



Reprinted
April 5, 2019

ENGROSSED SENATE BILL No. 480

DIGEST OF SB 480 (Updated April 4, 2019 12:33 pm - DI 104)

Citations Affected: IC 12-7; IC 12-15.

Synopsis: Medicaid nonemergency medical transport. Sets forth requirements for brokers of nonemergency medical transportation under the Medicaid fee-for-service program. Establishes the nonemergency medical transportation commission (commission) and sets forth duties of the commission. Requires the office of the secretary of family and social services to prepare before October 1, 2019, a report concerning nonemergency medical transportation Medicaid claims and submit the report to the commission.

Effective: July 1, 2019.

**Becker, Messmer, Charbonneau,
Houchin, Leising, Merritt, Tomes,
Breaux, Melton, Randolph Lonnie M,
Buck**

(HOUSE SPONSORS — PRESSEL, KARICKHOFF, BACON, HATFIELD)

January 14, 2019, read first time and referred to Committee on Health and Provider Services.

January 31, 2019, amended, reported favorably — Do Pass.

February 5, 2019, read second time, amended, ordered engrossed.

February 6, 2019, engrossed.

February 7, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Public Health.

March 28, 2019, amended, reported — Do Pass.

April 4, 2019, read second time, amended, ordered engrossed.

ES 480—LS 6602/DI 104



Reprinted
April 5, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 480

A BILL FOR AN ACT to amend the Indiana Code concerning
Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-23.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 23.5. "Broker", for purposes of IC 12-15-30.5, has the**
4 **meaning set forth in IC 12-15-30.5-1.**
5 SECTION 2. IC 12-7-2-34, AS AMENDED BY P.L.85-2017,
6 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 34. "Commission" means the following:
8 (1) For purposes of IC 12-10-2, the meaning set forth in
9 IC 12-10-2-1.
10 (2) For purposes of IC 12-12-2, the meaning set forth in
11 IC 12-12-2-1.
12 (3) For purposes of IC 12-13-14, the meaning set forth in
13 IC 12-13-14-1.
14 (4) **For purposes of IC 12-15-30.5, the meaning set forth in**
15 **IC 12-15-30.5-2.**
16 (4) (5) For purposes of IC 12-28-1, the meaning set forth in
17 IC 12-28-1-3.

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1 SECTION 3. IC 12-7-2-132.1 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2019]: **Sec. 132.1. "Nonemergency medical
 4 transportation", for purposes of IC 12-15-30.5, has the meaning set
 5 forth in IC 12-15-30.5-3.**

6 SECTION 4. IC 12-15-30.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]:

9 **Chapter 30.5. Nonemergency Medical Transportation**

10 **Sec. 1. As used in this chapter, "broker" means a contractor of
 11 the office that administers the Medicaid fee-for-service
 12 nonemergency medical transportation program.**

13 **Sec. 2. As used in this chapter, "commission" refers to the
 14 nonemergency medical transportation commission established by
 15 section 7 of this chapter.**

16 **Sec. 3. As used in this chapter, "nonemergency medical
 17 transportation" means medically necessary transportation to
 18 Medicaid covered services for an eligible Medicaid recipient who:**

- 19 (1) participates in the Medicaid fee-for-service program; and
 20 (2) does not have available transportation to:
 21 (A) a Medicaid reimbursable service; or
 22 (B) a pharmacy to obtain Medicaid reimbursable
 23 pharmacy services.

24 **Sec. 4. (a) A broker must do the following:**

25 (1) Submit monthly reports to the office of the secretary for
 26 the office of the secretary to post on the office of the
 27 secretary's Internet web site of the following:

28 (A) A list and map by county of the number of vehicles, by
 29 vehicle type, that are contracted, credentialed, and
 30 available to provide nonemergency medical transportation
 31 in that county.

