

MEDICAID SERVICES MANUAL
TRANSMITTAL LETTER

June 29, 2021

TO: CUSTODIANS OF MEDICAID SERVICES MANUAL

FROM: JESSICA KEMMERER, HIPAA PRIVACY AND CIVIL RIGHTS OFFICER *Jessica Kemmerer*

SUBJECT: MEDICAID SERVICES MANUAL CHANGES
CHAPTER 1900 – TRANSPORTATION SERVICES

BACKGROUND AND EXPLANATION

Revisions to Medicaid Services Manual (MSM) Chapter 1900 – Transportation Services are being proposed to align with the requirements outlined in the upcoming contract held with the current Non-Emergency Medical Transportation (NEMT) vendor, Medical Transportation Management, Inc. (MTM). The proposed changes include renaming the service “Non-Emergency Transportation (NET)” to “Non-Emergency Medical Transportation (NEMT)” throughout the entire chapter. Transportation Network Companies are being added as an approved mode of transport under NEMT services. Transportation requests to the NEMT vendor because of a hospital discharge must now be provided within three hours of the request, reduced from eight hours. Meal reimbursement and lodging are being added back in as a covered NEMT benefit. In addition, the exclusion of travel costs for attendants accompanying a recipient to or from a Residential Treatment Center (RTC) has been removed and will now be a covered benefit. Policy is also being updated to require recipients to request transportation to non-urgent appointments at least three days in advance instead of five days, and 14 days for out-of-area appointments instead of 21 days. The NEMT vendor may bypass the public transportation assessment process for recipients who are considered to have a high-risk pregnancy or are past their eighth month of pregnancy and should be authorized a higher mode of transport. Minor revisions are also being proposed to the emergency transportation policy section for clarity and improved readability.

Throughout the chapter, grammar, punctuation and capitalization changes were made, duplications removed, acronyms used and standardized, and language reworded for clarity. Renumbering and re-arranging of sections was necessary.

Entities Financially Affected: This proposed change affects the following provider types (PT): Air or Ground (PT 32:); Nevada Medicaid’s NEMT vendor: MTM, Inc.

Financial Impact on Local Government: There is no anticipated financial impact on local government that is known at this time.

These changes are effective July 1, 2021.

MATERIAL TRANSMITTED

MTL 10/21
MSM 1900 – Transportation Services

MATERIAL SUPERSEDED

MTL 13/20, 18/20, 01/21
MSM 1900 – Transportation Services

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1903.1	EMERGENCY MEDICAL TRANSPORTATION	Language reworded as “medical condition” instead of “physical emergency or behavioral health condition.” Changed “member” to “recipient.” Removed language regarding “serious physical harm to self or another person.” Removed language regarding prior authorization.
1903.1A(2)(c)	NON-IMMEDIATE MEDICALLY NECESSARY TRANSPORTS	Removed language regarding facility-to-facility transfer of SMI adult and examples of non-immediate medically necessary transports provided by NEMT broker.
1903.3	NON-EMERGENCY MEDICAL TRANSPORTATION (NEMT) SERVICES	Removed language regarding specific waiver services. Reworded language regarding ride scheduling for clarity. Rearranged order of NEMT modes, added Transportation Network Company and Rail service as an approved mode.
1903.3A(1)	PROGRAM ELIGIBILITY CRITERIA	Language regarding ineligible recipients updated for clarity. Removed language regarding special payment arrangements with NEMT broker.
1903.3A(2)	QUALIFYING CONDITIONS	Introduction language reworded for improved readability. Removed reference to LRIs. Changed bus tickets to bus passes for consistency.
1903.3A(3)	SCHEDULING TIMEFRAMES	Added subsection titled “Scheduling Timeframes” to include language that local, non-urgent trips should be requested no less than three days in advance of appointment when possible; with moved language and new language specifying NEMT that should be scheduled in advance versus same day services. Removed repetitive language regarding level of care exceeding scope of services of an EMT basic and reference to NCU funds.
1903.3A(4)(b)	SPECIAL POPULATIONS	Added language that certain Medicaid populations such as those with an intellectual disability can be allowed to select their preferred NEMT provider within authorized mode. Added language that the NEMT vendor may bypass public transportation for high-risk pregnancy patients or patients past eighth month of pregnancy and may authorize higher mode. Language added to specify Emergency Medical Only (EMO) recipients may utilize NET only if they are authorized for Dialysis services.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1903.3A(4)(c)	GAS MILEAGE REIMBURSEMENT	Changed term “volunteer drivers” to “community non-professional drivers.” Added family members and friends as being eligible for regular gas mileage reimbursement (GMR) and that they may also apply to become community non-professional driver. Clarified that recipients who are assigned to public transportation may also use GMR when cost-effective.
1903.3A(4)(e)	OUT-OF-AREA TRAVEL	Reduced requirement to request NEMT to out-of-area appointments from 21 days to 14 days in advance. Added language for meal and lodging benefit and removed exclusion.
1903.3A(4)(f)	RURAL AREAS	Language added to specify authorization and scheduling for recipients living in rural areas will follow the standard scheduling process and will not be considered an out-of-area trip.
1903.3A(4)(g)	ATTENDANTS TO RECIPIENTS	Changed title to “Attendants to Recipients.” Changed “escort” to “attendant.” Removed language that meal reimbursement and lodging expenses are not a covered benefit for attendant or recipient. Language added clarifying attendant travel covered only when a recipient is being transported with the exception of family members needing to return home. Added language clarifying meal and lodging not provided for attendant once recipient is inpatient and that attendants must share lodging with recipient. Removed reference to LRI, changed to “other adult.” Language regarding attendants for PCS recipients reworded for clarity. Language regarding adoptive/foster parents of foster/adopted children utilizing NEMT reworded for improved readability.
1903.3A(4)(h)	INPATIENT TREATMENT FACILITIES	Language regarding utilizing NEMT for purpose of therapeutic home passes condensed and reworded for improved readability. Removed exclusion of transportation costs not being covered for attendants accompanying recipients to/from a Residential Treatment Center (RTC) as it will now be covered. Language added that NEMT broker must cover transportation costs of attendant to accompany recipient if necessary but travel costs for facility staff not covered when not accompanying a recipient. Added children in custody of Child Welfare as included out-of-state residents who may obtain NEMT.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1903.3A(5)	NON-COVERED SERVICES	Added language that oxygen tanks are allowed if portable and self-administered. Deadheading definition reworded for clarity. "Escort" changed to "attendant."
1903.3B	ASSESSMENT AND AUTHORIZATION PROCESS	Removed reference to LRI and added language to specify that family members, friends or community partners may request NEMT for a recipient.
1903.3D(g-j)	NEMT RECIPIENT RESPONSIBILITY	Removed reference to LRI to instead include "individuals scheduling on behalf of a recipient." Reduced requirement to request NEMT for local non-urgent appointments from five days to three days and no more than 60 days prior to travel. Added language to specify that paratransit rides must be requested from the NEMT vendor no more than three days in advance of the recipient's medical appointment. Language regarding recipients being ready for scheduled ride reworded for clarity.

DIVISION OF HEALTH CARE FINANCING AND POLICY

MEDICAID SERVICES MANUAL
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1900 INTRODUCTION

Nevada Medicaid provides emergency and non-emergency **medical** transportation (**NEMT**) services for eligible Medicaid recipients, to access medically necessary covered services. These transportation services are provided to and from enrolled Medicaid and Managed Care Organizations (MCOs) providers. Transportation is provided via the most appropriate and cost-effective mode of transportation.

Emergency Medical Transportation (ground or air) is available to all eligible Nevada Medicaid and Nevada Check Up (NCU) recipients.

NEMT services ensure that necessary non-ambulance transportation services are available to recipients to eliminate transportation barriers for recipients to access needed medical services. NCU recipients are not eligible for **NEMT** services.

