reporting and credentialing documentation for all drivers and vehicles within their individual company used for NEMT ~~driver is available~~ services on a monthly basis. Failure to meet both LDH and the MCO's time requirements shall result in loss of the monthly bonus payment; ~~or~~and

d. submit a monthly attestation to the NEMT ~~provider is late~~MCO which ~~causes~~certifies the beneficiary to ~~miss his or her scheduled Medicaid covered service~~accuracy of the submitted supporting and credentialing documentation.

7. NEMT services are ineligible and shall not be submitted as a completed service if the status of the NEMT service rendered results in one of the following:

- a. the provider is a no-show;
- b. no NEMT vehicle is available;
- c. no NEMT driver is available; or
- d. the NEMT provider is late which causes the beneficiary to miss his or her scheduled Medicaid covered service.

B. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:877 (May

2023), amended by the Department of Health, Bureau of Health Services Financing, LR 50:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD

Secretary

*aug 10/10/23*