

8.014 NON-EMERGENT MEDICAL TRANSPORTATION

8.014.1. DEFINITIONS

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

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.

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

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.

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

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

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.

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.

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.

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.

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.

8.014.2. CLIENT ELIGIBILITY AND RESPONSIBILITIES

8.014.2.A. All Colorado Medical Assistance Program clients are eligible for Non-Emergent Medical Transportation (NEMT) services unless the client falls within the following eligibility groups on the date of the trip:

1. Qualified Medicaid Beneficiary (QMB) Only
2. Special Low Income Medicare Beneficiary (SLMB) Only
3. Medicare Qualifying Individual-1 (QI-1) Only
4. Old Age Pension- State Only (OAP-state only)

8.014.2.B. Child Health Plan Plus clients are not eligible for NEMT.

8.014.2.C. PACE clients receive transportation provided by their PACE organization and are not eligible for NEMT.

8.014.2.D. NEMT services may be denied if clients do not observe the following responsibilities:

1. Comply with applicable state, local, and federal laws during transport.
2. Comply with the rules, procedures and policies of the State Designated Entity.
3. Obtain authorization from their State Designated Entity.
4. Clients must not engage in violent, disruptive, or illegal conduct while utilizing NEMT services.

5. Clients must not pose a direct threat to the health or safety of themselves or others, including drivers.
6. Clients must cancel their previously scheduled NEMT trip if the ride is no longer needed, except in emergency situations or when the client is otherwise unable to cancel.

8.014.2.E. Pursuant to section 8.065, a client may be responsible to repay any services used that are not NEMT covered services. No recovery shall be made where the overpayment occurred through no fault of the client.

8.014.3. PROVIDER ELIGIBILITY AND RESPONSIBILITIES

8.014.3.A. Providers must enroll with the Colorado Medical Assistance Program as an NEMT provider.

8.014.3.B. Enrolled NEMT providers must:

1. Meet all provider screening requirements in section 8.125;
2. Comply with commercial liability insurance requirements and, if applicable, PUC financial responsibility requirements established in the PUC statute at C.R.S. § 40-10.1-107;
3. Refrain from attempting to solicit clients known to have already established NEMT service with another provider;
4. Maintain and comply with the following appropriate licensure, or exemption from licensure, requirements:
 - a. PUC common carrier certificate as a taxicab;
 - b. PUC MCT Permit as required by the PUC statute at C.R.S. § 40-10.1-302;
 - c. Ground ambulance license as required by Department of Public Health and Environment (CDPHE) rule at 6 CCR 1015-3, Chapter Four;
 - d. Air Ambulance license as required by CDPHE rule at 6 CCR 1015-3, Chapter Five; or
 - e. Exemption from licensure requirements in accordance with PUC statute at C.R.S. § 40-10.1-105.
5. Only provide NEMT services appropriate to their current licensure(s) and within the geographic limitations applicable to the licensure; and
6. Ensure that all vehicles and auxiliary equipment used to transport clients meet federal, state, and local safety inspection and maintenance requirements.

PUC statute at C.R.S. §§ 40-10.1-105, 40-10.1-107 and 40-10.1-302 and CDPHE rule at 6 CCR 1015-3, Chapters Four and Five, are hereby incorporated by reference.

8.014.3.C. NEMT transportation providers must maintain a trip report for each NEMT trip provided and must, at a minimum, include:

1. The pick-up address;
2. The destination address;
3. Date and time of the trip;
4. Client's name or identifier;
5. Confirmation that the driver verified the client's identity;
6. Confirmation by the client, escort, or medical facility that the trip occurred;

7. The actual pick-up and drop off time;
8. The driver's name; and
9. Identification of the vehicle in which the trip was provided.

8.014.3.D. Multiple Loading

1. Except as otherwise specified at 8.014.3.D.2., NEMT providers may transport more than one client at the same time if:
 - a. Standard safety guidelines are followed;
 - b. Each client agrees to be transported with other clients;
 - c. No client is in the vehicle for more than thirty minutes longer than if the client were transported alone; and
 - d. Children traveling without an escort are transported only with persons known by such children including, but not limited to, other children attending the same service, family members, or friends, at all times.
2. Taxicabs must comply with applicable PUC rules regarding multiple passengers at 4 CCR 723-6, § 6253, which is hereby incorporated by reference.

8.014.3.E. The section 8.014.3 requirements do not apply to client reimbursement or bus or rail systems.

8.014.4. COVERED PLACES OF SERVICE

1. NEMT must be to service location(s) enrolled with the Colorado Medical Assistance Program to provide the medical services the client is receiving, regardless of whether the medical services will be paid for by the Colorado Medical Assistance Program or another entity.
2. NEMT must be provided to the closest qualified provider available to provide the service the client is traveling to receive. If the closest provider is not willing to accept the client, the client may use NEMT to access the next closest qualified provider.