32 (B) Based upon a comparison of trip-leg identification
 33 numbers issued by the broker to the corresponding claim
 34 submitted with that trip-leg identification number, the
 35 number of instances in which a requested nonemergency
 36 medical transportation for an eligible Medicaid recipient
 37 was not provided, including whether:

- 38 (i) the instance related to picking up the recipient to go
 39 to an appointment;
 40 (ii) the instance related to picking up the recipient from
 41 an appointment;
 42 (iii) the instance related to a Medicaid recipient or



- 1 transportation provider not being available;
 2 (iv) the recipient resides in the community, a health
 3 facility, an intermediate care facility for individuals with
 4 intellectual disabilities, a hospital, or another location;
 5 and
 6 (v) the instance resulted from the transportation request
 7 being canceled by the transportation provider more than
 8 forty-eight (48) hours before the appointment or within
 9 forty-eight (48) hours of the appointment.
- 10 (D) A summary of the complaints received by the broker,
 11 whether or not the complaints have been substantiated.
 12 Information under this clause must include the total
 13 number of complaints and whether the complaint related
 14 to:
- 15 (i) a scheduled ride to go to an appointment;
 16 (ii) a scheduled ride from an appointment; and
 17 (iii) a recipient who resided in the community, a health
 18 facility, an intermediate care facility for individuals with
 19 intellectual disabilities, a hospital, or another location.
- 20 (2) Submit monthly to the office of the secretary for the office
 21 of the secretary to post on the office of the secretary's Internet
 22 web site a report comparing:
- 23 (A) the number of eligible Medicaid recipients; to
 24 (B) the number of contracted and credentialed
 25 transportation vehicles, by type and by county, that are
 26 available to provide nonemergency medical transportation
 27 in a county;
 28 and including the calculation of the ratio of eligible Medicaid
 29 recipients to vehicle type.
- 30 (3) Submit a monthly report to the office of the secretary that
 31 includes the following information for the previous month:
- 32 (A) The number of ride requests received and scheduled
 33 trip-leg identification numbers issued.
 34 (B) Call center statistics.
 35 (C) Information on claims payments, including claim
 36 denial reason codes.
 37 (D) Program integrity referrals.
 38 (E) Information concerning grievances and appeals,
 39 including the status of any grievance or appeal that is
 40 either open or closed in the month of the report.
- 41 (b) If the broker has not assigned a transportation provider to
 42 a request for nonemergency medical transportation within



1 forty-eight (48) hours of the time in which the transportation is to
 2 be provided, the broker shall do the following:

3 (1) Take steps to notify the:

4 (A) Medicaid recipient for which the request was made;
 5 and

6 (B) health facility, if the Medicaid recipient resides in a
 7 health facility;

8 that a transportation provider has not yet been assigned.

9 (2) Continue to make every effort in securing transportation
 10 for the Medicaid recipient and immediately notify the
 11 recipient described in subdivision (1)(A) and, if applicable, the
 12 health facility described in subdivision (1)(B), when
 13 transportation has been assigned.

14 (3) Document whether the notice required under subdivision
 15 (1) was communicated to the Medicaid recipient or a person
 16 on behalf of the Medicaid recipient, and the method of
 17 communication.

18 **Sec. 5. (a)** A broker shall establish, implement, and maintain the
 19 following:

20 (1) One (1) toll free telephone number clearly identified for
 21 the handling of complaints concerning the nonemergency
 22 medical transportation services.

23 (2) A link on the home page of the broker's Internet web site
 24 titled "File a Complaint Here" that is accessible by the public
 25 and that allows for the submission of a complaint concerning
 26 the nonemergency medical transportation services.

27 (3) Instructions on the broker's Internet web site on how to
 28 file a complaint concerning nonemergency medical
 29 transportation services.

30 (4) A process to notify a person who files a complaint about:

31 (A) the steps the broker will take to investigate the
 32 complaint; and

33 (B) the results of the investigation.

34 (b) Except for disclosure to the office of the secretary, the
 35 broker shall keep confidential the identity of any individual who
 36 submits a complaint with the broker concerning nonemergency
 37 medical transportation services.

