

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2120 Session of 2019

INTRODUCED BY HENNESSEY, DECEMBER 12, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 12, 2019

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
 2 act to consolidate, editorially revise, and codify the public
 3 welfare laws of the Commonwealth," in medical assistance,
 4 further providing for nonemergency medical transportation
 5 services.

6 The General Assembly of the Commonwealth of Pennsylvania
 7 hereby enacts as follows:

8 Section 1. Section 443.12 of the act of June 13, 1967
 9 (P.L.31, No.21), known as the Human Services Code, amended or
 10 added June 22, 2018 (P.L.258, No.40), and June 28, 2019
 11 (P.L.168, No.19), is amended to read:

12 Section 443.12. Nonemergency Medical Transportation
 13 Services.--(a) The department shall amend the Commonwealth's
 14 State Plan under Title XIX of the Social Security Act (49 Stat.
 15 620, 42 U.S.C. § 1396 et seq.) to provide nonemergency medical
 16 transportation services to eligible and enrolled medical
 17 assistance recipients utilizing a Statewide or regional [full-
 18 risk brokerage] model.

19 (b) Subject to Federal approval of the amendments to the
 20 Commonwealth's approved Title XIX State Plan, the department

1 shall develop a proposal.

2 [(c) The department shall issue the solicitation for a
3 Statewide or regional full-risk brokerage model within one
4 hundred eighty days after the effective date of this subsection.]

5 (d) The department may not enter into a contract with a
6 broker under subsection (b) prior to the completion of the
7 analysis required under subsection (e).]

8 (e) [Prior to the implementation of the full-risk brokerage
9 model, the] The department, in coordination with the Department
10 of Transportation and the Department of Aging, shall commission
11 an analysis that provides at a minimum the following:

12 (1) An analysis of current Federal and State law,
13 regulations and policies controlling the nonemergency medical
14 transportation and other human services transportation programs
15 administered in the Commonwealth, including the authorized
16 methods of delivery and limitations or restrictions imposed on
17 the methods of delivery.

18 (2) An analysis of the effectiveness and efficiency of the
19 current nonemergency transportation service delivery as it
20 relates to all human service programs in this Commonwealth.

21 (3) A review of other states' models of delivering
22 nonemergency medical and other human services transportation,
23 including the number of other states that utilize a full-risk
24 brokerage model and the effect a brokerage model has had on
25 public transit in those states.

26 (4) An analysis of the positive and negative impact of
27 maintaining the current transportation delivery model versus
28 implementing a full-risk brokerage model as it relates to the
29 State and local government entities, including financial impact.

30 (5) An analysis of the impact on consumers, including an

1 increase or decrease in quality and service availability.

2 (f) The analysis under subsection (e) shall be completed no
3 later than one hundred eighty days from the effective date of
4 this subsection. A preliminary report of the analysis under
5 subsection (e) shall be completed no later than ninety days from
6 the effective date of this subsection. The analysis under
7 subsection (e) and the preliminary report under this subsection
8 shall be delivered to the following:

9 (1) The Secretary of Human Services.

10 (2) The Secretary of Aging.

11 (3) The Secretary of Transportation.

12 (4) The chairperson and minority chairperson of the
13 Appropriations Committee of the Senate.

14 (5) The chairperson and minority chairperson of the
15 Appropriations Committee of the House of Representatives.

16 (6) The chairperson and minority chairperson of the Health
17 and Human Services Committee of the Senate.

18 (7) The chairperson and minority chairperson of the Health
19 Committee of the House of Representatives.

20 (g) A full-risk brokerage model may not be implemented until
21 legislation is enacted to do all of the following:

22 (1) Authorize a change in the implementation of nonemergency
23 medical transportation services.

24 (2) Transfer the function of implementing nonemergency
25 medical transportation services from the department to the
26 Department of Transportation.

27 Section 2. This act shall take effect immediately.