

## PEOPLE-CENTERED TRANSPORTATION COALITION

September 28, 2018

Kimberley Smith  
Compliance & Stakeholder Relations Unit Manager  
Colorado Department of Health Care Policy & Financing  
1570 Grant Street  
Denver, CO 80203

Dear Ms. Smith,

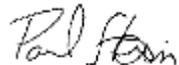
The People-Centered Transportation Coalition (PCTC) appreciates the recent publication by the Department of Health Care Policy & Financing (HCPF) of an updated Question and Answer document coming out of the Transportation Services Benefits Collaborative. We agree with many of the answers that were provided, based on our past recommendations.

We are writing now as part of continuing the PCTC's contributions to the Transportation Services Benefits Collaborative process. We are now providing our recommendations for the definitions that we believe should influence and control the delivery of the Non-Emergency Medical Transportation (NEMT) benefit in Colorado, both in State rule, as well as in the new request for proposals and broker contract(s) that HCPF is developing.

As color coded in the attached document, these recommended definitions are based on those that HCPF has already adopted or is proposing to change (black font), those that already exist from the Centers for Medicare & Medicaid services (red font), and those that are complementary or new definitions from the PCTC. There are a few terms of importance noted as placeholders for which a definition has not yet been proposed, but could be.

Thank you for considering our recommendations for these definitions. We look forward to continued discussions with you, so that Colorado can become the national leader in the delivery of the NEMT benefit.

Sincerely,



Paul Stein  
PCTC Member  
Former Colorado State Refugee Coordinator

**PEOPLE-CENTERED TRANSPORTATION COALITION  
DEFINITIONS FOR STATE RULE AND REQUEST FOR PROPOSALS**

**Based on HCPF 5/22/2018 DRAFT Revision to Rule  
For Reference in Benefits Collaborative Process**

***Goal: To create a robust NEMT rule that clearly outlines key components of the Medicaid NEMT benefit in Colorado, with sufficient detail to be useful and understandable by a multitude of stakeholders, and with performance metrics that demonstrably align with quality services and patient choice.***

**8.014 NON-EMERGENT MEDICAL TRANSPORTATION**

**8.014.1. DEFINITIONS**

**Black = Existing or revised definitions from HCPF, or existing definitions in broker contract**

**Red = Complementary or new definitions based on federal CMS standards**

**Blue = Complementary or new definitions proposed by PCTC**

**Access** - As used in part 438 subpart E and pertaining to external quality review, the timely use of services to achieve optimal outcomes, as evidenced by MCPs successfully demonstrating and reporting on outcome information for the availability and timeliness elements defined under 42 CFR §438.68 (Network adequacy standards) and §438.206 (Availability of services). [42 CFR 438.320]

**Adequate Network** - Network adequacy means having sufficient quantity and diversity of transportation providers in the workforce to allow Coloradans to have choice in their selection of quality services that meet their individual NEMT needs. An adequate network also means that there is equitable access to the economic opportunities of providing NEMT transportation, that maintaining such equitable access is a standing monitoring focus for the independent review process, that transportation providers are not wrongfully rejected by HCPF or its agent from providing transportation services, and that in accordance with HB16-1097 HCPF will continuously monitor and improve its processes for individuals and companies to obtain a Medicaid client transport agreement.

**Adequate Notice** -

**Air Ambulance** means a fixed-wing or rotor-wing air ambulance equipped with medically necessary supplies to provide emergency medical transportation.

**Alternative Transportation** - [Need definition that aligns with “Urgent Care”.]

Ambulatory Vehicle means a passenger-carrying vehicle available for those clients able to walk and who do not rely on wheelchairs or other mobility devices, during boarding or transportation, which would necessitate a vehicle with a lift or other accommodations.

Ancillary Services mean services incurred indirectly when a client authorized to receive NEMT also requires the assistance of an escort or financial assistance for meals or lodging.

**Appropriate transportation** - Per the September 2018 Benefits Collaborative Question and Answer document, this definition is in the existing NEMT broker contract.

At-Risk Adult means an adult who is unable to make personal or medical determinations, provide necessary self-care, or travel independently.

**Capable** - Being a workforce fully capable of meeting the needs of Coloradans using the NEMT benefit means have enough transportation providers trained to provide quality NEMT services.

Child means a minor under the age of 18.

