

NOTICE OF INTENT

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 proposes to amend 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 proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

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 promulgated an Emergency Rule which amended 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 (*Louisiana Register*, Volume 49, Number 10). This proposed Rule is being promulgated to continue the provisions of the December 1, 2023 Emergency Rule.

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 and~~ Program, the NEMT provider shall ~~not be submitted as a completed service if~~ do the ~~status of the NEMT service rendered results in one of the~~ following:

a. ~~the provider is~~ accede to all provisions of the LDH ARPA NEMT Program and execute a ~~no-show~~ contractual agreement with the MCO, solely for the distribution of ARPA funds;

b. ~~no NEMT~~ maintain ongoing compliance for all provider, driver, and vehicle ~~is available~~ requirements set forth by the Medicaid Program;

c. ~~no~~ 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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on

the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses as it increases reimbursement to eligible non-emergency medical transportation providers.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total

direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule increases payments to providers for the services they already render.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 28, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2023. If a public

hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD

Secretary