

Medicaid Transportation

Oversight Proposal for NMT and NEMT

August 13, 2021



COLORADO

Department of Health Care
Policy & Financing

Purpose

- The purpose of this meeting is to discuss changes to the NMT and NEMT programs and share with stakeholders the proposed oversight plan for transportation providers

House Bill 21-1206

Medicaid Transportation Services

Transfers the responsibility of safety and oversight for non-medical transportation (NMT) and non-emergent medical transportation (NEMT) from the Public Utilities Commission (PUC) to the Department of Health Care Policy and Financing (HCPF).

[Operational Memo 21-047](#)



What Does This Mean For Providers?

- PUC is no longer responsible for non-taxi Medicaid providers. HCPF will assume all oversight responsibilities for these providers.
- July 1, 2021 through December 31, 2021, HCPF will collect and review all required documentation for *newly enrolling* non-I/DD NMT/NEMT providers.
- *Existing non-I/DD providers adding a new driver or new vehicle to their fleet* will need to provide the required documentation.
- Effective January 1, 2022, a vendor will assume oversight responsibilities on a permanent basis.
- Providers with a Contract or Carrier Permit from the PUC can use that to demonstrate compliance.



Oversight Timeline

Past

- 2015 - June 28, 2021
- The PUC was responsible for oversight of Medicaid Client Transport, enforcing MCT permit requirements.

Interim

- July 1, 2021 - December 31, 2021 HCPF will collect and review all required documentation for enrolling NMT/NEMT providers, as well as new driver and new vehicle documents for existing providers.

Future

- January 1, 2022
- A contractor will assume oversight responsibilities on a permanent basis.

Why Was This Change In Oversight Important?

- Medicaid Client Transport providers were grouped with hired auto service providers (activity buses, limos), resulting in burdensome requirements; this was out of alignment with services being provided for NMT and NEMT.
- The onerous PUC requirements threatened the viability of these services; the costs and administrative requirements were so much that providers were no longer willing to provide services.
- Allows for flexibility in how this service is rendered, which is essential to providing people with the opportunity to participate in community activities of their choice.

PUC - MCT Requirements

- **Drivers**
- Employment application
- Copy of driver's license
- Motor vehicle report
- Fingerprint-based criminal history background check
- Medical examiner's certificate

- **Vehicles**
- Vehicle identification stamp for ALL vehicles
- Driver logs (hours of service time sheets)
- ASE-certified inspections for ALL vehicles

- **Insurance**
- Bodily injury/property damage \$500,000 combined single limit

Driver Requirements

Minimum age of 18 years*

- Copy of driver's license
- Motor vehicle report
- Criminal history record check
 - Name-based check acceptable

A complete list of driver exclusions can be found in OM 21-047 attachments

- Any prior convictions for sexual abuse or violent crime
- A conviction in the State of Colorado, at any time, of any Class 1 or 2 felony under Title 18, C.R.S.
- Within the two (2) years preceding the date the criminal history record check is completed, convicted in this state of driving under the influence, as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content, as described in §42-4-1301(1)(g), C.R.S
- A conviction in the State of Colorado, within the ten (10) years preceding the date the criminal history record check is completed, of a crime of violence, as defined in C.R.S. § 18-1.3-406(2)

**Unless otherwise restricted per the Common and Contract carrier requirements set forth by the PUC*

Potential Additional NEMT Requirements

- Annual drug screen required
- A driver may be excluded for the following:
 - Any prior conviction of driving under the influence of alcohol or illegal substances
 - A conviction, within the ten (10) years preceding the date the criminal history record is completed, of substance abuse
 - A conviction in the State of Colorado, within the ten (10) years preceding the date the criminal history record check is completed, of a crime of violence, as defined in C.R.S. § 18-1.3-406(2), C.R.S.
 - A conviction in the State of Colorado, within the eight (8) years preceding the date the criminal history record check is completed, of any Class 3 felony under Title 18, C.R.S.
 - A conviction in the State of Colorado, within the four (4) years preceding the date the criminal history record check is completed, of any Class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 7, 8, 9, 12, or 15 of Title 18, C.R.S.
 - An offense in any other state that is comparable to any offense listed above
 - Convicted in the State of Colorado, at any time, of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time



Vehicle Inspection Requirements

Vehicle Inspectors

- Inspector must be licensed; OR
- Inspector must have completed intermediate or advanced apprenticeship as a motor vehicle service and maintenance technician
- Employed by mechanic company authorized to do business in CO

**Unless otherwise restricted per the Common and Contract carrier requirements set forth by the PUC*

Safety Vehicle Inspections

- Inspections are commensurate with vehicle age
- Shall include inspection items required per 4 CCR 723-6-6104(b)(I-XXIII)
- Equipped with special devices to accommodate individuals with disabilities to include 4 CCR 723-6-6104(b)(I-XXVII)

**Unless otherwise restricted per the Common and Contract carrier requirements set forth by the PUC*

Insurance

- ***Agency-owned or fleet vehicles***
 - Bodily injury (BI) \$300/\$600K per person/per accident
 - Property damage \$50,000
 - Certificate of Insurance
 - **Recommended: Non-Owned auto endorsement**
- ***Personal vehicles operating on behalf of, but not owned by, the provider***
 - BI \$25/50K per person/per accident
 - Property damage \$15,000
- *Unless otherwise restricted per the Common and Contract carrier requirements set forth by the PUC*

Already permitted through the PUC?

Transportation providers who maintain a **certificate or permit** through the PUC (e.g. common or contract carrier, limo) only need to submit a copy of the certification to the Department.

No additional documentation will be required

Discussion





Questions?



Next Steps

- Promulgate regulations
 - Draft regulations and distribute through Constant Contact for feedback
- Draft scope of work for contract/vendor

Contact Info

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Thank you!



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