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1901 AUTHORITY

Statutes and Regulations:

- Social Security Act (SSA)
 - Title XIX Section 1902(a)(70)
 - Title XXI
- Code of Federal Regulations (CFR)
 - 42 CFR 431.53 Assurance of transportation.
 - 42 CFR 440.170 Any other medical care of remedial care recognized under State law and specified by the Secretary.
 - 45 CFR 92.36 (b-f) Procurement.
- Nevada Revised Statute (NRS)
 - Chapter 422 Health Care Financing and Policy
 - Chapter 706 Motor Carriers
- Nevada Medicaid State Plan
 - Title XIX

Attachment 3.1-A Amount, duration, and scope of medical and remedial care and services provided to the categorically needy; page 9, 9a – 9h.

Attachment 3.1-D Transportation.
 - Title XXI

Section 3.1. Delivery Systems

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1902 DEFINITIONS

Program definitions can be found in the Medicaid Services Manual (MSM) Addendum.

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1903 POLICY

1903.1 EMERGENCY MEDICAL TRANSPORTATION

Emergency transportation is medically necessary to manage a sudden onset of a **medical condition**, manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could be expected to result in placing the **recipient's** health in serious jeopardy, serious impairment of bodily functions, or serious dysfunction of any bodily organ or part.

These services are covered in emergent situations in which specially staffed and equipped ambulance transportation is required to safely manage the recipient's medical condition. Advanced Life Support, Basic Life Support, Neonatal Emergency Transport and Air Ambulance services are covered, depending upon the recipient's medical needs.

1903.1A COVERAGE AND LIMITATIONS

1. PROGRAM ELIGIBILITY CRITERIA

- a. Recipient must be eligible for Nevada Medicaid or NCU services.
- b. Emergency medical transportation must be:
 - 1. Medically necessary.
 - 2. In accordance with the recipient's medical condition and needs.
 - 3. To the nearest, appropriate Medicaid health care provider or appropriate medical facility.

2. COVERED SERVICES

a. GROUND EMERGENCY MEDICAL TRANSPORT

- 1. Recipients may be transported from any point of origin to the nearest hospital, critical access hospital (CAH), dialysis facility or appropriate specialty clinic (e.g. substance abuse agency, federally qualified health center, rural health clinic, Indian health program).
- 2. May also transport skilled nursing facility (SNF) residents when the required level and type of care for the recipient's illness or injury cannot be met by the SNF, to the nearest supplier of medically necessary services. The hospital or CAH must have available the type of physician specialist needed to treat the recipient's condition. However, the utilization of emergency transportation may not be used in lieu of non-emergency transportation.

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b. AIR AMBULANCE TRANSPORT

Air ambulance transports are only covered to acute care hospitals and may be provided via:

1. Rotary wing.
2. Fixed wing.

c. NON-IMMEDIATE MEDICALLY NECESSARY TRANSPORTS

When the recipient's in-transit care needs exceed the capabilities of the Non-Emergency **Medical** Transportation (**NEMT**) broker a non-immediate medically necessary transport can be provided by an enrolled Nevada Medicaid emergency transportation provider. Non-immediate medically necessary transports may be arranged by a hospital, physician, emergency transportation provider or by **DHCFP's NEMT** broker. A prior authorization is not required for these types of non-immediate medically necessary transports.

The following scenarios are examples of non-immediate medically necessary transports that would exceed the capabilities of the **NEMT** broker and can be provided by an enrolled Nevada Medicaid emergency transportation provider:

1. Transportation of a critically ill recipient to a location where an organ transplant will occur; **or**
2. Hospital-to-hospital transfer of a seriously injured or ill recipient when medically necessary tests or treatment are not available at the dispatching hospital and the recipient's care needs during transit requires the attendance of medical personnel and/or the attachment to medical apparatus that would be included in a basic life support or advanced life support vehicle (ambulance).

d. SPECIALTY CARE TRANSPORT

Specialty care transport (SCT) is hospital-to-hospital transportation of a critically injured or ill recipient by a ground or air ambulance, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the emergency medical technician (EMT) - intermediate or paramedic.

3. NON-COVERED SERVICES

The following services are not covered benefits under emergency transportation and are therefore not reimbursable.

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a. ALL EMERGENCY TRANSPORTATION

1. Response with “Non-transport”.
2. Routine or special supplies, including oxygen, defibrillation, IV’s, intubation, ECG monitoring or air transport excise taxes (agreed upon rates between **DHCFP** and specific transportation providers are all inclusive);
3. Ambulance charges for waiting time, stairs, plane loading;
4. Deadheading (an empty trip to or from a destination); or
5. Transportation of deceased persons.

b. GROUND EMERGENCY MEDICAL TRANSPORT

1. Hospital to the scene of an accident/acute event;
2. Recipient’s residence to the scene of an accident/acute event;
3. Scene of an accident/acute event to recipient’s residence;
4. Scene of an accident/acute event to the scene of an accident/acute event; and
5. Residence to Residence.

The following types of transports are primarily covered by the **NEMT** broker and are therefore considered non-covered emergency transportation services:

1. Residential, domiciliary or custodial facility to a physician’s office;
2. Physician’s office to a residential, domiciliary or custodial facility;
3. Physician’s office to recipient’s residence; and
4. Recipient’s residence to a freestanding ESRD facility (dialysis.)

c. AIR AMBULANCE TRANSPORT

1. Nursing facilities;
2. Physician’s offices; and
3. Recipient’s residence.

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1903.1B AUTHORIZATION PROCESS

Emergency medical transportation does not require prior authorization. No prior or post authorization is required for emergency medical transportation that originates with a “911” call. According to the Centers for Medicare and Medicaid Services (CMS), emergency response to “911” calls normally result in a basic life support (BLS) or advanced life support level 1 (ALS-1) service level. Emergency medical transportation providers who submit claims coded as advanced life support level 2 (ALS-2) must present supporting documentation to verify that the transport included the type of care described in the ALS-2 definition in the MSM chapter addendum.

DHCFP has contracts with MCOs that are contractually obligated to cover air emergency medical transportation services for their enrollees. For MCO enrolled recipients, claims for air emergency transportation are to be submitted to the MCO in which the recipient is enrolled. Claims submitted to the recipient’s MCO must only be for air emergency medical transportation and not ground emergency medical transportation. Ground emergency medical transportation claims for all Nevada Medicaid recipients, including MCO enrolled recipients must be submitted to Nevada Medicaid’s fiscal agent.

Providers are to submit all ground emergency medical transportation claims to Nevada Medicaid’s fiscal agent. If the recipient is enrolled in Fee-for-Service Medicaid, air emergency transportation claims may also be submitted to Nevada Medicaid’s fiscal agent.

Specialty care and non-immediate medically necessary transports do not require prior or post authorization

1903.1C PROVIDER RESPONSIBILITY

Emergency medical transportation providers must submit all appropriate documentation to the MCOs or to the Nevada Medicaid fiscal agent to enroll as an emergency medical transportation provider.

The transportation provider is solely responsible for verifying Medicaid eligibility for each recipient. Whenever possible, this should be done prior to rendering services. Information concerning eligibility and enrollment verification is located in Chapter 100, of the Nevada Medicaid Services Manual (MSM).

The provider must ensure the confidentiality of recipient medical records and other information, such as the health, social, domestic and financial circumstances learned or obtain while providing services to recipients.

The provider shall not release information related to a recipient without first obtaining the written consent of the recipient or the recipient’s legally authorized representative, except as required by law. Providers meeting the definition of a “covered entity” as defined in the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations (45 CFR 160) must comply with

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the applicable Privacy Regulations contained in 45 CFR 160 and 164 for recipient health information.

DHCFP expects that providers will be in compliance with all laws with regard to the reporting requirements related to suspected abuse, neglect, or exploitation, as applicable.

1903.1D RECIPIENT RESPONSIBILITY

The recipient or legally authorized representative shall:

1. Provide the emergency transportation provider with a valid Medicaid/NCU Identification card at the time the service is rendered, if possible, or as soon as possible thereafter.
 - a. Recipients shall provide the emergency transportation provider with accurate and current medical information, including diagnosis, attending physician, medication regime, etc., at the time of request, if possible;
 - b. Recipients shall notify the emergency transportation provider of all third-party insurance information, including the name of other third-party insurance, such as Medicare, Tricare, Workman’s Compensation or any changes in insurance coverage at the time of service, if possible, or as soon as possible thereafter; and
 - c. Recipients shall not refuse service of a provider based solely or partly on the provider’s race, creed, religion, sex, marital status, color, age, disability and/or national origin.