Day Treatment means facility-based services designed for children with complex medical needs. Services include educational or day care services when the school or day care system is unable to provide skilled care in a school setting, or when the child's medical needs put them at risk when around other children.

Emergency Medical Transportation means ground ambulance or air ambulance transportation under section 8.018 during which clients who are ill, injured, or otherwise mentally or physically incapacitated receive needed emergency medical services en route.

Escort means a person who accompanies an at-risk adult or minor client.

**External quality review** - As used in part 438 subpart E, the analysis and evaluation by an external quality review organization (EQRO), of aggregated information on quality, timeliness, and access to the health care services that an MCO, PIHP, PAHP, or PCCM entity (described in 42 CFR 438.310(c)(2)), or their contractors furnish to Medicaid beneficiaries. [42 CFR 438.320]

**Equipped** – Being fully equipped to access the NEMT benefit means that Coloradans needing it and being eligible to use it are sufficiently informed to have all the information needed, translated if needed into their language of greatest comprehension, to effectively use the benefit to meet their needs.

Fixed Wing Air Ambulance means a fixed wing aircraft that is certified as a fixed wing air ambulance by the Federal Aviation Administration.

**Grievance (and Grievance Appeal)** - Per the September 2018 Benefits Collaborative Question and Answer document, this definition is in the existing NEMT broker contract.

Ground Ambulance means a ground vehicle, including a water ambulance, equipped with medically necessary supplies to provide emergency medical transportation.

**Independent Advisory Board** - As a way of ensuring public and expert involvement and advice in State level decision-making around non-emergent medical transportation to best benefit the Medicaid population of Colorado using that service, the independent advisory board will represent diverse stakeholders connected by and interested in NEMT – transportation clients, transportation providers, healthcare providers, State Legislative policy makers, HCPF administrators, and other interested parties. HCPF should take appropriate provisions to assure that the advice and recommendations of the Independent Advisory Board will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the Board’s independent judgment. That said, the Independent Advisory Board will be chartered under HCPF, but will set its own agenda relative to fulfilling its chartered duties. These duties include but are not limited to:

- Research and make public evidence-based best practices related to NEMT in particular and transportation in general for Health First Colorado members;
- Clarify and make easily accessible covered services for NEMT clients;
- Address the needs of all Limited English Proficient NEMT clients, beyond the need of those who are Spanish speakers;
- Develop recommendations for the maintenance of an adequate, diverse, and person-centered provider network for the provision of appropriate transportation
- Contribute to developing performance metrics for NEMT contractors to the State, which will include metrics related to client outcomes and cost containment, as well as trip outputs;
- Recommend incentive payments for NEMT contractors through a defined payment schedule;
- Serve as a clearing house for transportation clients, transportation providers, and healthcare providers for grievances that have not been resolved through established procedures;
- Participate in the development and modification of additional benefit coverage standards.

The rules and regulations for creating such an advisory board and examples of charters for similar groups can be found on the [CMS website](#) per the Federal Advisory Committee Act.

**Informed Client** -

**Limited English proficient (LEP)** - Potential enrollees and enrollees who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand

English may be Limited English Proficient (LEP) and may be eligible to receive language assistance for a particular type of service, benefit, or encounter. [42 CFR 438.10(a)]

Medicaid Client Transport (MCT) Permit means a permit issued by the Colorado Department of Regulatory Agencies Public Utilities Commission (PUC) in accordance with the PUC statute at C.R.S. § 40-10.1-302.

Mode means the method of transportation.

Non-Emergent Medical Transportation (NEMT) means transportation to or from medically necessary non-emergency treatment that is covered by the Colorado Medical Assistance Program. Non-emergency care may be scheduled or unscheduled. This may include urgent care transportation and hospital discharge transportation.

**Outcomes** - Per the September 2018 Benefits Collaborative Question and Answer document, this definition is in the existing NEMT broker contract.

**Outcomes** - As used in part 438 subpart E, changes in patient health, functional status, satisfaction or goal achievement that result from health care or supportive services. [42 CFR 438.320]

**Planning Process** – Per the September 2018 Benefits Collaborative Question and Answer document, this definition is in the existing NEMT broker contract.

