

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2136
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Medicaid assures medical transportation for nonemergency medical needs. When Medicaid Transportation was initially created, it was administered by the Texas Department of Transportation. More recently, the program has been transferred and administered by the Health and Human Services Commission (HHSC).

Regional contracted brokers provide transportation to Medicaid recipients to access nonemergency medical transportation program. These regional contracted brokers act as a taxi service to help persons get to doctors appointments and access other nonemergency medical services. C.S.H.B. 2136 seeks to protect these brokers and the persons they serve by authorizing the executive of HHSC to adopt rules to ensure the safe and efficient provision of nonemergency transportation services under the medical transportation program.

C.S.H.B. 2136 would assure that a medical transportation provider meets certain standards to assure the health and safety of some very vulnerable populations.

Ambulances are specifically excluded from the nonmedical emergency transportation requirements because those who operate ambulances must already undergo more rigorous training and certification requirements.

C.S.H.B. 2136 ensure that basic public safety needs for all Medicaid patients across the state are met by medical transportation providers who contract with HHSC.

C.S.H.B. 2136 amends current law relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.02414, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.02414, Government Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

(a) Redefines, in this section, "medical transportation program" and defines "regional contracted broker."

(e) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to adopt rules to ensure the safe and efficient provision of nonemergency transportation services under the medical transportation program by regional contracted brokers and subcontractors of regional contracted brokers. Requires that the rules include:

(1) minimum standards regarding the physical condition and maintenance of motor vehicles used to provide the services, including standards regarding the accessibility of motor vehicles by persons with disabilities;

(2) a requirement that a regional contracted broker verify that each motor vehicle operator providing the services or seeking to provide the services has a valid driver's license;

(3) a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety of the State of Texas (DPS) under Subchapter C (Department License Records), Chapter 521 (Driver's Licenses and Certificates), Transportation Code, of each motor vehicle operator providing the services or seeking to provide the services;

(4) a requirement that a regional contracted broker check the public criminal record information maintained by DPS and made available to the public through the DPS's Internet website of each motor vehicle operator providing the services or seeking to provide the services; and

(5) training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on the following topics:

(A) passenger safety;

(B) passenger assistance;

(C) assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats;

(D) sensitivity and diversity;

(E) customer service;

(F) defensive driving techniques; and

(G) prohibited behavior by motor vehicle operators.

(f) Requires HHSC to 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.

SECTION 2. (a) Requires the executive commissioner, not later than August 31, 2013, to adopt rules as required by Section 531.02414(e), Government Code, as added by this Act.

(b) Requires HHSC, in a contract between HHSC and a regional contracted broker under Section 531.02414, Government Code, as amended by this Act, that is entered into or renewed on or after the date the rules required by that section take effect, to require that the regional contracted broker comply with those rules.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: September 1, 2011.