38 (c) If a complaint concerning nonemergency medical
 39 transportation services made to the broker is substantiated, the
 40 broker shall develop a remediation plan concerning the complaint
 41 and submit the remediation plan to the office of the secretary for
 42 the office of the secretary to post the remediation plan on the office



1 of the secretary's Internet web site.

2 **Sec. 6. (a) Before October 1, 2019, the office of the secretary**
 3 **shall prepare a report containing the number of Medicaid**
 4 **fee-for-service nonemergency medical transportation claims paid**
 5 **by:**

- 6 (1) vehicle type;
 7 (2) Medicaid recipient category; and
 8 (3) whether the recipient for which the claim was paid resided
 9 in:
 10 (A) the community;
 11 (B) a health facility;
 12 (C) an intermediate care facility for individuals with
 13 intellectual disabilities;
 14 (D) a hospital; or
 15 (E) another location.

16 (b) Beginning June 1, 2016, through May 31, 2019, the claims
 17 data reported in subsection (a) must be organized by month.

18 (c) The office of the secretary shall submit the report prepared
 19 under subsection (a) to the commission.

20 **Sec. 7. (a) The nonemergency medical transportation**
 21 **commission is established for the purpose of overseeing the**
 22 **provision of nonemergency medical transportation services to**
 23 **ensure that Medicaid fee-for-service recipients are receiving**
 24 **satisfactory service and to ensure that brokers pay the claims of**
 25 **transportation providers in a timely manner.**

26 (b) The commission consists of the following members:

- 27 (1) Two (2) members of the senate, who may not be members
 28 of the same political party, appointed by the president pro
 29 tempore of the senate with the advice of the minority leader
 30 of the senate.
 31 (2) Two (2) members of the house of representatives, who may
 32 not be members of the same political party, appointed by the
 33 speaker of the house of representatives with the advice of the
 34 minority leader of the house of representatives.
 35 (3) One (1) representative of the office of the secretary.
 36 (4) One (1) individual representing a broker.
 37 (5) One (1) individual representing a transportation provider
 38 that has contracted with a broker.
 39 (6) One (1) individual representing the Indiana Hospital
 40 Association.
 41 (7) One (1) individual representing the Indiana Health Care
 42 Association.



- 1 **(8) One (1) individual representing the Indiana Association of**
 2 **Rehabilitation Facilities.**
 3 **(9) One (1) individual representing the Arc of Indiana.**
 4 **(10) One (1) physician licensed under IC 25-22.5.**
 5 **(11) One (1) individual representing dialysis providers.**
 6 **(12) One (1) Medicaid fee-for-service recipient.**
 7 **(13) One (1) individual representing the Indiana Association**
 8 **of Area Agencies on Aging.**
 9 **(14) One (1) individual representing the Indiana Emergency**
 10 **Medical Services Association.**
 11 **(c) The members of the commission described in subsection**
 12 **(b)(1) and (b)(2) shall serve:**
 13 **(1) as nonvoting advisory members; and**
 14 **(2) for a four (4) year term.**
 15 **(d) The members of the commission described in subsection**
 16 **(b)(3) through (b)(14) shall be appointed by the governor for terms**
 17 **of four (4) years. The term of a member of the commission expires**
 18 **July 1. However, a member may continue to serve until a successor**
 19 **is appointed. In case of a vacancy, the governor shall appoint an**
 20 **individual to serve for the remainder of the unexpired term. The**
 21 **governor shall designate one (1) member described in this**
 22 **subsection as chairperson of the commission.**
 23 **(e) The initial appointments beginning July 1, 2019, must be:**
 24 **(1) made by the governor not later than October 1, 2019; and**
 25 **(2) notwithstanding subsection (d), staggered as follows:**
 26 **(A) Two (2) years for the members appointed under**
 27 **subsection (b)(4), (b)(6), (b)(8), (b)(10), (b)(12), and (b)(14).**
 28 **(B) Three (3) years for the members appointed under**
 29 **subsection (b)(5), (b)(7), (b)(9), (b)(11), and (b)(13).**
 30 **This subsection expires July 1, 2024.**
 31 **(f) The office shall provide staff support and technical assistance**
 32 **to the commission, including the collection of and dissemination of**
 33 **data and reports required by this chapter, in order for the**
 34 **commission to carry out its duties under this chapter.**
 35 **Sec. 8. (a) Each member of the commission who is not a state**
 36 **employee is entitled to the minimum salary per diem provided by**
 37 **IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement**
 38 **for traveling expenses and other expenses actually incurred in**
 39 **connection with the member's duties, as provided in the state travel**
 40 **policies and procedures established by the Indiana department of**
 41 **administration and approved by the budget agency.**
 42 **(b) Each member of the commission who is a state employee but**



