

A bill for an act

relating to health care; prohibiting the use of a broker for medical transportation services; allowing county social workers to make level of need determinations; renaming special transportation services; modifying medical transportation requirements; amending Minnesota Statutes 2008, sections 256B.04, subdivision 14a; 256B.0625, subdivision 17, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 256B.04, subdivision 14a, is amended to read:

Subd. 14a. **Level of need determination.** Nonemergency medical transportation level of need determinations must be performed by a physician, a registered nurse working under direct supervision of a physician, a physician's assistant, a nurse practitioner, a licensed practical nurse, a county social worker, or a discharge planner. Nonemergency medical transportation level of need determinations must not be performed more than semiannually on any individual, unless the individual's circumstances have sufficiently changed so as to require a new level of need determination. Individuals residing in licensed nursing facilities are exempt from a level of need determination and are eligible for special transportation services until the individual no longer resides in a licensed nursing facility. If a person authorized by this subdivision to perform a level of need determination determines that an individual requires stretcher transportation, the individual is presumed to maintain that level of need until otherwise determined by a person authorized to perform a level of need determination, or for six months, whichever is sooner.

Sec. 2. Minnesota Statutes 2008, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **Transportation costs.** (a) For purposes of this subdivision, the following terms have the meanings given unless otherwise provided for in this subdivision:

(1) "ambulette transportation" means nonemergency medical transportation to or from a covered service that is provided to a recipient who has a physical or mental impairment that prohibits the recipient from independently and safely accessing and using a bus, taxi, other commercial transportation, or private automobile; and

(2) "medical transportation" means the transport of a recipient to obtain a covered service or the transport of a recipient after the covered service is provided.

(b) Medical assistance covers medical transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services.

Medical transportation must be provided by:

(1) an ambulance, as defined in section 144E.001, subdivision 2;

(2) ambulette transportation; or

(3) common carrier including, but not limited to, bus, taxicab, other commercial carrier, or private automobile.

~~(b) (c) Medical assistance covers special ambulette transportation, as defined in Minnesota Rules, part 9505.0315, subpart 1, item F, if the recipient has a physical or mental impairment that would prohibit the recipient from safely accessing and using a bus, taxi, other commercial transportation, or private automobile;~~

(1) the driver wears a uniform with easily identifiable company identification, is trained, at a minimum, according to Minnesota Department of Transportation standards for special transportation, and is subject to federal drug and alcohol testing according to Code of Federal Regulations, part 383, subpart E;

(2) the vehicle satisfies, at a minimum, Minnesota Department of Transportation standards for special transportation; and

(3) the vehicle is covered by commercial general liability insurance in an amount equal to or greater than \$1,000,000 per incident.

The commissioner may use an order by the recipient's attending physician, social worker, or third-party entity approved by the commissioner to certify that the recipient requires ~~special ambulette~~ transportation services. ~~Special Ambulette~~ transportation ~~includes~~ providers shall perform driver-assisted service to services for eligible individuals. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs

or stretchers in the vehicle. ~~Special Ambulette~~ transportation providers must obtain written documentation from the health care service provider who is serving the recipient being transported, identifying the time that the recipient arrived. ~~Special Ambulette~~ transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. ~~Special Ambulette~~ transportation providers must take recipients to the nearest appropriate health care provider, using the ~~most direct~~ quickest route available as determined by a commercially available software program approved by the commissioner. The ~~maximum~~ minimum medical assistance reimbursement rates for ~~special ambulette~~ transportation services are:

(1) \$17 for the base rate and \$1.35 per mile for services to eligible persons who need a wheelchair-accessible van;

(2) \$11.50 for the base rate and \$1.30 per mile for services to eligible persons who do not need a wheelchair-accessible van; and

(3) \$60 for the base rate and \$2.40 per mile, and an attendant rate of \$9 per trip, for services to eligible persons who need a stretcher-accessible vehicle.

Sec. 3. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 17b. **Broker dispatching prohibition.** The commissioner shall not use a broker or coordinator to manage or dispatch ambulette transportation services.

Sec. 4. **REVISOR'S INSTRUCTION.**

In Minnesota Statutes, sections 256B.04, 256B.062, and 256D.03, and Minnesota Rules, chapter 9505, the revisor of statutes shall change the term "special transportation services" or "special transportation" to "ambulette transportation services" or "ambulette transportation," as appropriate, wherever the terms appear.