1903.2 NON-EMERGENCY SECURE BEHAVIORAL HEALTH TRANSPORTS

Non-emergency secure behavioral health transport services means the use of a motor vehicle, other than an ambulance or other emergency response vehicle, that is specifically designed, equipped and staffed by an accredited agent to transport a person alleged to be in a mental health crisis or other behavioral health condition; including individuals placed on a legal hold. Accredited agents are licensed through the Nevada Division of Public and Behavioral Health. These types of transports are outside the scope of services provided by the **NEMT** broker.

1903.2A COVERAGE AND LIMITATIONS

1. PROGRAM ELIGIBILITY AND CRITERIA
 - a. Recipients must be eligible for Nevada Medicaid or Nevada Check Up (NCU) services.
 - b. A recipient must be experiencing a behavioral health crisis as evidenced by extreme emotional distress that includes but is not limited to an acute episode of mental

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illness and/or suicidal thoughts and/or behavior that may co-occur with substance use and other disorders.

2. COVERED SERVICES

- a. Non-emergency secure behavioral health transport services may be used for the following transports:
 1. Facility-to-facility transport between facilities including but not limited to hospitals, public or private mental health facilities and medical facilities.
 2. Transport to and from a facility arranged by individuals authorized by NRS 433A.160 to arrange for transportation.
 3. Transport of an individual seeking voluntary admission pursuant to NRS 433A.140 to a public or private mental health facility.
- b. Recipients must be transported to the nearest, appropriate Medicaid health care provider or appropriate medical facility. Long distance or out-of-state transports are allowable when medically necessary.

3. LIMITATIONS

- a. Family members or other unaccredited agents are not allowed to travel in the secure vehicle with the recipient.

1903.2B AUTHORIZATION PROCESS

Non-emergency secure behavioral health transports do not require prior authorization. Claims must be submitted to Nevada Medicaid's fiscal agent.

1903.2C PROVIDER RESPONSIBILITY

Non-emergency secure behavioral health transport providers must apply to become an accredited agent. Once accredited, providers must enroll as a Medicaid non-emergency secure behavioral health transportation provider.

Providers are solely responsible for verifying Medicaid eligibility for each recipient. Whenever possible, this should be done prior to rendering services. Information concerning eligibility and enrollment verification is located in Chapter 100, of the Nevada Medicaid Services Manual (MSM).

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The provider must ensure the confidentiality of the recipient medical records and other information, such as the health, social, domestic and financial circumstances learned or obtained while providing services to recipients.

The provider shall not release information related to a recipient without first obtaining the written consent of the recipient or the recipient’s legally authorized representative, except as required by law.

DHCFP expects that providers will be in compliance with all laws with regard to the reporting requirements related to suspected abuse, neglect, or exploitation, as applicable.

1903.2D RECIPIENT RESPONSIBILITY

The recipient or legally authorized representative shall:

1. Provide the non-emergency secure behavioral health transport provider with a valid Medicaid/NCU Identification card at the time the service is rendered, if possible, or as soon as possible thereafter.
 - a. Recipients shall provide the non-emergency secure behavioral health transport provider with accurate and current medical information, including diagnosis, attending physician, medication regime, etc., at the time of request, if possible;
 - b. Recipients shall notify the non-emergency secure behavioral health transport provider of all third-party insurance information, including the name of other third-party insurance, such as Medicare, Tricare, Workman’s Compensation, or any changes in insurance coverage at the time of service, if possible, or as soon as possible thereafter; and
 - c. Recipients shall not refuse service of a provider based solely or partly on the provider’s race, creed, religion, sex, marital status, color, age, disability and/or national origin.

1903.3 NON-EMERGENCY **MEDICAL** TRANSPORTATION (**NEMT**) SERVICES

DHCFP has contracted with a **NEMT** broker to provide transportation to medically necessary Medicaid covered services including certain **Waiver** services. **NEMT** never originates from a “911” call. **NEMT** is utilized by recipients whose level of care needs do not exceed the scope of service of an EMT-Basic.

Although ride scheduling will only be accommodated during **the NEMT broker’s scheduled** business hours, transportation may be scheduled for confirmed after-hours medical appointments. After-hours and holiday rides that are not prior authorized may be reimbursed only when the recipient requires urgent medical care. The transportation must be to an emergency care facility,

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such as an emergency room or after-hours clinic. The transportation broker provides services on a statewide and out-of-state basis.

All **NEMT** services, including out-of-state and long distant transport, require prior authorization by **DHCFP's NEMT** broker with the exception of **NEMT** services provided by Indian Health Programs. The **NEMT** broker is required to authorize the least expensive mode of transport available consistent with the recipient's medical condition and needs. Examples of **NEMT** services may include the following:

- A. Ground ambulance;
- B. Stretcher accommodating vehicle.
- C. Commercial air;
- D. **Rail service;**
- E. Bus, local city;
- F. Bus, out of town;
- G. Paratransit;
- H. Private vehicle;
- I. **Transportation Network Company; and**
- J. Taxi.

1903.3A **COVERAGE AND LIMITATIONS**

1. **PROGRAM ELIGIBILITY CRITERIA**

- a. The eligibility functions for Title XIX Medicaid determinations are the responsibility of the Division of Welfare and Supportive Services (DWSS).
- b. **The following recipients are ineligible for NEMT services:**
 - 1. Title XXI NCU recipients;
 - 2. Title XIX recipients who are Medicaid eligible solely for the purpose of payment of Medicare premiums, co-insurance, deductibles, or co-pays i.e., Qualified Medicare Beneficiaries (QMBs), Specified Low Income Medicare Beneficiaries (SLMBs), Qualified Individuals (QI-1s); **and**

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3. Not qualified” non-citizens.

- c.** Residents of skilled nursing facilities are entitled to **NEMT** services through the facility; **NEMT** costs are included in the nursing facilities’ rate structures.
- d.** Medicaid recipients are eligible for **NEMT** services only from the date of determination forward. No payment will be made for **NEMT** provided while a recipient’s Medicaid application is pending. Retroactive eligibility does not apply to **NEMT** services.

2. QUALIFYING CONDITIONS

NEMT for Medicaid eligible recipients to and from Medicaid medical providers for covered medically necessary services is **included but not limited to** the following terms:

- a.** The recipient is unable to provide his/her own transportation:
- b.** Free Transportation: Recipients must use free transportation when it is available. Free transportation includes, but is not limited to, when the recipient is able and capable of providing their own transportation or when another individual or an agency is willing to provide transportation to the recipient to obtain eligible Medicaid services.
- c.** Recipients should make every reasonable effort to find day care for their minor children when they use non-emergency transportation services; however, this may not always be possible. When appropriate care for a minor child cannot be obtained, the minor child may accompany the recipient. The broker must provide bus **passes** for minor children unless the minor child is able to accompany the recipient at no additional cost. More than one minor child may accompany the recipient if the transportation provider is notified in advance.
- d.** The least expensive form of transportation is utilized in accordance with the recipient’s medical condition and needs.

3. SCHEDULING TIMEFRAMES

- a. SCHEDULED IN ADVANCE:** Transportation should be requested from the **NEMT** broker no less than three days in advance of the recipient’s medical appointment for local, non-urgent trips. The following list includes but is not limited to:
 - 1.** Transportation to/from a routine Medicaid-reimbursable medical or dental appointment; **and**

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2. Transportation to/from regular standing medical services such as dialysis, chemotherapy treatments, adult day care, job and day training.

b. **SAME DAY SERVICES:** Transportation services for a Medicaid eligible recipient as a result of a hospital discharge must be provided as soon as possible and in any event is not to exceed a three-hour time span. The following list includes but is not limited to:

1. The transport from an acute general hospital to an acute psychiatric hospital;
2. Transportation to an urgent care clinic; and
3. Transportation to/from pharmacies for medical necessities.

Medicaid funds may not be used to pay for transportation services that are otherwise available without charge to both Medicaid and non-Medicaid recipients. In addition, Medicaid is generally the payor of last resort except for certain Federal programs such as Title V Maternal and Child Health Block Grant funded services or special education related health services funded under the Individuals with Disabilities Education Act (IDEA).

