

# PUBLIC NOTICE

January 22, 2019

Pursuant to 42 C.F.R. Section 447.205, public notice is hereby given to the submission of a Medicaid State Plan Amendment (SPA) 19-0003 Non-Emergency Transportation (NET) Broker Contract. The Division of Medicaid, in the Office of the Governor, will submit this proposed SPA to the Centers for Medicare and Medicaid Services (CMS) effective February 1, 2019, contingent upon approval from CMS, our Transmittal #19-0003.

1. SPA 19-0003 Non-Emergency Transportation (NET) Broker Contract is being submitted to correspond with the new NET Broker contract operational effective date of February 1, 2019. This SPA includes the following changes:
  - a) Updating the reimbursement methodology to reflect the new NET Broker Contract,
  - b) Adding non-emergency air transportation services to the NET Broker program,
  - c) Describing the reimbursement methodology for NET ambulance hospital-to-hospital transports,
  - d) Removing long-term care residents from the NET Broker program, and
  - e) Adding language regarding coverage of and reimbursement for transportation provided by Prescribed Pediatric Extended Care (PPEC) centers outside of the NET Broker program.
2. The expected annual aggregate decrease in expenditures in state funds is \$475,513 for SFY 19 and \$1,112,714 for SFY 20. The expected annual aggregate decrease in expenditures in federal funds is \$2,461,634 for FFY 19 and \$3,720,969 for FFY 20.
3. The Division of Medicaid is submitting this proposed SPA to be in compliance with 42 C.F.R. §§ 440.170 and 447.201.
4. A copy of the proposed SPA will be available in each county health department office and in the Department of Human Services office in Issaquena County for review. A hard copy can be downloaded and printed from [www.medicaid.ms.gov](http://www.medicaid.ms.gov), or requested at 601-359-2081 or by emailing at [Margaret.Wilson@medicaid.ms.gov](mailto:Margaret.Wilson@medicaid.ms.gov).
5. Written comments will be received by the Division of Medicaid, Office of the Governor, Office of Policy, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, Mississippi 39201, or [Margaret.Wilson@medicaid.ms.gov](mailto:Margaret.Wilson@medicaid.ms.gov) for thirty (30) days from the date of publication of this notice. Comments will be available for public review at the above address and on the Division of Medicaid's website at [www.medicaid.ms.gov](http://www.medicaid.ms.gov).
6. A public hearing on this SPA will not be held.

## State of Mississippi

### METHODS OF PROVIDING TRANSPORTATION

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The Division of Medicaid provides statewide, medically necessary non-emergency transportation (NET) services through a brokerage program in accordance with Section 1902(a)(70) of the Social Security Act and 42 C.F.R. § 440.170 in order to more cost-effectively provide transportation for Medicaid beneficiaries.

The Division of Medicaid will operate the broker program without regard to the requirements of Section 1902(a)(23), Freedom of Choice.

Persons excluded from the NET Broker program include beneficiaries who are:

- Residents of a nursing facility, intermediate care facility for individuals with intellectual disabilities (ICF/IID) or psychiatric residential treatment facility (PRTF).
- Qualified Medicare Beneficiaries (QMB),
- Specified Low-Income Beneficiaries (SLMB),
- Qualified Individuals (QI), and
- Family Planning Waiver Beneficiaries.

NET services include:

- Wheelchair vans,
- Taxis,
- Stretcher services,
- Bus passes,
- Tickets,
- Non-emergency ground ambulance,
- Non-emergency fixed-wing and commercial carrier air services,
- Other transportation, including but not limited to: private automobiles, non-profit transit systems, specialty carriers for non-emergency ambulatory disoriented persons, and specialty carriers using lift-equipped vehicles in compliance with the Americans with Disabilities Act (ADA) certified to provide non-emergency transportation for non-ambulatory persons.

NET services not included in the NET Broker program include:

Transportation provided by Prescribed Pediatric Extended Care (PPEC) facilities~~NET air ambulance,~~ and NET ambulance hospital-to-hospital transports.

The contracted NET Broker:

- Is selected through a competitive bidding process based on the Division of Medicaid's evaluation of the NET Broker's experience, performance, references, resources, qualifications, and costs,
- Has oversight procedures to monitor beneficiary access and complaints and ensures that transport personnel are licensed, qualified, competent, and courteous,
- Is subject to regular auditing and oversight by the Division of Medicaid in order to ensure the quality of the transportation services provided and the adequacy of beneficiary access to medical care and services, and
- Complies with such requirements related to prohibitions on referrals and conflicts of interest as the Secretary of Health and Human Services shall establish (based on the prohibitions on physician referrals under Section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).
- 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 C.F.R. § 440.170(4)(ii).