1 who is not a member of the general assembly is entitled to
2 reimbursement for traveling expenses and other expenses actually
3 incurred in connection with the member's duties, as provided in the
4 state travel policies and procedures established by the Indiana
5 department of administration and approved by the budget agency.

6 (c) Each member of the commission who is a member of the
7 general assembly is entitled to receive the same per diem, mileage,
8 and travel allowances paid to legislative members of interim study
9 committees established by the legislative council. Per diem,
10 mileage, and travel allowances paid under this subsection shall be
11 paid from appropriations made to the legislative council or the
12 legislative services agency.

13 **Sec. 9. The commission shall meet at least two (2) times per year
14 at a public meeting to do the following:**

15 (1) Review a report submitted under this chapter.

16 (2) Provide feedback and make recommendations to the office
17 of the secretary concerning the provision of nonemergency
18 medical transportation services.

19 (3) Approve any monies to be awarded to a broker as part of
20 a withhold provision outlined in the contract between the
21 office of the secretary and the broker.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 27, delete "type," and insert "**type listed by county,**".

Page 2, line 33, delete "recipient." and insert "**recipient, including whether:**

- (i) **the failure related to picking up the recipient to go to an appointment;**
- (ii) **the failure related to picking up the recipient from an appointment;**
- (iii) **the recipient resides in the community, a health facility, an intermediate care facility for individuals with intellectual disabilities, a hospital, or another location; and**
- (iv) **the failure resulted from the transportation request being cancelled by the transportation provider more than forty-eight (48) hours before the appointment or within forty-eight (48) hours of the appointment."**

Page 2, line 35, after "." insert "**Information under this clause must include the total number of complaints and whether the complaint related to:**

- (i) **a scheduled ride to go to an appointment;**
- (ii) **a scheduled ride from an appointment; and**
- (iii) **a recipient who resided in the community, a health facility, an intermediate care facility for individuals with intellectual disabilities, a hospital, or another location."**

Page 2, line 36, delete "Prepare a monthly" and insert "**Post monthly on the broker's Internet web site a**".

Page 2, between lines 41 and 42, begin a new line block indented and insert:

"(3) Submit a monthly report to the office that includes the following information for the previous month:

- (A) **The number of ride requests received.**
- (B) **Call center statistics.**
- (C) **Information on claims payments.**
- (D) **Program integrity referrals.**
- (E) **Information concerning grievances and appeals, including the status of any grievance or appeal that is either open or closed in the month of the report."**



Page 3, line 20, after "the" insert "**home page of the**".

Page 3, line 26, delete "services and how to appeal a determination on" and insert "**services**".

Page 3, delete line 27, begin a new line block indented and insert:

"(4) A process to notify a person who files a complaint about:

(A) the steps the broker will take to investigate the complaint; and

(B) the results of the investigation."

Page 3, line 37, delete "July 31, 2019," and insert "**October 1, 2019**".

Page 4, line 4, delete "or".

Page 4, line 6, delete "." and insert ";

(D) a hospital; or

(E) another location."

Page 4, line 7, after "(b)" insert "**Beginning June 1, 2016, through May 30, 2019, the claims data reported in subsection (a) must be organized by month.**

(c)".

Page 4, between lines 36 and 37, begin a new line block indented and insert:

"(13) One (1) individual representing the Indiana Association of Area Agencies on Aging."

Page 4, line 42, delete "(b)(12)" and insert "**(b)(13)**".