4. COVERED SERVICES

a. PUBLIC TRANSPORTATION

Recipients who do not have free transportation available and live within the service area of any public transit systems must use public transit where possible and cost-effective.

1. Recipients are deemed to live within the public transit system service area when they reside within 3/4 mile of a transit stop. If the recipient qualifies for public paratransit service and this is available in the area where the recipient resides, the recipient is deemed to live within the public transit area, whether or not the recipient resides within 3/4 mile of the transit stop.
2. Recipients who do not have free transportation available must ride fixed-route public transit unless they reside outside the service area or their medical appointment is outside of the service area; they are assessed to be medically unable to board, disembark, or ride buses; or public transit buses cannot accommodate the recipient's wheelchair or other medical equipment that must accompany the recipient in transit.
3. Recipients who reside within the service area of the public transit system and are assessed to be unable to ride fixed-route buses will be referred for

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assessment for public paratransit services. If qualified for public paratransit services, the recipient will be required to ride only public paratransit services, unless traveling to a destination that is outside the public transit system service area. If traveling outside of the paratransit service area, the recipient's transport must be authorized by the **NEMT** broker.

4. A recipient who requires frequent travel on fixed route transit will be provided with a multiple ride pass, when this is cost effective.
5. If a recipient who is qualified for public transit level of service requires transport to a medical appointment that is not accessible by public transit, the recipient must receive specific authorization for the transport from the **NEMT** broker, who will require evidence of medical necessity for the trip and verify that the recipient is accessing the nearest appropriate provider. Recipients have freedom of choice when selecting medical providers but are only eligible for **NEMT** to access these services if using the nearest appropriate provider. The nearest health care provider or facility is not always the most appropriate. The **NEMT** broker should consider existing relationships between the recipient and their medical provider, or appointment availability, when the provider is within a reasonable distance. **DHCFP** will assist the **NEMT** broker in making these decisions. The **NEMT** broker will assign the recipient to ride with the least expensive transportation provider available.
6. Recipients are required to comply with all policy and rules of the public transit system. Recipients who are suspended from service by public transit agencies because of recipient misbehavior, persistent no-shows, or failure to cancel rides in a timely manner are ineligible for other **NEMT** services unless they can provide medical evidence that their inability to access medical care during the suspension period will result in serious exacerbation of their medical condition or pose an unacceptable risk to their general health. Recipients who have been suspended will not be provided **NEMT** for routine medical appointments. Recipients who have been suspended must exhaust the public transit system appeal process before being assessed for another level of service. Recipients who are suspended indefinitely from public transit will be suspended indefinitely from access to **NEMT**, except in cases where they can provide medical evidence that their inability to access medical care will result in serious exacerbation of their medical condition or pose an unacceptable risk to their general health.

a. **SPECIAL POPULATIONS**

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1. Certain Medicaid populations, such as those with an intellectual disability can be allowed to select their preferred provider within the authorized mode of transportation. If no specific provider is preferred, the vendor will assign whichever mode is most appropriate.
2. The NEMT vendor may bypass the public transportation assessment process for recipients who are considered to have a high-risk pregnancy or are past their eighth month of pregnancy. These recipients should be authorized a higher mode of transport.
3. Within Nevada Medicaid eligibility categories there are certain recipients who are eligible for Emergency Medical Services only which would typically make them ineligible for NEMT. In certain circumstances, DHCFP authorizes dialysis services for recipients with an Emergency Medical aid category. Those recipients with an Emergency Medical aid category authorized for dialysis services are subsequently also eligible for NEMT to dialysis appointments only.

c. GAS MILEAGE REIMBURSEMENT

Under certain circumstances, recipients, Legally Responsible Individuals (LRIs), family members, friends, or community non-professional drivers may receive mileage reimbursement for driving a recipient to medical services.

1. Recipients, LRIs, family members or friends may be authorized to receive mileage reimbursement if the recipient is traveling to access medical services. Compensation will be at the IRS rate for medical/moving mileage reimbursement. Recipients must have prior authorization from the NEMT broker for drivers to be eligible for mileage reimbursement
2. Recipients who are assigned to public fixed-route transit or paratransit may also utilize gas mileage reimbursement if it is determined to be cost-effective.
3. Community non-professional drivers (private citizens who contract with the NEMT broker) who are not LRIs, nonprofit organizations, or Indian Health Programs may receive mileage reimbursement for driving a recipient to medical services, when this is the least expensive mode of transportation. Friends, families, and neighbors may apply to become a community non-professional driver. Reimbursement will be at twice the current IRS per mile rate for business use, as found on the IRS website at <http://www.irs.gov>. Mileage reimbursement is provided to the driver for the vehicle's miles actually driven from the point of where a recipient has been picked up and does not exceed twice the IRS business mileage rate unless a different rate

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is negotiated by the **NEMT** broker due to limited transportation availability and cost effectiveness. In cases of disputes over actual mileage, MapQuest or other geo-mapping software will be used as the final determining factor. Current Medicaid recipients are not allowed to enroll with the **NEMT** broker as a **community non-professional** driver.

d. **INDIAN HEALTH PROGRAMS**

Several tribes and/or Indian Health Programs offer ambulance and/or van services for both emergency and **NEMT**. Community health representatives (CHR) may provide **NEMT** services to recipients who are eligible for **NEMT** services in private vehicles to medically necessary covered services and are reimbursed at a per mile rate that is double the IRS business mileage rate. The Indian Health Programs' **NEMT** services do not require prior authorization. All claims for reimbursement by the Indian Health Programs for non-emergency transportation services are submitted to the **NEMT** broker for adjudication and payment.

e. **OUT-OF-AREA TRAVEL**

Recipients may be eligible to receive **NEMT** for out-of-area, out-of-state or airline travel if certain conditions are met. A medical appointment is considered to be out-of-area when the facility is located 101 or more miles from the recipient's home.

1. Recipients must receive prior authorization for out-of-area medical services from **DHCFP**'s fiscal agent or their MCO prior to requesting authorization for transportation. The **NEMT** broker may also require a distance verification form to be completed by the referring physician.
2. Recipients must request authorization for out-of-area and commercial airline a minimum of **14** days prior to the travel date.
 - a. Exceptions to the **14**-calendar day requirement may be granted if the recipient has a medical necessity to travel and could not have known **14** days in advance, as in the case of a donor organ becoming available for a transplant surgery that must occur out of the area.
 - b. Exceptions to the **14**-day requirement will be granted for recipients who are discharged to or from an out-of-area acute-care facility; an out-of-state nursing facility; or otherwise detained in a juvenile detention facility.
 - c. Other exceptions may be granted from time to time if they are in the best financial interest of the State.

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- d. Recipients are required to travel by the least expensive mode of transportation available that will accommodate their medical requirements.
 - e. Meal and lodging shall only be authorized for out-of-area trips when an overnight stay is necessary due to the timing of the recipient's medical appointment or scheduling of the recipient's commercial travel such as flight, train, or bus. Recipients must utilize free lodging when available, such as the Ronald McDonald House, or the NEMT broker will arrange for lodging. Meal reimbursement shall be paid in accordance with General Services Administration (GSA) rates.
3. Recipients must submit their trip log for gas mileage or meal reimbursement within 60 calendar days after completing the out-of-area trip.
 4. Recipients who have recurring requirements to receive out-of-area trips for a single treatment or multiple treatments for the same diagnoses, may have multiple trips a month authorized but no more than five trips may be authorized at one time.
- f. **RURAL AREAS**
- Authorization and scheduling requirements for trips originating in certain rural counties will follow the standard process for scheduling and will not be considered an out-of-area trip for recipients residing in rural areas of Nevada.
- g. **ATTENDANTS TO RECIPIENTS**
1. The NEMT broker must allow at least one attendant, who must be a minimum of 18 years of age (or any age if the attendant is the parent of a minor child) to accompany a recipient or group of recipients when attendant services are determined medically necessary or for those recipients who are minor children. A Medicaid recipient who is physically disabled or developmentally disabled may be authorized to be accompanied by an attendant(s) during the assessment to access NEMT services. A person under the age of 18 must be accompanied by one attendant unless that person is married, legally emancipated, or obtaining family planning services and/or family planning products. If a parent or guardian with a physical or mental disability is taking their child to a medical appointment, a second attendant may be authorized to assist the parent in accompanying the child when it is deemed medically necessary.

