RULE

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Non-emergency Medical Transportation Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing (hereinafter referred to as the bureau), has adopted the following rule in the Medicaid Program in accordance with the Administrative Procedure Act, R.S. 49:953(A).

RULE

The following additional regulations are implemented in the non-emergency medical transportation program.

A. Enrollment Requirements:

1. a $5000 performance bond, letter of credit or cashier's check payable to the Bureau of Health Services Financing is required;

2. a provider must wait 90 calendar days from the date his enrollment process is otherwise complete before starting to do business as a Title XIX provider of transportation services;

3. during the 90 day period a provider must publish a notice of intent to do business in the newspaper which is circulated in his geographic area (said notice to be formatted by the bureau);

4. at the time of enrollment the provider must stipulate as to whether each vehicle will be used for service to ambulatory or non-ambulatory beneficiaries;

5. each vehicle is subject to enrollment and annual inspection by the bureau. An inspection fee as determined by the bureau will be charged;

6. each vehicle must display a decal issued by the bureau; the decals will be issued for each approved vehicle upon completion of inspection beginning January 21, 1993. All currently enrolled providers of Title XIX transportation services must have each vehicle used in the transportation of beneficiaries inspected and decaled no later that April 20, 1993;

7. all enrolled vehicles must have a painted sign in two-inch high letters displaying the name of the enrolled provider and his telephone number;

8. identification must be uniform on all provider enrollment documents, vehicle registration, inspection certificate, business logo and any other items belonging to the provider;

9. each provider of Title XIX transportation services must be covered by general liability insurance on the business entity with a minimum coverage of $300,000 Combined Single Limit of Liability;

10. each provider must submit a notarized certificate of insurance on each vehicle;

11. all vehicle drivers must have a valid Class D (Chauffeur) license;

12. all drivers must be 25 years of age or older and proof of this must be documented in driver's personnel file;

13. all drivers must have completed a defensive driving course accredited by The National Safety Council and proof of this must be documented in driver's personnel file;

14. a participating provider must own or lease all vehicles and provide proof that vehicle registration is in the name of the company. If a vehicle is under lease the period of the lease must run concurrently with the inspection period;

15. enrolled vehicles are to be used for business purposes only except in emergency situations. If an emergency necessitates the use of a vehicle for purposes other than business, the nature of the emergency and the mileage involved must be documented on the vehicle log;

16. a provider must give the geographic location of the main office and/or substation of the business, and the geographic location of where vehicles are garaged overnight; and

17. a provider must limit his service area to the geographic boundaries established by the bureau. Any exception to this restriction must be approved by the bureau.

B. On-going Requirements:

1. all vehicles are subject to annual inspection and must meet all requirements of the Transportation Program (except 90 day waiting period and the publication requirement);

2. all driver changes must be reported to the bureau within five working days;

3. a provider must notify the bureau of any change in vehicle(s) and comply with all enrollment requirements prior to placing a vehicle in service;

4. any provider whose vehicle is involved in an accident must give pertinent information on the insurance coverage of the vehicle to the other person(s) involved in the accident and the investigating authority;

5. all accidents must be reported to the bureau within 72 hours;

6. a separate log of total use and mileage must be maintained on each vehicle;

7. each vehicle is to be used for business purposes only except in an emergency and documentation must be made as to the nature of the emergency and the mileage involved;

8. any change in geographic location of the main office or substation, or in the geographic location of where the vehicles are garaged overnight must be reported to the bureau prior to the change;

9. a provider must report the reason for the termination of any driver within five working days of the date of the termination; and

10. a provider must not offer any type of inducement or incentive to a Title XIX beneficiary in order to solicit that beneficiary for transportation services or to secure that beneficiary's transportation "business" (i.e. handbill distribution is prohibited, verbal solicitation of clients at medical facilities is prohibited, etc.). To do so will result in sanctions against the provider of service.

C. Sanctions:

1. a transportation provider or company who is the subject of multiple valid complaints from recipients or medical providers is subject to sanction ($100 for first occurrence, $500 for second occurrence and $1000 for third occurrence);

2. failure to maintain a log of total use and mileage is subject to sanction at $1000 per day per vehicle;

3. a vehicle in service without a decal is subject to sanction at $1000 per day;

4. driver not covered by program is subject to sanction at $1000 per day;

5. lack of required insurance is subject to sanction at $1000 per day per vehicle;

6. failure to timely report termination of a driver is subject to sanction of $100 per day;

7. failure to timely report accidents is subject to sanction of $100 per day;

8. failure to properly maintain vehicle is subject to sanction at $100 for first occurrence, $500 and surrender of decal for second occurrence and $1000 and surrender of decal for third occurrence;

9. a provider is subject to partial or total hold of vendor payment while under review if suspected of improper billing practices; and

10. a provider who offers inducements or incentives in an attempt to capture business is subject to sanction which may include but not be limited to suspension and/or termination from the program.

D. Suspensions/Terminations. Effective July 1, 1993, providers may be subject to immediate suspension or termination if a provider audit shows there are substantial discrepancies in billing practices.

Disapproval of this change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

J. Christopher Pilley
Secretary