Page 5, line 13, delete "and (b)(11)." and insert "**(b)(11), and (b)(13)**".

Page 5, line 41, after "by" insert "**the broker and**".

and when so amended that said bill do pass.

(Reference is to SB 480 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.



SENATE MOTION

Madam President: I move that Senate Bill 480 be amended to read as follows:

Page 5, line 9, delete "." and insert "**and to ensure that brokers pay the claims of transportation providers in a timely manner.**".

(Reference is to SB 480 as printed February 1, 2019.)

BREAUX

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 2, delete "cancelled" and insert "**canceled**".

Page 5, between lines 35 and 36, begin a new line block indented and insert:

"(14) One (1) individual representing the Indiana Emergency Medical Services Association."

Page 5, line 41, delete "(b)(13)" and insert "**(b)(14)**".

Page 6, line 10, delete "and (b)(12)." and insert "**(b)(12), and (b)(14).**".

Page 6, between lines 13 and 14, begin a new paragraph and insert:

"(f) The office shall provide staff support and technical assistance to the commission, including the collection of and dissemination of data and reports required by this chapter, in order for the commission to carry out its duties under this chapter."

and when so amended that said bill do pass.

(Reference is to SB 480 as reprinted February 6, 2019.)

KIRCHHOFER

Committee Vote: yeas 11, nays 0.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

Page 2, line 25, delete "Post weekly" and insert "**Submit monthly**".

Page 2, line 25, delete "on the broker's" and insert "**to the office of the secretary for the office of the secretary to post on the office of the secretary's**".

Page 2, delete lines 27 through 34, begin a new line double block indented and insert:

"(A) A list and map by county of the number of vehicles, by vehicle type, that are contracted, credentialed, and available to provide nonemergency medical transportation in that county.

(B) Based upon a comparison of trip-leg identification numbers issued by the broker to the corresponding claim submitted with that trip-leg identification number, the number of instances in which a requested nonemergency medical transportation for an eligible Medicaid recipient was not provided, including whether:"

Page 2, line 35, delete "failure" and insert "**instance**".

Page 2, line 37, delete "failure" and insert "**instance**".

Page 2, line 39, after "(iii)" insert "**the instance related to a Medicaid recipient or transportation provider not being available; (iv)**".

Page 3, line 1, delete "(iv) the failure" and insert "**(v) the instance**".

Page 3, line 15, delete "Post monthly on the broker's" and insert "**Submit monthly to the office of the secretary for the office of the secretary to post on the office of the secretary's**".

Page 3, line 19, delete "county;" and insert "**county, that are available to provide nonemergency medical transportation in a county;**".

Page 3, line 22, after "office" insert "**of the secretary**".

Page 3, line 24, delete "." and insert "**and scheduled trip-leg identification numbers issued.**".

Page 3, line 26, delete "payments." and insert "**payments, including claim denial reason codes.**".

Page 3, line 35, delete "Notify" and insert "**Take steps to notify**".

PAGE 3, line 42, delete "." and insert "**and immediately notify the recipient described in subdivision (1)(A) and, if applicable, the health facility described in subdivision (1)(B), when transportation has been assigned.**".



Page 4, delete lines 1 through 3, begin a new line block indented and insert:

"(3) Document whether the notice required under subdivision (1) was communicated to the Medicaid recipient or a person on behalf of the Medicaid recipient, and the method of communication."

Page 4, line 26, delete "corrective action" and insert "**remediation**".

Page 4, line 27, delete "publish the corrective action plan on the broker's" and insert "**submit the remediation plan to the office of the secretary for the office of the secretary to post the remediation plan on the office of the secretary's**".

Page 5, line 1, delete "May 30, 2019," and insert "**May 31, 2019,**".

Page 7, delete lines 4 through 8.

Page 7, line 9, delete "(4)" and insert "**(3)**".

Page 7, line 10, delete "an incentive" and insert "**a withhold provision**".

(Reference is to ESB 480 as printed March 29, 2019.)

PRESSEL