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2. During the **NEMT** assessment, the assessor or a physician's statement will determine whether the recipient requires an attendant(s) and specify the circumstances under which an attendant(s) may accompany the recipient while utilizing **NEMT** services. Multiple attendants may be authorized to accompany a recipient when determined medically necessary.
3. The **NEMT** broker will cover the transportation costs of an attendant(s) to accompany the recipient, if medically necessary. Attendant travel is a covered expense only **when a recipient is being transported with the exception of family members needing to return to their residence. If during travel, a recipient requires an overnight stay, one room is reserved for the recipient and the attendant is expected to share lodging in order to care for the recipient. When a recipient is admitted to an inpatient facility, the recipient would no longer be in travel status, therefore meals and lodging would not be provided for the attendant.**
4. **NEMT** services may not be authorized for minor children unless a parent (regardless of the parent's age) or **another adult** accompanies the child. Exceptions include but are not limited to:
 - a. A minor child transported for the purpose of obtaining family planning services and/or products.
 - b. If a delay of a minor child transport from one facility to another for treatment is medically detrimental, and **a** parent or LRI is not available, a Consent and Release of Liability form must always be signed by the facility case worker prior to the transport.
 - c. Other specific exceptions may be made on a case-by-case basis by **DHCFP**.
5. In addition, and pursuant to Nevada MSM Chapter 3500, an attendant(s) **may be authorized** to accompany a recipient who requires personal care services (PCS) in route to, or at, a destination to obtain Nevada Medicaid covered, medically necessary services. An attendant(s) may be a parent or legal guardian, caretaker, LRI, friend or a personal care attendant (PCA) who accompanies the recipient.
6. Pursuant to 42 CFR 440.250 and the Nevada State Plan, an adoptive parent under the auspices of an Adoption Assistance Program (AAP) agreement or a foster parent of a program eligible child **may utilize NEMT services for the foster/adopted child to** obtain Medicaid **covered** services. The agency that maintains custody of a foster child or the adoptive/foster parents must coordinate medical transportation services through the **NEMT** broker.

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h. INPATIENT TREATMENT FACILITIES

1. Transportation services for the parent(s) of a newborn less than 12 months of age receiving treatment on an inpatient basis in a facility are covered.
2. NEMT services may be authorized for a recipient residing in an inpatient treatment facility to allow the recipient to attend a therapeutic home visit, in-state or out-of-state, when such visits are part of the recipient's treatment plan. It is the responsibility of the inpatient treatment facility to obtain transportation for eligible recipients for all therapeutic home visits by calling the NEMT broker. The NEMT broker covers the transportation costs of an attendant(s) when accompanying the recipient, if medically necessary as referenced in 1903.3A(4)(g). Attendant travel costs for facility staff are not covered when not accompanying a recipient. NEMT services are not available for family members to visit a recipient residing in an inpatient treatment facility. The NEMT broker may authorize transportation for therapeutic home visits in accordance with Nevada MSM Chapter 400 and MSM Chapter 1600.
3. Program recipients who live out-of-state may obtain NEMT services similarly to those eligible recipients who reside within the State of Nevada. Such out-of-state recipients may include children in the custody of Child Welfare, foster children, children placed in an adoptive home under the auspices of an Adoption Assistance Program (AAP) agreement, or children in residential treatment centers (RTC). Authorization of NEMT services for eligible recipients residing out-of-state is the same as for those eligible recipients who reside within Nevada

5. NON-COVERED SERVICES

The following are non-covered NEMT services:

- a. When one or more eligible recipients make the same trip in a private vehicle or van, reimbursement is made for only one recipient;
- b. Transportation to or from any non-covered service, except for exclusion due to Third Party Liability (TPL) coverage under the Medicaid program;
- c. Travel to visit a recipient in an inpatient treatment facility, except in the case of a parent or parents visiting a newborn that is in a facility
- d. Transportation between hospitals for outpatient or inpatient care or services (e.g., MRI, CAT scan, etc.); exceptions may be granted when services to treat the recipient's condition are not available at the originating hospital and/or are not part

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of the all-inclusive prospective rate or the recipient is transferring to a hospital closer to home following an out-of-area hospital stay;

- e. "Deadheading," this refers to an **empty trip to or from a destination**;
- f. The cost of renting an automobile for private vehicle transport;
- g. A non-transport charge for a recipient who did not show up for their scheduled ride;
- h. Wages or salary for **attendant(s)**;
- i. Charges for waiting time, stairs, plane loading;
- j. Routine or special supplies including oxygen **unless oxygen tanks are portable and self-administered**. Special services such as: defibrillation; IVs; intubation or ECG monitoring. Recipients requiring any type of medical care, medical supervision, physical monitoring, attachment to medical intravenous therapy, EMT-intermediate or paramedic services, etc. during transport are not eligible for non-emergency transportation.
- k. Transportation of a recipient in a personal care attendant's private vehicle is not a reimbursable service;
- l. Transportation from a nursing facility to a medical appointment; and
- m. Basic life support (BLS), and advanced life support (ALS) transports.

1903.3B ASSESSMENT AND AUTHORIZATION PROCESS

With the exception of services provided by Indian Health Programs (see Section 1903.3A(3)(c)), the need for **NEMT** services must be assessed as specified in this section and authorized by the **NEMT** broker.

The goal of the combined assessment and authorization processes is to determine the required level of non-emergency transportation services.

1. Recipients wishing to use **NEMT** services will be assessed for the proper level of transportation prior to being authorized access to **NEMT**.
 - a. Lower levels of ground transportation, i.e. mileage reimbursement or fixed-route public bus, will be assessed and authorized by the **NEMT** broker.
 - b. If the request is for a greater level of ground transportation than mileage reimbursement or fixed-route public bus, the **NEMT** broker uses due diligence in questioning the recipient to see if a lower-level transport is acceptable and sufficient for their medical condition. If the recipient agrees to the lower level, then that transport will be authorized by the **NEMT** broker.

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- c. If the recipient does not believe the lower level transport is appropriate or acceptable, then they will be referred to the public paratransit services agency for a level of service needs evaluation. If the recipient resides outside the parameter of a paratransit agency, the **NEMT** broker will provide transportation to and from the recipient's primary care physician (PCP) at the level of service requested. The PCP will provide documentation and/or a **NEMT** broker form that will identify the correct level of transportation service based on the recipient's medical needs.
- d. If the recipient has been authorized for **NEMT**, and has been assessed by the public paratransit service, the Regional Transportation Commission (RTC) has 21 days to notify the recipient of the results of the assessment. Until the assessment has been reviewed and submitted to the recipient, the transportation broker will continue to provide transportation at the level of service requested by the recipient. In the event the recipient has been denied the use of paratransit services and is now receiving a lower level of transportation service than requested, the recipient must inform the transportation broker of their dissatisfaction, if applicable, with the level of service assigned. The transportation broker will then review the assessment as well as the recipient's medical documents and determine if the recipient is eligible for the broker's paratransit or curb-to-curb services. The transportation broker will notify the recipient of their determination within 48 hours of review. If the decision negatively impacts the recipient, the transportation broker will also provide the recipient with a Notice of Decision (NOD).
- e. If the recipient requests a hearing, until the higher level of transportation is either approved or denied by the State Fair Hearing process, the **NEMT** broker will provide rides at the requested level of service.
- f. The **NEMT** broker will maintain a list of all assessment referrals sent to the paratransit service agencies.
- g. If the **NEMT** broker believes that a recipient is receiving unnecessarily expensive transportation, then the broker is expected to conduct a reassessment to determine the correct level of transportation needed.
- h. When recipients contact the **NEMT** broker requesting a ride, they will be screened for prior authorization and will be permitted to ride within the level of service authorized.
- i. If the recipient requires **NEMT** prior to the time of the assessment including a ride to the paratransit service agency for an assessment, the **NEMT** broker will authorize the rides at the level requested.
 - 1. Recipients residing within the service area of a public transit systems where paratransit services are available, who require transportation above the level

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of fixed route, must receive an assessment disqualifying them from public paratransit prior to being authorized for a higher level of service.

