

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

**3/3/2014 PUBLIC NOTICE OF PROPOSED AMENDMENT TO RHODE ISLAND
MEDICAID STATE PLAN**

In accordance Rhode Island General Laws 42-35, notice is hereby given that the Executive Office of Health and Human Services (EOHHS) proposes to make the following amendment to the Rhode Island State Plan under Title XIX of the Social Security Act:

Transportation

EOHHS will contract with a broker to administer the Medicaid non-emergency transportation benefit. The state will provide non-emergency transportation as an optional medical service in accordance with section 1902(a)(70) of the Social Security Act and 42 CFR 440.170(a)(4). By adopting a brokered program, EOHHS will be able to ensure a responsive and cost-effective transportation benefit for members who need access to medical services but do not have any other means of transportation. These transportation services include wheelchair vans, taxis, stretcher cars, bus passes and tickets, secured transportation, and the other forms of transportation otherwise covered under the Medicaid State Plan.

This State Plan Amendment will not change a member's ability to use the transportation benefit; it is merely changing how EOHHS manages that benefit.

This proposed amendment is accessible on the EOHHS website (www.eohhs.ri.gov) or available in hard copy upon request (401-462-1965 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by 3 April 2014 to Darren J. McDonald, Office of Policy and Innovation, Executive Office of Health and Human Services, 57 Howard Avenue, Cranston, RI, 02920, or darren.mcdonald@ohhs.ri.gov.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on the proposed State Plan Amendment if requested by twenty-five (25) persons, an agency, or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Executive Office of Health and Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief, or handicap in acceptance for or provision of services or employment in its programs or activities.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Rhode Island

AMOUNT, DURATION, AND SCOPE OF SERVICES PROVIDED
TO CATEGORICALLY NEEDY

24. Any other medical and remedial care recognized under State law, specified by the Secretary.

- a. 1. Non-emergency transportation is provided in accordance with 42 CFR §431.53 as an administrative service.

Provided No limitation With limitations*
 Not Provided

- a. 2. Non-emergency transportation is provided without a broker in accordance with 42 CFR §440.170 as an optional medical service, excluding "school-based" transportation.

Provided No limitation With limitations*
 Not Provided

- b. Services of Christian Science Nurses.

Provided No limitation With limitations*
 Not Provided

- c. Care and Services provided in Christian Science sanatoria.

Provided No limitation With limitations*
 Not Provided

- d. Skilled nursing facility services provided for patients under 21 years of age.

Provided No limitation With limitations*
 Not Provided

- e. Emergency hospital services.

Provided No limitation With limitations*
 Not Provided

- f. Personal care services in recipient's home, prescribed in accordance with a plan of treatment and furnished by a qualified person under supervision of a registered nurse.

Provided No limitation With limitations*
 Not Provided

Description provided on attachment, including prior authorization requirements specified in pages 9, 10, and 11.

LIMITATIONS

24a. Any other medical and remedial care recognized under State law, specified by the Secretary in accordance with section 1905(a)(28) of the Act and 42 CFR 440.170.

Non-emergency transportation is provided through a brokerage program as an optional medical service in accordance with 1902(a)(70) of the Social Security Act and 42 CFR 440.170(a)(4).

The State assures it has established a non-emergency medical transportation program in accordance with 1902(a)(70) of the Social Security Act in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was procured in compliance with the requirements of 45 CFR 92.36 (b)-(i).

- (1) The State will operate the broker program without regard to the requirements of the following paragraphs of section 1902(a);
 - (1) state-wideness (Please indicate the areas of State that are covered by the broker. If the State chooses to contract with more than one broker the State must provide a separate preprint for each broker)
 - (10)(B) comparability
 - (23) freedom of choice
- (2) Transportation services provided will include:
 - Wheelchair van
 - Taxi
 - Stretcher car
 - Bus passes
 - Tickets
 - Secured transportation
 - Other transportation (if checked describe below other types of transportation provided.)
- (3) The State assures that transportation services will be provided under a contract with a broker who:
 - (i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs:
 - (ii) has oversight procedures to monitor beneficiary access and complaints and ensures that transportation is timely and transport personnel are licensed qualified, competent and courteous:
 - (iii) is subject to regular auditing and oversight by the State in order to ensure the quality and timeliness of the transportation services provided and the adequacy of beneficiary access to medical care and services:

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LIMITATIONS

- (iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on prohibitions on physician referrals under Section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate.)
- (4) The broker contract will provide transportation to the State’s categorically needy mandatory Medicaid beneficiaries.
- (5) The broker contract will provide transportation to the State’s categorically needy optional Medicaid beneficiaries.
- (6) Payment Methodology
 - (A) The state will pay the broker a capitated rate by calculating per member per month fee multiplied by the total number of eligible beneficiaries.
 - (B) The transportation provider will be paid the capitated rate at the beginning of each month.
 - (C) State general revenue constitutes the non-Federal share of the transportation payments. It is funded through two sources:
 - 1) Appropriation to the single state Medicaid agency (EOHHS) from the Legislature; and
 - 2) Intergovernmental transfer (IGT) from the Department of Human Services

Agency	Total Expenditure	State General Revenue
EOHHS	\$1,663,295,781	\$772,296,682
DHS Appropriation	\$4,009,017	\$3,573,760
DHS TANF	\$3,871,590	N/A
DHS Title XX	\$255,152	N/A

A portion of the non-federal share is provided through an IGT from the Department of Human Services. The Department of Human Services is the State entity that administers the SNAP, TANF, and other human service programs. DHS has no taxing authority.

