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CS/HB 411, Engrossed 2

2019 Legislature

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 2 An act relating to nonemergency medical transportation
 3 services; amending s. 316.87, F.S.; authorizing
 4 certain transportation network companies to provide
 5 nonemergency medical transportation services to a
 6 Medicaid recipient under certain circumstances;
 7 requiring the Agency for Health Care Administration to
 8 update its regulations, policies, or other guidance by
 9 a specified date to reflect such authorization;
 10 providing limitations on requirements for
 11 transportation network companies and transportation
 12 network company drivers; providing construction;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 316.87, Florida Statutes, is amended to
 18 read:

19 316.87 Nonemergency medical transportation services.—

20 (1) To ensure the availability of nonemergency medical
 21 transportation services throughout the state, a provider
 22 licensed by the county or operating under a permit issued by the
 23 county may not be required to use a vehicle that is larger than
 24 needed to transport the number of persons being transported or
 25 that is inconsistent with the medical condition of the

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26 individuals receiving the nonemergency medical transportation
 27 services. This subsection ~~section~~ does not apply to the
 28 procurement, contracting, or provision of paratransit
 29 transportation services, directly or indirectly, by a county or
 30 an authority, pursuant to the Americans with Disabilities Act of
 31 1990, as amended.

32 (2) Subject to compliance with state and federal Medicaid
 33 requirements, a transportation network company that:

34 (a) Is under contract with a Medicaid managed care plan;

35 (b) Is under contract with a transportation broker under
 36 contract with a Medicaid managed care plan;

37 (c) Is under contract with a transportation broker under
 38 contract with the Agency for Health Care Administration; or

39 (d) Receives referrals from a transportation broker under
 40 contract with a Medicaid managed care plan or the Agency for
 41 Health Care Administration,

42
 43 may provide nonemergency medical transportation services under
 44 ss. 409.905 and 409.973 to a Medicaid recipient if all drivers
 45 and prospective drivers are screened pursuant to the procedures
 46 set forth in s. 435.03 or functionally equivalent procedures, as
 47 determined by the Agency for Health Care Administration. By
 48 October 1, 2019, the Agency for Health Care Administration shall
 49 update its regulations, policies, or other guidance, including
 50 its Medicaid Non-Emergency Transportation Services Coverage

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51 Policy, as necessary, to reflect this authorization.
 52 Requirements for transportation network companies and
 53 transportation network company drivers may not exceed those
 54 imposed under s. 627.748, except as necessary to conform to
 55 other applicable state and federal Medicaid transportation
 56 requirements administered by the Agency for Health Care
 57 Administration.

58 (3) Subsection (2) may not be construed to:

59 (a) Expand or limit the transportation benefits provided
 60 to Medicaid recipients or to require a Medicaid managed care
 61 plan to contract with a transportation network company or
 62 transportation broker.

63 (b) Exempt any person, firm, corporation, association, or
 64 governmental entity that engages in the business or service of
 65 providing advanced life support or basic life support
 66 transportation services from the licensure requirements provided
 67 in s. 401.25.

68 Section 2. This act shall take effect July 1, 2019.