2. Once a recipient has been referred to the paratransit service agency for an assessment, the recipient has five days in which to contact the paratransit service agency to schedule an assessment. The paratransit service agency has up to 45 days to complete an assessment. The level of service requested by the recipient will be provided until an assessment has been completed. Failure to complete the paratransit assessment within 45 days will result in the recipient being placed on a fixed route bus service for all **NEMT** unless the recipient can show in writing, that paratransit service agency was unable to complete an assessment within the 45 days.
 - j. Recipients may be authorized for mileage reimbursement or private commercial transportation in addition to use of public transit if they must travel outside the public transit system service area to access the nearest appropriate provider.
 - k. For authorization other than the public transit, the **NEMT** broker will supply the name of the provider, the provider's location, and the frequency of the transit that the recipient is permitted, to the transportation company.
 - l. Recipients who submit evidence from an assessment showing they do not qualify for public paratransit may be qualified for a higher level of service.
 - m. The **NEMT** broker will provide written documentation to the recipient regarding the recipient's authorization status and level of service.
2. If the recipient provides evidence that they are unable to ride at the level of service assigned due to a significant change in condition or circumstance, the recipient will be re-evaluated by the broker who may direct the recipient to the RTC for an assessment for paratransit services.
 - a. Recipients contesting their assessed level of service will be authorized **NEMT** at the requested level, pending an evaluation.
 - b. Recipients are required to ride the least expensive transport within a level of service and will not be placed on a higher cost transport because of personal preference or convenience.
 - c. Recipients may be reassessed for a greater level of service if they no longer have access to the assigned transportation level of service.
3. **Family members, friends, or community partners (hospitals, medical facilities, social workers, case managers, tribal entities, etc.)** may request transportation on behalf of an eligible recipient, from the **NEMT** broker.

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4. The **NEMT** broker must have in effect mechanisms to ensure consistent application of review criteria for authorization decisions and consult with the requesting provider and/or **DHCFP** when appropriate.
5. The **NEMT** broker and **DHCFP** must provide standard authorization decisions within reasonable time frames. If the broker determines, or a provider indicates, that the standard service authorization timeframe could seriously jeopardize the recipient's condition or circumstance, the **NEMT** broker must make an expedited authorization decision and provide notice as expeditiously as the recipient's health condition requires.

1903.3C **NEMT** BROKER RESPONSIBILITY

1. The **NEMT** broker provides all or most services ancillary to transporting Medicaid recipients, but provides transportation only through subcontracting or non-contract arrangements with third parties.
 - a. The **NEMT** broker shall not hold ownership in any **NEMT** provider with whom the broker sub-contracts or arranges **NEMT** through, as a non-contractual relationship.
 - b. The broker will submit all subcontracts or other documentation pertaining to the terms and conditions for the provision of **NEMT** services by third parties to **DHCFP** for approval.
 - c. The broker shall advise **DHCFP** in writing of all financial relationships and transactions between itself and **NEMT** providers (for instance, loans, grants, etc.) that are not included in the **NEMT** instrument, specifying the nature of the relationship and the terms and conditions governing them. Such relationships and transactions are not permitted without written approval of **DHCFP** administrator.
 - d. The **NEMT** broker will work cooperatively with **DHCFP** and the Regional Transportation **Commission** for handling ride cancellations.
2. Commercial Transportation Vendors: The **NEMT** broker may subcontract with various private vendors to provide transportation to Medicaid recipients.
 - a. The **NEMT** broker shall directly facilitate transportation for recipients requiring bus **passes**, public paratransit and mileage reimbursement. Recipients who request higher levels of service will need to be assessed for the level of service by the **NEMT** broker, and if necessary, the appropriate paratransit services agency.
 - b. Recipients may not be assigned to ride with a commercial vendor if they have been prior authorized for a lesser level of service, unless the authorized level of service does not provide access to necessary medical care that complies fully with Medicaid's **NEMT** policy. For instance, if a recipient is authorized for fixed-route

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bus services, but the bus does not pass within 3/4 of a mile of the provider’s office, then the **NEMT** broker may authorize a higher level of transportation.

- c. Recipients must be assigned to the least expensive commercial vendor who provides the level of service and geographic access required.
 - d. Where there is public transit available in a rural county, and that provider is capable of offering the level of service required for the recipient, commercial vendors may not be used for the convenience of the recipient or the **NEMT** broker.
3. Using monthly enrollment downloads from **DHCFP** or systems maintained by **DHCFP**’s fiscal agent, the **NEMT** broker is solely responsible for verifying program eligibility for each recipient prior to authorizing and scheduling the **NEMT** service. The **NEMT** broker must also verify the existence of an appointment and that the appointment is a Medicaid covered service, which may require contacting the health care provider, **DHCFP**’s fiscal agent, or the contracted MCO, before authorizing transportation.
 4. Neither the **NEMT** broker nor its providers shall release information related to a recipient without the written consent of the recipient or the recipient’s legal or authorized representative, except as required by law or except to verify medical appointments in accordance with policy. The **NEMT** broker and any of its providers meeting the definition of a “covered entity” as defined in the HIPAA Privacy Regulations (45 CFR 164) must comply with the applicable Privacy Regulations contained in 45 CFR 160 and 164 for recipient health information.
 5. **DHCFP** expects that the **NEMT** broker and its provider network will be in compliance with all laws with regard to the reporting requirements related to suspected abuse, neglect, or exploitation, as applicable, in accordance with NRS 200.508 and 200.5091.

Pursuant to 42 CFR 438.100(c), the **NEMT** broker shall ensure that each recipient is free to exercise his or her rights and that by the exercise of those rights, no adverse effect will result in the way the **NEMT** broker treats the recipient.

6. Recipients have freedom of choice when selecting medical providers but are only eligible for **NEMT** to access these services if using the nearest appropriate provider (taking existing relationships between the providers and recipients into account as well as access to care) according to section 1903.3A(3)(a)(5) of this chapter.
 1. The **NEMT** broker will be responsible for verifying that the recipient is using the nearest appropriate Medicaid provider for the applicable services.
 2. The **NEMT** broker will develop written procedures, approved by **DHCFP** for verifying that the nearest appropriate Medicaid provider is being used.

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3. The procedures shall include an exception procedure that specifies the conditions under which the recipient may access a provider other than the nearest, if exception to the requirement might, in some cases, be appropriate.
4. **DHCFP** will provide the **NEMT** broker with a quarterly list of Medicaid providers and their addresses, including FFS providers and providers within each MCO's network.
5. DHCFP will periodically review rides to verify that the **NEMT** broker has transported to the nearest appropriate provider.
6. When **DHCFP** determines that a recipient has employed **NEMT** to access a provider other than the provider located nearest to the recipient's residence and there is no justification documented, the **NEMT** broker may be required to refund the capitation payment for that recipient for all months that the recipient accessed a geographically inappropriate provider.
7. A transportation provider must wait at least fifteen (15) minutes after the scheduled pick-up time before "no-showing" the recipient at the pick-up location. The **NEMT** broker or contracted transportation providers shall not charge recipients for transportation services or for no shows.
8. Recipients who are repeated no-shows or fail to cancel in a timely manner for rides provided by its commercial vendors may be subject to suspensions of services. Recipients who receive a suspension will have the right to a State Fair Hearing.
9. Access to transportation services shall be at least comparable to transportation resources available to the general public. Capacity shall include all of the modes of transportation listed in Section 1904 of this chapter.
10. The **NEMT** broker shall ensure all drivers of vehicles transporting program recipients meet the following requirements:
 - a. All drivers, at all times during their employment, shall be at least 18 years of age and have a current valid driver's license from the State of Nevada to operate the transportation vehicle to which they are assigned.
 - b. Drivers shall have no more than one chargeable accident and two moving violations in the last three years. Drivers shall not have had their driver's license, commercial or other, suspended or revoked in the previous five years. Drivers shall not have any prior convictions for substance abuse, sexual abuse or crime of violence. Approval of any such driver who has been convicted of a felony shall be obtained from **DHCFP** before employment by the vendor.