When EOHHS pays the claim through the MMIS, the State share amount is billed to the DHS account. There will be certain people who are Medicaid eligible, but whose transportation is funded from TANF or Title XX. The transportation PMPM associated with those individuals will not be claimed for Federal Medicaid Match. The MMIS is not allowed to report a federal expense for funding aside from Medicaid, therefore, these funds cannot be claimed as a Federal Medicaid match.

- (D) The State assures that no agreement (contractual or otherwise) exists between the State or any form of local government and the transportation broker to return or redirect any of the Medicaid payment to the State or form of local government (directly or indirectly). This assurance is not intended to interfere with the ability of a transportation broker to contract for transportation services at a lesser rate and credit any savings to the program.

LIMITATIONS

(E) The State assures that payments proposed under this State plan amendment will be made directly to transportation providers and that the transportation provider payments are fully retained by the transportation providers and no agreement (contractual or otherwise) exists between the State or local government and the transportation provider to return or redirect any of the Medicaid payment to the State or form of local government (directly or indirectly).

(F) The State has included Federal Medicaid matching funds as State match when drawing down FTA SAFETEA-LU grants.

(7) The broker is a non-governmental entity:

The broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 42 CFR 440.170(4)(ii).

Transportation is provided in a rural area as defined at 42 CFR 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.

The availability of other non-governmental Medicaid participating providers or other providers determined by the State to be qualified is insufficient to meet the need for transportation.

(8) The broker is not a governmental entity.

(9) Description of the NEMT brokerage program's operation:

The Broker shall not provide transportation directly and will maintain the following time standards:

- Routine: within 15 minutes of the scheduled pick up
- Urgent: within 3 hours of the Broker receiving the request
- Will-call: within 60 minutes of the Broker receiving the request
- Drop off: no more than 30 minutes early

The Broker will operate an efficient method for arranging such services that requires members to request transportation with 48 hour advance notification (except for urgent or sick visits). Therefore, beneficiaries must call Monday for transport Wednesday, call Tuesday for transport Thursday, Call Wednesday for transport Friday, Saturday or Sunday, call Thursday for transport Monday, call for Friday for transport Tuesday. The Broker shall ensure that all clients receive confirmation of their trip details by 6 pm the night before a scheduled trip.

The Broker shall maintain records and supporting data (including but not limited to member data, trip authorizations, claims data, and provider records) in a retrieval and storage mechanism that complies with all federal and state requirements and ensure that records comply with state and federal record retention requirements which are ten (10) years for medical records, source records, and financial records and seven (7) years for litigation

Medicaid NEMT services delivered by the Broker are only reimbursable when the member is being transported to or from a Medicaid-covered service delivered by a Medicaid provider. The Broker shall provide NEMT transportation to all beneficiaries who request NEMT services and are currently enrolled in Medicaid, meet the criteria for the elderly transportation program, have a medical condition that prevents him/her from using fixed route bus services, or is requesting transportation to/from an

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origin/destination address that is more than 1/2 mile from the bus route. The Broker must verify member Medicaid eligibility by accessing daily the Rhode Island Medicaid Management Information System (MMIS) using the unique Medicaid identification number. The Broker must verify member eligibility regardless of who initiates the request. The Broker shall have policies and procedures submitted to EOHHS that provide NEMT services on a non-discriminatory basis to eligible members irrespective of the regions, communities, or neighborhoods they live in or their age, race, religion, creed, national origin, sexual orientation, gender, ability, health status, or based on others with whom they live.

The Broker's Policies and Procedures shall comply with all applicable state and federal laws pertaining to member rights, privacy, and accommodation. The Broker shall require its employees and network providers to respect those rights when providing services to members. The Broker shall allow and/or arrange for no more than one attendant to accompany any member who requires one during transportation. The Broker shall ensure that an attendant accompanies all children under the age of 18. The Broker shall allow adult members who need transportation to their own medical appointments to have no more than one child accompany them during transportation. The Broker shall identify and plan for the special needs of passengers (e.g. cannot be left alone, cannot identify him/herself by name).

The Broker shall be responsible for informing and educating members and key stakeholders including, health care providers, provider associations, community-based organizations, and consumer representatives about the NEMT management services. The Broker shall emphasize the availability of NEMT services, eligibility for these services, the authorization process for single trips and standing orders, medical documentation of need, and how to access and use these services properly. The Broker shall maintain and operate a telephone device (TDD) for the deaf and hard of hearing callers who need such a device.

