



## OPERATIONAL MEMO

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<b>TITLE:</b>	<b>NON-MEDICAL TRANSPORTATION (NMT), MEDICAID CLIENT TRANSPORT (MCT) TRANSFER OF OVERSIGHT TO HCPF</b>
<b>SUPERSEDES NUMBER:</b>	<b>N/A</b>
<b>EFFECTIVE DATE:</b>	<b>JUNE 30, 2021</b>
<b>DIVISION AND OFFICE:</b>	<b>BENEFITS AND SERVICES MANAGEMENT DIVISION, OFFICE OF COMMUNITY LIVING</b>
<b>PROGRAM AREA:</b>	<b>NON-MEDICAL TRANSPORTATION, HOME AND COMMUNITY-BASED SERVICES WAIVERS, HCBS WAIVERS, MEDICAID CLIENT TRANSPORT</b>
<b>KEY WORDS:</b>	<b>NON-MEDICAL TRANSPORTATION, NMT, HOME AND COMMUNITY-BASED SERVICES, HCBS WAIVERS, MEDICAID CLIENT TRANSPORT (MCT), PROVIDER ENROLLMENT, REVALIDATION</b>
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<b>APPROVED BY: COLIN LAUGHLIN</b>	

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*HCPF Memo Series can be accessed online: <https://www.colorado.gov/hcpf/memo-series>*

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### **Purpose and Audience:**

The purpose of this Operational Memo is to inform Home and Community-Based Services (HCBS) providers and stakeholders of regulatory changes concerning the oversight of Non-Medical Transportation (NMT).

### **Information:**

Non-Medical Transportation (NMT) is an HCBS benefit available to members enrolled in the Brain Injury (BI), Community Mental Health Supports (CMHS), Developmental Disabilities (DD), Elderly, Blind and Disabled (EBD), Spinal Cord Injury (SCI), or the Supported Living Services (SLS) waivers. Currently, the Department of Health Care Policy & Financing (Department) requires that all providers of this benefit obtain a Medicaid Client Transport (MCT) permit through the Public Utilities Commission (PUC).

On June 30, 2021, [House Bill 21-1206](#) was signed in to law, which eliminates the PUC's responsibility to oversee the safety and oversight of the transportation services. The bill requires the Department to oversee the safety and oversight of the transportation services beginning July 1, 2021. As such, the Department is no longer requiring provider agencies obtain an MCT permit in order to enroll or revalidate as a Medicaid provider. The Department will be implementing an interim oversight process outlined below; this process is subject to change based on stakeholder feedback.

The Department will host several stakeholder engagement opportunities regarding this change in oversight. These stakeholder meetings will be opportunities for provider agencies to engage with the Department on developing oversight requirements for the NMT benefit. The first meeting is scheduled for Friday, July 16, 1 - 2:30 p.m. MT.

The following link can be used to join the meeting:

<https://zoom.us/j/96883346475?pwd=VWRhVmx4OEUrK0xRNctiM2NTRU4yQT09>

Passcode: 362506

Additional meeting details may be found here:

<https://hcpf.colorado.gov/OCL-stakeholder-engagement>

### **Interim Oversight of NMT**

The Department has assumed provider oversight responsibilities for the NMT benefit. This oversight will include any necessary vehicle inspections, reviews of driver qualifications, and other requirements described below, with further details on those requirements outlined in the attached document.

Existing NMT providers, and those that have already obtained an MCT permit, will not need to take any action, unless they are adding a vehicle or driver to their fleet. If an addition is occurring, they must provide the information below to the Department on the vehicle and or driver.

Providers wishing to provide NMT to the BI, CMHS, EBD, and SCI waivers will be required to submit to the Department proof of the following upon revalidation, or during the enrollment process:

#### **Drivers**

- Drivers must be at least 21 years of age and possess a current driver's license.
- Current motor vehicle driving records for all drivers, providing the previous seven years of driving history.

- Criminal history record checks for all drivers. Existing name-based background checks will satisfy this requirement.

#### Vehicles

- Passenger vehicle safety inspections, to be performed qualified mechanic. Vehicle inspection requirements apply to vehicles of all sizes, makes and models.
  - Vehicles 0-5 years: no inspection
  - Vehicles 6-10 years: inspected every 24 months
  - Vehicles 11 years plus: inspected annually
  - Vehicle for wheelchair transportation: inspected annually, regardless of age of vehicle

#### Automobile Insurance Liability Requirements

- *Enrolled Provider agency-owned or fleet vehicles:*
  - Bodily injury minimum limits - \$300,000 per person/\$600,000 per accident
  - Property damage - \$50,000
  - The policy must also include "any auto" or all Owned, Non-Owned and Hired auto, to cover vehicles operating on behalf of, but not owned by the Provider.
- *Personal vehicles operating on behalf of the Provider:*
  - Bodily injury minimum limits - \$25,000 per person/ \$50,000 per accident
  - Property damage - \$15,000.

Program Approved Service Agencies (PASAs) will continue with the existing process and oversight through the Colorado Department of Public Health and Environment (CDPHE); with the exception of those that are enrolling for NMT only, who will follow the requirements outlined above. PASAs must ensure that all drivers, regardless if they are family, contractors or employees, have completed a background check prior to driving members.

HCBS Providers whose applications (initial, change, or Revalidation) are in process with Gainwell Technologies will not be required to have the MCT permit. Please contact the Department if Gainwell denies any applications with Non- Medical Transportation for the lack of an MCT permit.

#### **Attachment:**

#### NMT Compliance Requirements

**Department Contact:**

[HCPF\\_HCBS\\_Questions@state.co.us](mailto:HCPF_HCBS_Questions@state.co.us)