To amend title XIX of the Social Security Act to provide for the continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary services.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2019

Mr. CARTER of Georgia (for himself, Mr. CÁRDENAS, Mr. GRAVES of Georgia, and Mr. BISHOP of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to provide for the continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Patients Transportation to Care Act”.

SEC. 2. CONTINUING REQUIREMENT OF MEDICAID COVERAGE OF NONEMERGENCY TRANSPORTATION TO MEDICALLY NECESSARY SERVICES.

(a) REQUIREMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “and (21)” and inserting “, (21), and (30)”; and

(2) in subparagraph (C)(iv), by striking “and (17)” and inserting “, (17), and (30)”.

(b) DESCRIPTION OF SERVICES.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (29), by striking “and” at the end;

(B) by redesignating paragraph (30) as paragraph (31) and by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (29) the following new paragraph:

“(30) subject to subsection (ff), nonemergency transportation to medically necessary services, consistent with the requirement of section 431.53 of title 42, Code of Federal Regulations, as in effect as of June 1, 2019; and”; and
(2) by adding at the end the following new subsection:

“(ff) Nonemergency Transportation to Medically Necessary Services.—

“(1) Limitation on Federal Financial Participation.—Notwithstanding any other provision of this title, to be eligible for federal financial participation under this title for expenses incurred as medical assistance or as an administrative expense for nonemergency transportation to medically necessary services described in subsection (a)(30), the State Medicaid agency of such State must have in place a prior authorization or utilization management requirement for such services.

“(2) Prior Authorization Defined.—For purposes of paragraph (1), the term ‘prior authorization’ means a process through which a request for provisional affirmation of coverage is submitted for review before the service involved is furnished and before a claim is submitted for payment for such service.”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment
of this Act and shall apply to transportation on or after such date.