

**Medical Assistance Transportation Program
Operations Memorandum
General Operations
MCOPS Memo # 2021-001**

Date: December 27, 2021

Subject: Consolidated Appropriations Act of 2021 (Public Law 116-260) Provisions for Providers and Drivers of Non-Emergency Medical Transportation.

To: All County Administrators, Contracted Transit Agencies and Brokers of the Medical Assistance Transportation Program

From: Gwendolyn Zander, Director, Bureau of Managed Care Operations

Purpose: The Office of Medical Assistance Programs, Bureau of Managed Care Operations is issuing this Operations Memorandum to advise all Medical Assistance Transportation Program (MATP) County Administrators, Contracted Transit Agencies and Brokers of the of new federal requirements for providers and drivers of non-emergency transportation.

Background: Pursuant to 42 CFR § 431.53, a State Medicaid Agency must assure necessary transportation for recipients of medical assistance who have no other means of transportation to and from medical providers. Section 209, Division CC, Title II, of the federal Consolidated Appropriations Act of 2021 recently added provisions to the Social Security Act relating to non-emergency medical transportation.

Discussion: As discussed during the October 14, 2021 Quarterly Administrator's call, Section 209 added a provision specifying minimum requirements for each provider (including a transportation network company) or individual driver of non-emergency transportation to medically necessary services (but excluding any public transit authority who is a provider).

The minimum requirements are:

(A) Each provider and individual driver are not excluded from participation in any federal health care program (as defined in

section 1128B(f) of the Act) and is not listed on the exclusion list of the Inspector General of the Department of Health and Human Services;

(B) Each such individual driver has a valid driver's license;

(C) Each such provider has in place a process to address any violation of a state drug law; and

(D) Each provider has in place a process to disclose to the state Medicaid program the driving history, including any traffic violations, of each such individual driver employed by such provider, including any traffic violations.

In its informational bulletin, which can be found at

<https://www.medicaid.gov/federal-policy-guidance/downloads/cib071221.pdf>, the Center for Medicaid and

CHIP Services advised states that these requirements apply to transportation network companies (such as, without endorsement or limitation, Uber, Lyft, and other "ride sharing" companies) as well as individual drivers.

Next Steps:

MATP County Administrators, Contracted Transportation Agencies, and Brokers must ensure that the above requirements are met for each provider, including a transportation network company (such as, without endorsement or limitation, Uber, Lyft, and other "ride sharing" companies) or individual driver of non-emergency transportation by the effective date of December 27, 2021.

DHS will be monitoring compliance with these requirements.

Obsolete:

N/A