# ASSEMBLY, No. 2650

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**
**Assemblywoman VALERIE VAINIERI HUTTLE**
**District 37 (Bergen)**
**Assemblywoman SHANIQUE SPEIGHT**
**District 29 (Essex)**
**Assemblyman DANIEL R. BENSON**
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Establishes performance and training standards for certain Medicaid transportation services and requires DHS to report compliance with standards.

**CURRENT VERSION OF TEXT**

As introduced.

**(Sponsorship Updated As Of: 3/16/2020)**

**AN ACT** concerning certain transportation services and supplementing Title 30 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"Department" means the Department of Human Services.

"Medicaid program" means the State Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"Provider" means a person, company, firm, association, corporation, or other entity that is participating directly, or indirectly as a subcontractor, in the Medicaid program and is providing transportation services.

"Transportation service" means a pick up or return trip of a person receiving benefits under the Medicaid program by a provider to or from the person's appointment for health care services received under the Medicaid program.

2. A provider of transportation services shall ensure that transportation services are provided within 15 minutes of the pre-arranged time scheduled by the person seeking the services and the provider.

3. a. A driver or other staff member of a provider who comes into direct contact with a person receiving transportation services and who is employed after the effective date of this act shall receive training at the time of employment and refresher training biennially, which shall include:

(1) training to meet the special needs of the person receiving transportation services;

(2) procedures to follow, in a consistent manner, to be responsive to a complaint by the person receiving transportation services; and

(3) appropriate and courteous treatment and interactions with the person receiving transportation services.

b. A driver or other staff member of a provider, who comes into direct contact with a person receiving transportation services and is employed on the effective date of this act, shall complete the training provided for in subsection a. of this section within six months of the effective date of this act and refresher training biennially.

c. The department, a division of the department, or any agency which is under contract with the department to provide training shall provide the training specified in this section.

4. To ensure the accountability of transportation services offered by a provider, the department shall:

a. require a provider, as part of the provider's obligations under its contract with the department or under its subcontract with another provider, as applicable, to:

(1) meet the standard to provide transportation services within 15 minutes as specified in section 2 of this act;

(2) utilize drivers or other staff members who have completed training as specified in section 3 of this act; and

(3) maintain, at a minimum, a record of each transportation service requested, the transportation service provided, each waiting time for a transportation service that is in excess of 15 minutes, and each complaint made by a person who requests a transportation service.

b. randomly audit the information maintained by the provider pursuant to subsection a. of this section, including monitoring complaints by tallying and reviewing the complaints for quality assurance purposes; and

c. engage in such other activities as necessary to ensure that providers meet the performance standard to provide transportation services within 15 minutes and that transportation services are provided by trained providers and staff members, as specified in sections 2 and 3 of this act.

5. The department shall report annually to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature, on compliance of providers with the performance and training standards specified in sections 2 and 3 of this act, including, but not limited to: the percentage of providers who do not meet the performance or training standards; the percentage of transportation services that are not provided within the 15 minute standard specified in section 2 of this act; the number of complaints about noncompliance with the performance or training standards; and any department activities, including any penalties imposed by the department or corrective action performed by the provider, to ensure that standards are met. This report shall be made available to the public and be posted on the department’s official Internet website concurrently with the submission of the report to the Governor and the Legislature.

6. The Commissioner of Human Services shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the commissioner deems necessary to carry out the provisions of this act.

7. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill would require a provider of transportation services under the Medicaid program to ensure that these services are provided within 15 minutes of the pre-arranged time scheduled by the person seeking the services and the provider. "Transportation services" are defined in the bill as a pick up or return trip of a person receiving benefits under the Medicaid program by a provider to or from the person's appointment for health care services received under the Medicaid program. "Provider" is defined as a person, company, firm, association, corporation, or other entity that is participating directly, or indirectly as a subcontractor, in the Medicaid program and is providing transportation services.

The bill also would require a driver or other staff member of a provider who comes into direct contact with a person receiving transportation services, and who is employed after the effective date of the bill, to receive training at the time of employment and refresher training every two years. The training would be provided by the Department of Human Services (DHS), a division of DHS, or any agency under contract with DHS to provide training. If employed on the effective date, training would be completed within six months of the effective date, with refresher training also required every two years.

The training would include: 1) meeting the special needs of the person receiving transportation services; (2) procedures to follow, in a consistent manner, to be responsive to a complaint; and (3) appropriate and courteous treatment and interactions with the persons receiving these services.

The bill includes provisions to ensure the accountability of transportation services offered by a provider and requires DHS to require a provider as part of its contract obligations under its contract with DHS or under its subcontract with another provider, as applicable, to: meet the standard to provide transportation services within the 15 minute period specified in the bill; utilize trained drivers and staff members as described above; and maintain certain records about the services requested, wait times, and complaints. DHS is required to audit this information, including tallying and reviewing complaints for quality assurance purposes, and also to engage in other activities as necessary to ensure services are provided in accordance with the standards in the bill.

The bill also requires DHS to prepare an annual report on compliance of providers with the performance and training standards, complaints about transportation services, and any activities of DHS, including any penalties imposed or corrective action taken, to ensure that standards are met. This report is to be provided annually to the Governor, the Legislature, and made available to the public on the DHS website.

Many individuals living with serious mental and physical illnesses are reliant on Medicaid for their health care insurance and

many of those receiving Medicaid benefits do not have cars, and lack the means to access public transportation. Medicaid funded transportation is often their sole means of getting to important appointments. Attending behavioral and physical health care appointments are essential as people move towards recovery. Individuals entitled to this service, however, have been expressing concerns that the current provider does not meet their needs. This bill is in response to complaints and concerns that were identified as a result of a consumer survey conducted by the Mental Health Association in New Jersey.