24f. Personal Care Services:

1. Personal care services are available for individuals who are in residential facilities for the chronically mentally ill which have less than 17 beds and which are licensed by the Department of Behavioral Healthcare, Development Disabilities, and Hospitals.
2. Personal care services are available for individuals eligible for the EPSDT program residing in facilities providing residential treatment programs licensed by the Department of Children, Youth, and Families.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Rhode Island

AMOUNT, DURATION, AND SCOPE OF SERVICES PROVIDED
TO MEDICALLY NEEDY

22. Respiratory care services in accordance with sections 1902(e)(9)(A) through (C) of the Act.

Provided No limitation With limitations*
 Not Provided

23. Any other medical and remedial care recognized under State law, specified by the Secretary in accordance with section 1905(a)(28) of the Act and 42 CFR 440.170.

a. 1. Non-emergency transportation is provided in accordance with 42 CFR §431.53 as an administrative service.

Provided No limitation With limitations*

a. 2. Non-emergency transportation is provided without a broker in accordance with 42 CFR §440.170 as an optional medical service, excluding "school-based" transportation.

Provided No limitation With limitations*
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b. Services of Christian Science Nurses.

Provided No limitation With limitations*

c. Care and Services provided in Christian Science sanatoria.

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d. Skilled nursing facility services provided for patients under 21 years of age.

Provided No limitation With limitations*

e. Emergency hospital services.

Provided No limitation With limitations*

f. Personal care services in recipient's home, prescribed in accordance with a plan of treatment and furnished by a qualified person under supervision of a registered nurse.

Provided No limitation With limitations*

Description and prior authorization requirements are specified on supplement to this page and on pages 13, 14, and 15.

Transportation requirements are detailed in Attachment 3.1-D.

TN # 14-004
Supersedes
TN# 01-017

Effective Date _____ Approval Date _____

LIMITATIONS

23a. Any other medical and remedial care recognized under State law, specified by the Secretary in accordance with section 1905(a)(28) of the Act and 42 CFR 440.170.

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(10)(B) comparability

(23) freedom of choice

(2) Transportation services provided will include:

Wheelchair van

Taxi

Stretcher car

Bus passes

Tickets

Secured transportation

Other transportation (if checked describe below other types of transportation provided.)

(3) The State assures that transportation services will be provided under a contract with a broker who:

(i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs:

(ii) has oversight procedures to monitor beneficiary access and complaints and ensures that transportation is timely and transport personnel are licensed qualified, competent and courteous:

(iii) is subject to regular auditing and oversight by the State in order to ensure the quality and timeliness of the transportation services provided and the adequacy of beneficiary access to medical care and services:

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Rhode Island

As required by federal Medicaid regulations, the State assures access to non-emergency medical transportation (NEMT) for Medicaid members to access Medicaid covered services provided by Medicaid participating providers. Requests for NEMT outside the State of Rhode Island require additional documentation of medical necessity and/or that the service is not available in Rhode Island.

If the recipient does not have access to his/her own means of transportation, then the member can request NEMT through Medicaid. NEMT will be provided by the least-costly, medically appropriate means.

Covered NEMT services include bus passes, cabs, ambulatory vehicles, wheelchair-lift equipped vehicles and stretchers. Prior authorization is required for cabs, ambulatory vehicles, wheelchair-lift equipped vehicles and stretchers. While NEMT provider payments are available for out-of-state services, the State of Rhode Island does not provide direct reimbursement to members for meals, mileage and/or out-of-state transportation expenses.

Rite Care and Rite Share members as well as members of the new expansion population may obtain a Rhody Ten monthly bus pass by presenting their current Medicaid ID card at participating supermarkets. Eligibility is verified through a POS device. The Rhody Ten bus pass provides members with 10 trips per month and children under the age of five ride free. Additional trips may be authorized by the member's health plan, if determined medically necessary. Passes are available for members of the 25th of the month for the following month's pass.

Adults with disabilities and the elderly can access senior/disabled bus passes at the Rhode Island Public Transportation Agency Photo ID Office. If a member has a medical condition that requires a higher level of NEMT, or if the origin or destination of the medical trip is more than ½ mile from a bus route, the member can contact his/her health or the DHS Transportation line. The health plan or the DHS transportation line will verify the member's Medicaid eligibility, that the service is covered by Medicaid and that the provider participates in Medicaid. Members have freedom of choice of NEMT providers, so long as the provider is available at the requested date and time and able to provide the medically appropriate form of transportation.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Rhode Island

Effective July 1, 1970, there will be provision for assuring necessary transportation of recipients to and from providers of services, using the following methods:

Requests for transportation received from recipients will be evaluated on an individual basis to assure that each individual has access to transportation as indicated by this particular combination of medical need, geographic location, and appropriate source of care with due consideration to sources of transportation available to the individual without charge to the individual or agency.

TN # 14-004
Supersedes
TN# 11-001

Effective Date _____

Approval Date _____