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- c. All drivers shall be courteous, patient and helpful to all passengers and be neat and clean in appearance.
 - d. No driver or attendant shall use alcohol, narcotics, illegal drugs or drugs that impair ability to perform while on duty and no driver shall abuse alcohol or drugs at any time. The transportation provider shall not use drivers who are known abusers of alcohol or known consumers of narcotics or drugs/medications that would endanger the safety of recipients.
 - e. All drivers and attendants shall wear or have visible, easily readable proper organization identification.
 - f. At no time shall drivers or attendants smoke while in the vehicle, while involved in recipient assistance, or in the presence of any recipient.
 - g. Drivers shall not wear any type of headphones or use cell phones, except for dispatch purposes, at any time while on duty. Drivers shall not use cell phones while operating vehicles.
 - h. Drivers shall assist passengers in the process of being seated and confirm that all seat belts are fastened properly, and that wheelchairs and wheelchair passengers are properly secured.
 - i. Drivers shall provide necessary assistance, support, and oral directions to passengers. Such assistance shall include assistance with recipients of limited mobility and movement, including the storage of mobility aids and wheelchairs.
 - j. The **NEMT** broker shall provide, or ensure that its subcontractors provide, classroom and behind-the-wheel training for all drivers within 30 days of beginning service under this agreement. Driver training shall, at a minimum, include defensive driving techniques, wheelchair securement and lift operation, cultural and disability sensitivity training, passenger assistance techniques, first aid, and general customer service. The training curriculum is subject to **DHCFP**'s approval.
11. The **NEMT** broker shall ensure that all transportation providers maintain all vehicles adequately to meet the requirements of the contract. Vehicles and all components shall comply with or exceed State, Federal, and the manufacturer's safety, mechanical, and maintenance standards for the vehicles. Vehicles shall comply with the Americans with Disabilities Act (ADA) regulations. All vehicles shall meet the following requirements:
- a. The transportation provider shall provide and use a two-way communication system linking all vehicles used in delivering the services under the contract with the transportation provider's major place of business. Pagers are not an acceptable substitute.

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- b. All vehicles shall be equipped with adequate heating and air-conditioning.
- c. All vehicles shall have functioning, clean and accessible seat belts for each passenger seat position when required by law. Each vehicle shall utilize child safety seats when transporting children as prescribed by NRS 484B.157.
- d. All vehicles shall have a functioning speedometer and odometer.
- e. All vehicles shall have two exterior side view mirrors, one on each side of the vehicle.
- f. All vehicles shall be equipped with an interior mirror for monitoring the passenger compartment.
- g. The interior and exterior of the vehicle shall be clean and the exterior free of broken mirrors or windows, excessive grime, major dents or paint damage that detract from the overall appearance of the vehicles.
- h. The vehicle shall have passenger compartments that are clean, free from torn upholstery, floor, or ceiling covering; damaged or broken seats; protruding sharp edges; and be free of dirt, oil, grease or litter.
- i. All vehicles shall have the transportation provider’s name, vehicle number, and the **NEMT** broker’s toll free and local phone number prominently placed within the interior of each vehicle. This information and the complaint procedures shall be available in written form in each vehicle for distribution to recipients on request.
- j. Smoking is prohibited in all vehicles while transporting program recipients. All vehicles shall have the following signs posted in all vehicle interiors, easily visible to the passengers:

“NO SMOKING”“ALL PASSENGERS MUST USE SEAT BELTS”
- k. All vehicles shall include a vehicle information packet containing vehicle registration, insurance card and accident procedures and forms.
- l. All vehicles shall be provided with a fully equipped first aid kit.
- m. Each vehicle shall contain a current map of the applicable state(s) with sufficient detail to locate recipients and medical providers.
- n. All vehicles shall have a minimum of \$1,500,000 combined single limit insurance coverage for vehicles at all times during the contract period in accordance with State regulations and contract requirements (NAC 706.191). If NAC 706.191

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minimum insurance coverage is amended, the amount that is greater of either the Code or this Chapter will be the mandated amount of coverage.

- o. Any vehicle or driver found out of compliance with the contract requirements, or any State or Federal regulations shall be removed from service immediately until the **NEMT** broker verifies correction of deficiencies. Any deficiencies and actions taken shall be documented and become a part of the vehicle's and the driver's permanent records.
 - p. The **NEMT** broker shall develop and implement an annual inspection process in addition to the applicable State vehicle inspection requirements to verify that vehicles used by subcontracted transportation providers meet the above requirements and that safety and passenger comfort features are in good working order (e.g., brakes, tire, tread, signals, horn, seat belts, air conditioning/heating, etc.).
12. The **NEMT** broker shall ensure adequate oversight of subcontracted transportation providers and ensure that providers comply with all applicable State and Federal laws, regulations and permit requirements. This duty includes, but is not limited to verification that each provider maintains at all times:
- a. Insurance which complies with the standards at 49 CFR 387 subpart B, NAC §191(1-3), and which provides for notice of the status of the policy to **DHCFP** upon expiration, termination, or at any time requested by **DHCFP**;
 - b. An alcohol and substance abuse testing program which complies with the standards of 49 CFR Part 382;
 - c. Criminal background checks conducted periodically that assure the criteria of MSM Chapter 100 are met;
 - d. Signage on all vehicles identifying those operating under any exemption from Nevada Transportation Authority (NTA) regulation;
 - e. Documentation in each vehicle of any exemption from NTA regulation; and
 - f. Current provider agreements with Nevada Medicaid.

As a contracted agent of the Director of the Department of Health and Human Services (DHHS), subject to the requirements of NRS § 422.2705 and NRS § 706.745 the **NEMT** broker may utilize the services of motor carriers that are exempt from certain certification requirements of the NTA of the Department of Business and Industry. Prior to exercising this option, the **NEMT** broker shall, with the assistance of the NTA, establish and utilize an inspection program designed to

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ensure that vehicles used by these motor carriers, and their operations, are safe. The **NEMT** broker shall also require these same motor carriers to submit proof of a liability insurance policy, certificate of insurance or surety which is substantially equivalent in form and is in the same amount or in a greater amount than the policy, certificate or surety required by the Department of Motor Vehicles (DMV) pursuant to NRS 706.291 for a similar situated motor carrier. The **NEMT** broker shall certify the transportation providers meet insurance requirements, vehicle safety standards, and driver background and drug tests cited in this chapter before a letter of exemption will be issued by DHCFP for that transportation provider.

13. The **NEMT** broker is encouraged and expected to use recipient vouchers and/or volunteer programs to provide the most cost-efficient transportation service to the recipient if such transportation is appropriate to meet the needs of the recipient. The broker shall verify and document that vehicles and drivers used in reimbursement and volunteer programs comply with appropriate State operating requirements, driver's licensure, vehicle registration and insurance coverage requirements.
14. The **NEMT** broker will be available as a resource to **DHCFP's** fiscal agent or contracted MCO when medically necessary covered services must be provided outside a recipient's community. The **NEMT** broker will advise the fiscal agent or contracted MCO regarding such factors as distance and transportation availability.
15. The **NEMT** broker must submit claims for service outside of capitation to **DHCFP** utilizing the nationally recognized International Classification of Diseases (ICD) and current electronic data interchange (EDI) standards, as approved by the Centers of Medicare and Medicaid Services (CMS).