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The Division of Medicaid reimburses the NET Broker based on the current contract which is located at <https://medicaid.ms.gov/resources/procurement/completed-procurements/>.

The Broker is reimbursed an implementation price of no more than the actual implementation costs up to the amount specified in the Contractor's Business Bid response Proposal set forth in Appendix A Attachment B of the NET Services request for proposals invitation for bids (IFB/RFP).

Payment of the implementation cost shall be made by the Division of Medicaid in two installments during the implementation phase of the contract. The schedule for the two (2) payments will be determined within thirty (30) calendar days of the contract signing and based on milestones and deliverables.

An incumbent Broker is not eligible for receipt of implementation payment, except for actual expenses incurred to acquire the infrastructure to support an increase in required staffing as specified in the NET Services RFP-IFB and approved by the Division of Medicaid.

~~During the operational phase of the contract, the Broker will be paid on a monthly basis in accordance with the Broker's bid price proposals set forth in Appendix A which are firm and fixed for the period of the contract.~~

During the operational phase of the contract, the Contractor shall be paid monthly in accordance with the Contractor's bid response based on a retrospective review of the prior month transportation claims.

The Contractor's monthly payment shall be based on:

1. The Contractor's bid rate: per beneficiary per month utilized by transportation trip type category, and
2. Per beneficiary per month non-utilizers.

If a beneficiary utilizes multiple trip types during the month, the Contractor's payment shall be based on the highest rate category for the trip types utilized by the beneficiary. The Contractor will only receive one (1) rate for that beneficiary.

The Contractor shall provide timely payment to each contracted NET Provider for the services rendered. The Contractor may reimburse NET Providers through any payment arrangement agreeable to both parties, including a sub-capitation arrangement. All payment arrangements must include an incentive or safeguard to ensure utilization data for every encounter is submitted to the Contractor.

Transportation for long-term care residents is reimbursed as part of the long-term care benefit using the methodology in Attachment 4.19-D.

Transportation provided by PPEC centers is reimbursed the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule which can be found at <https://medicaid.ms.gov/providers/fee-schedules-and-rates/#>.

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**METHODS OF PROVIDING TRANSPORTATION**

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NET ambulance hospital-to-hospital transports are reimbursed the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1 of each year and effective for services provided on or after July 1 of each year which can be located at <https://medicaid.ms.gov/wp-content/uploads/2018/07/Ambulance.pdf> and is calculated as seventy percent (70%) of the Medicare ambulance fee schedule in effect as of January 1 of each year. If a Medicare fee is not established, then the fee is set at seventy percent (70%) of the Medicare fee for a comparable service.

All non-federal funding for transportation is paid from legislative appropriations to the Division of Medicaid.

The Division of Medicaid 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 NET Broker to contract for transportation services at a lesser rate and credit any savings to the program.

The Division of Medicaid, as required by state law, shall reduce the rate of reimbursement to providers for transportation services billed directly to the Division of Medicaid by five percent (5%) of the allowed amount for that service.

**State of Mississippi**

**METHODS OF PROVIDING TRANSPORTATION**

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The NET Broker is responsible for the administration and operation of NET services including, but not limited to:

- Operating and appropriately staffing a call center within Hinds, Madison or Rankin County MS subject to approval by the Division of Medicaid, to ensure that beneficiaries have access to requested NET services. The NET Broker is responsible for ensuring that only eligible Medicaid beneficiaries receive transportation services to MS enrolled Medicaid providers for covered medically necessary services.
- Contracting with NET providers to ensure that a sufficient number of vehicles and drivers are available to transport beneficiaries based on their individual needs, and that appropriate modes of transportation are utilized to transport beneficiaries to their medical appointments in a timely manner.
- Maintaining appropriate documentation to support all NET services provided or denied.
- Providing timely payment to each contracted NET provider for the services rendered.
- Developing and implementing a plan for informing and educating beneficiaries, medical providers and NET providers about the NET Broker Program. The education process must include a complaint and grievance process for beneficiaries, medical providers, and NET providers.
- Developing and implementing a plan for monitoring NET providers' compliance with all applicable local, state and federal laws and regulations, the terms of their subcontracts and all NET provider related requirements of the NET Broker's contract with the Division of Medicaid.
- Providing the Division of Medicaid with specific reports that the Division of Medicaid will utilize to monitor the broker to ensure NET services are being provided in accordance with the terms and conditions of the NET Broker contract.