### Periodic Survey -

**Person-centered (or patient-centered) planning process** - A process led by the individual, where possible, and includes the individual's representative in a participatory role, as needed and as defined by the individual, unless state law confers decision-making authority to the legal representative. In addition to being led by the individual receiving services and supports, the person-centered planning process:

- o Includes people chosen by the individual;
- o Provides necessary information and support to ensure that the individual directs the process to the maximum extent possible, and is enabled to make informed choices and decisions;
- o Is timely and occurs at times and locations of convenience to the individual;
- o Reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible Section IV: Glossary of Terms 134 to individuals with disabilities and persons who are limited English proficient, consistent with 42 CFR 435.905(b);
- o Includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants;
- o Providers of HCBS for the individual, or those who have an interest in or are employed by a provider of HCBS for the individual must not provide case management or develop the person-centered service plan, except when the state

- demonstrates that the only willing and qualified entity to provide case management and/or develop person-centered service plans in a geographic area also provides HCBS. In these cases, the state must devise conflict of interest protections including separation of entity and provider functions within provider entities, which must be approved by CMS. Individuals must be provided with a clear and accessible alternative dispute resolution process;
- o Offers informed choices to the individual regarding the services and supports they receive and from whom;
  - o Includes a method for the individual to request updates to the plan as needed;
  - o Records the alternative home and community-based settings that were considered by the individual. [42 CFR 441.301(c)(1)].

Program of All Inclusive Care for the Elderly (PACE) is a capitated rate benefit which provides all-inclusive long-term care to certain individuals as defined in section 8.497. Rotor Wing Air Ambulance means a helicopter that is certified as an ambulance by the Federal Aviation Administration.

**Public Report** - [Definition to include the frequency, content, authorship, and review of a public report.]

**Quality** - Per the September 2018 Benefits Collaborative Question and Answer document, this definition is in the existing NEMT broker contract.

**Quality** - As used in part 438 subpart E and pertaining to external quality review, the degree to which an MCO, PIHP, PAHP, or PCCM entity (described in 42 CFR 438.310(c)(2)) increases the likelihood of desired outcomes of its enrollees through: (1) Its structural and operational characteristics. (2) The provision of services that are consistent with current professional, evidenced-based-knowledge. (3) Interventions for performance improvement. [42 CFR 438.320]

**Quality:** Knowing that NEMT is the first touchpoint of the health care system, quality NEMT includes an adequate variety and supply of health transportation services that are timely, seamless, and effective to meet the individual transportation choices for all riders, regardless of culture, language, race, disability, sexual orientation, gender identity, geography, and access to technology.

**Responsive** - Responsiveness means listening to and documenting all rider questions, scheduling, and complaints, meaningfully attempting to address rider concerns and questions, and ensuring adequate follow-up to riders, their families, health care providers, and/or clinical staff in a timely manner.

**Satisfaction Survey** - Per the September 2018 Benefits Collaborative Question and Answer document, this definition is in the existing NEMT broker contract.

State Designated Entity (SDE) means the organization responsible for administering NEMT. For the purposes of this rule, the responsible SDE is determined by the client's county of residence.

**Non-Emergency Medical Transportation PAHP (NEMT PAHP):** An entity that provides only NEMT services to enrollees under contract with the state, and on the basis of prepaid capitation payments, or other payment arrangements that do not use state plan payment rates. [42 CFR 438.9(a)]

**Provider** - Any individual or entity that is engaged in the delivery of services, or ordering or referring for those services, and is legally authorized to do so by the state in which it delivers the services. [42 CFR 438.2]

Stretcher Van means a vehicle that can legally transport a client in a prone or supine position when the client does not require medical attention en route. This may be by stretcher, board, gurney, or another appropriate device.

Taxicab means a motor vehicle operating in taxicab service, as defined in 4 CCR 723-6, § 6201(q), which is hereby incorporated by reference. The incorporation by reference of materials throughout section 8.014 excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5), the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

Taxicab Services means passenger transportation as defined in 4 CCR 723-6, § 6201(r), which is hereby incorporated by reference.

Trip means one-way transportation from the point of origin to the point of destination.

**Trip** – A trip means one-way transportation either from the portal of the transportation provider to the point of destination for the client, or from the point of destination for the client back to the portal of the transportation provider.

Urgent Care means an unplanned appointment for a covered medical service with verification from an attending physician that the client must be seen within 48 hours.

Wheelchair Vehicle means a motor vehicle designed and used for the non-emergent transportation of individuals with disabilities as defined in C.R.S. § 42-7-510(2)(b). These vehicles include vans modified for wheelchair access or wheelchair accessible minivans.