1903.3D **NEMT** RECIPIENT RESPONSIBILITY

1. The recipient shall:
 - a. Use personal transportation or transportation of an LRI whenever possible;
 - b. Explore alternative resources first, and when such a resource exists at no cost to the recipient, use the alternative transportation resource;
 - c. If free transportation is not available, use public transportation when residing within 3/4 of a mile of a bus stop (unless medical documentation is provided to support the recipient's or LRI's physical or mental condition that prohibits the recipient from utilizing public transport);
 - d. Participate in the assessment process to determine the appropriate level of service needed for transportation. The recipient must follow through when referred for a public paratransit evaluation;

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- e. If eligible for paratransit services, the recipient is required to access available paratransit programs;
- f. Make and keep all appointments and travel schedules, and phone to cancel when an unforeseen event makes it impossible to keep an appointment;
- g. Recipients **or individuals scheduling on behalf of the recipient** are responsible to schedule rides by contacting the **NEMT** broker;
- h. Recipients **or individuals scheduling on behalf of the recipient** are urged to schedule rides (except out-of-area travel) not less than **three** days and no more than **60** days prior to travel;
- i. **Requests for paratransit rides from the NEMT vendor must be scheduled no more than three days in advance of the recipient’s medical appointment;**
- j. Recipients **must** be ready and available **for their scheduled ride** 15 minutes before the scheduled ride **and up to 30** minutes after the scheduled **pick up** time;
 - 1. Recipients who are using **subcontracted** transportation vendors will follow the **NEMT** broker policy concerning late rides.
- k. Notify the **NEMT** broker immediately when an urgent service need for **NEMT** transportation is discovered;
- l. Notify the **NEMT** broker of all third party insurance information, including the name of other third party insurance, or any changes in insurance coverage at the time of service, if possible, or in a timely manner thereafter;
- m. Not refuse service of a provider based solely or partly on the provider’s race, color, national origin, sex, religion, disability or age; and
- n. Provide car seats, wheelchairs, other devices or equipment, and any extra physical assistance, not required of providers, necessary to make the trip.

1903.4 GEOGRAPHIC AREA

Nevada residents living near the state line or border may be geographically closer to out-of-state providers than to in-state providers for both primary and specialty care. In such cases, covered medically necessary services may be routinely provided by out-of-state providers in what **DHCFP** refers to as the “primary catchment areas.” Such services are treated the same as those provided within the state borders for purposes of authorization and transportation.

The primary catchment areas are listed in the MSM Chapter 100.

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The **NEMT** broker provides services statewide and in catchments areas. The **NEMT** broker provides services to and from out-of-state facilities.

1903.5 SPECIAL REQUIREMENTS FOR SELECTED COVERED **NEMT** SERVICES

A. Out-of-Network-Providers network Providers

The **NEMT** broker generally uses transportation providers who have executed a contract to be part of the **NEMT** broker’s network. However, occasionally it may be necessary for enrolled recipients to obtain **NEMT** services from an out-of-network provider (e.g., the recipient needs specialized transportation for which the **NEMT** broker has no such specialist in its network), in which case the broker must:

1. Arrange transportation with out-of-network providers with respect to services and payment;
2. Offer the opportunity to the out-of-network provider to become part of the network; and
3. Negotiate a contract to determine the rate prior to services being rendered.

B. Family Planning Services

Pursuant to policies set forth in Chapter 600 of the Nevada MSM, the **NEMT** broker will authorize **NEMT** services to family planning services for any eligible recipient to any qualified provider.

C. Transplantation of Organs and Tissue, and Related Immunosuppressant Drugs.

Transplant services are covered, with limitations, when medically necessary. Coverage limitations for these services are defined in the Title XIX State Plan. When a transplant recipient’s care needs during transit are within the scope of the **NEMT** broker, transportation should be prior authorized and provided through the **NEMT** broker. When the recipient’s care needs during transit exceed the capabilities of the **NEMT** broker and/or the timeframe for transport is less than four hours, transportation may be treated as a non-immediate medically necessary transport. (Refer to Section 1903.1A(2)(c) for guidance.)

D. Paratransit Transportation

Paratransit transportation may be provided based on assessed medical need. When paratransit transportation is indicated, such transportation services shall be “curb to curb” or “door-to-door”, whichever service is necessary for the recipient. All paratransit providers are responsible for assisting riders into and out of their vehicles.

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1903.6 ENROLLMENT AND DISENROLLMENT REQUIREMENTS AND LIMITATIONS

The eligibility and enrollment functions are the responsibility of DHCFP and the DWSS. The **NEMT** broker shall accept each recipient who is enrolled in or assigned to the **NEMT** broker by DHCFP and/or its enrollment sections.

Pursuant to the State of Nevada’s Medicaid State Plan §3.1 for **NEMT** Services, eligible recipients do not have the option of disenrolling from the **NEMT** broker, nor does the **NEMT** broker have the option of disenrolling any eligible recipient. Copies of the State of Nevada Medicaid State Plan §3.1 for **NEMT** Services are available on **DHCFP**’S website at <http://dhcfnv.gov>.

“Pending” Medicaid recipients (those whose applications for assistance have been submitted but not adjudicated) are not eligible for transportation services provided by the **NEMT** broker.

The **NEMT** broker is not financially responsible for any services rendered during a period of retroactive eligibility.

1903.7 INFORMATION REQUIREMENTS

The **NEMT** broker must have written information about its services and access to services available upon request to recipients. This written information must be available in English and Spanish. The **NEMT** broker must make free, oral, Spanish interpretation services available to each recipient, if necessary. The broker may supply telephone interpretation services for other non-English languages. **DHCFP** must approve all materials distributed to recipients.

- A. The **NEMT** broker’s written material must use an easily understood format. The **NEMT** broker must also develop appropriate alternative methods for communicating with people with vision or hearing impairments and must accommodate recipients with a physical disability in accordance with the requirements of the ADA. All recipients must be informed that this information is available in alternative formats and how to access those formats.

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1905 **NEMT** GRIEVANCES, APPEALS AND PROVIDER DISPUTES

1905.1 NOTICE OF DECISION

The **NEMT** broker may take action on a recipient’s request for transportation based on **DHCFP**’s coverage policy and guidelines as set forth in the Nevada MSM. The request may be approved, denied, or limited (i.e. denied in part, or reduced) based on these eligibility and coverage policies. The broker shall notify each recipient in writing of the reason for any action which is taken to deny or otherwise limit a recipient’s request, within five business days of such action; such notification is called a Notice of Decision (NOD).

Pursuant to 42 CFR 438.10 (g), the NOD shall include information regarding the recipient’s right to a State Fair Hearing (see Chapter 3100 of the Nevada MSM), the method for obtaining a State Fair Hearing, and the rules that govern the recipient’s right to representation. The broker must also provide a NOD to the requesting provider, if applicable.

The NOD must include the following information:

- A. The action the broker or its network provider has taken or intends to take;
- B. The reasons for the action;
- C. The recipient’s right to request a State Fair Hearing;
- D. The method of obtaining a State Fair Hearing;
- E. The rules that govern representation at a State Fair Hearing;
- F. The right of the recipient to request a State Fair Hearing and how to do so;
- G. The right to request to receive benefits while the hearing is pending and how to make this request; and
- H. That the recipient may be held liable for the cost of those benefits if the hearing decision upholds the broker’s action.

The **NEMT** broker shall provide any reasonable assistance to recipients in filing a State Fair Hearing, including transportation to the hearing, if necessary.

The **NEMT** broker is required to maintain records of all grievances received and NODs provided, which the State will review as part of the State’s contract monitoring and management oversight.

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1905.2 RECIPIENT GRIEVANCES AND PROVIDER DISPUTES

The **NEMT** broker must have a process with which to address recipient grievances and provider disputes. **DHCFP** will refer all recipient grievances and provider disputes to the **NEMT** broker for resolution. The **NEMT** broker must provide information about its recipient grievance process to all providers and subcontractors, at the time they enter into a contract.

The **NEMT** broker is required to dispose of each recipient grievance and provide notice as expeditiously as the recipient's health condition requires or no more than 90 days from the date the grievance is received by the **NEMT** broker or a network provider. The **NEMT** broker shall attempt to respond verbally to the recipient, authorized representative, **DHCFP** or provider grievances and disputes within 24 hours of receipt of the grievance or dispute. The **NEMT** broker shall issue an initial response or acknowledgement to written grievances and disputes in writing within 72 hours.

In addition, the **NEMT** broker must:

- A. Provide recipients any reasonable assistance in completing forms and taking other procedural steps. This includes but is not limited to providing interpreter services and toll-free numbers that have adequate TDD and interpreter capability;
- B. Acknowledge receipt of each recipient grievance;
- C. Ensure that the individuals who make decisions on recipient grievances were not involved in any previous level of review or decision-making; and
- D. Notify the recipient of the disposition of grievances in written format. The written notice must include the results of the resolution process and the date it was completed.