8.014.5. COVERED SERVICES

8.014.5.A. Transportation Modes

1. Covered modes of transportation include:
 - a. Bus and Public Rail Systems
 - i. Transit passes may be issued by the SDE when the cumulative cost of bus tickets exceeds the cost of a pass.
 - b. Personal vehicle mileage reimbursement
 - c. Ambulatory vehicles
 - d. Wheelchair vehicles
 - e. Taxicab
 - f. Stretcher Van
 - g. Ground Ambulance
 - h. Air Ambulance
 - i. Commercial plane
 - j. Train

8.014.5.B. NEMT Services

1. NEMT is a covered service when:
 - a. The client does not have access to other means of transportation, including free transportation,
 - b. Transportation is required to obtain a non-emergency service(s) that is medically necessary, as defined in section 8.076.1.8, and
 - c. The client is receiving a service covered by the Colorado Medical Assistance Program.
2. NEMT services may be covered for clients even if the medical procedure is paid for by an entity other than the Colorado Medical Assistance Program.
3. Non-emergent ambulance service (ground and air ambulance), from the client's pickup point to the treating facility, is covered when:
 - a. Transportation by any other means would endanger the client's life, or
 - b. The client requires basic life support (BLS) or advanced life support (ALS) to maintain life and to be transported safely.
 - i. BLS includes
 1. Cardiopulmonary resuscitation,
 2. Suctioning en route (not deep suctioning), and
 3. Airway control/positioning.
 - ii. ALS includes ALS Levels 1 and 2 in accordance with 42 CFR § 414.605, which is hereby incorporated by reference.
 1. ALS Level 1 includes the provision of at least one ALS intervention required to be furnished by ALS personnel.
 2. ALS Level 2 includes:
 - a. Administration of at least three medications by intravenous push/bolus or by continuous infusion, excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate); or
 - b. The provision of at least one of the following ALS procedures:
 - i. Manual defibrillation/cardioversion.
 - ii. Endotracheal intubation.
 - iii. Central venous line.
 - iv. Cardiac pacing.
 - v. Chest decompression.
 - vi. Surgical airway.
 - vii. Intraosseous line.
4. NEMT may be provided to an urgent care appointment under the following circumstances:
 - a. A provider is available;
 - b. The appointment is for a covered medical service with verification from an attending physician that the client must be seen within 48 hours; and
 - c. The client is transported to an urgent care facility, which may include a trauma center if it is the nearest and most appropriate facility.

8.014.5.C. Personal Vehicle Mileage Reimbursement

1. Personal vehicle mileage reimbursement is covered for a privately owned, non-commercial vehicle when used to provide NEMT services in accordance with section 8.014.5.B and owned by:
 - a. A client, a client's relative, or an acquaintance, or

- b. A volunteer or organization with no vested interest in the client.
2. Personal vehicle mileage reimbursement will only be made for the shortest trip length in miles as determined by an internet-based map, trip planner, or other Global Positioning System (GPS).
 - a. Exceptions can be made by the SDE if the shortest distance is impassable due to:
 - i. Severe weather,
 - ii. Road closure, or
 - iii. Other unforeseen circumstances outside of the client's control that severely limit using the shortest route.
 - b. If an exception is made under section 8.014.5.C.2.a., the SDE must document the reason and pay mileage for the actual route traveled.
3. To be reimbursed for personal vehicle mileage, the client must provide the following information to the SDE within forty-five (45) calendar days of the final leg of the trip:
 - a. Name and address of vehicle owner and driver (if different from owner);
 - b. Name of the insurance company and policy number for the vehicle; and
 - c. Driver's license number and expiration date.

8.014.5.D. Ancillary Services

1. Escort
 - a. The Colorado Medical Assistance Program may cover the cost of transporting one escort when the client is:
 - i. A child
 1. An escort is required to accompany a client if the client is under thirteen (13) years old, unless the child:
 - a. Is traveling to a day treatment program (children are not eligible for NEMT travel to and from school funded day treatment programs),
 - b. The parent or guardian signs a written release,
 - c. An adult will be present to receive the child at the destination and return location, and
 - d. The day treatment program and the parents approve of the NEMT provider used.
 - ii. An at-risk adult unable to make personal or medical determinations, or to provide necessary self-care, as certified in writing by the client's attending Colorado Medical Assistance Program enrolled NEMT provider.
 - b. The escort must be physically and cognitively capable of providing the needed services for the client.
 - c. The Colorado Medical Assistance Program may cover the cost of transporting a second escort for the client, if prior authorized under section 8.014.7. A second escort will only be approved if:
 - i. The client has a behavioral or medical condition which may cause the client to be a threat to self or to others if only one escort is provided, or
 - ii. The client's primary caregiver has a disability that precludes the caregiver from providing all of the client's needs during transport or extended stay.

- d. Clients who are at least thirteen (13) years old, but younger than eighteen (18) years old, may travel without an escort with a written release from their parent or guardian. If a child is traveling without an escort, an adult must be present to receive the minor at both the destination and the return location.
2. Meals and Lodging
- a. Meals and lodging for in-state treatment may be reimbursed when:
 - i. Travel cannot be completed in one calendar day, or
 - ii. The client requires ongoing, continuous treatment and
 - 1. The cost of meals and lodging is less than or equal to the cost of traveling to and from the treatment facility and the client's residence, or
 - 2. The client's treating medical professional determines that traveling to and from the client's residence would put the client's health at risk.
 - b. Meals and lodging may be covered for the escort(s) when the client is a child or an at-risk adult who requires the escort's continued stay under section 8.014.5.D.1.
 - c. Reimbursement will only be made for meals and lodging for which clients and escorts are actually charged, up to the per diem rate established by the Colorado Medical Assistance Program. If a client is not normally billed for meals or lodging, reimbursement will not be made.
 - d. Meals and lodging will not be paid or reimbursed when those services are included as part of an inpatient stay.

8.014.6. NON-COVERED NEMT SERVICES AND GENERAL LIMITATIONS

8.014.6.A. The following services are not covered or reimbursable to non-emergent medical transportation providers as part of a non-emergent medical transportation service:

- 1. Services provided only as a convenience to the client.
- 2. Charges incurred while client is not in the vehicle, except for lodging and meals in accordance with section 8.014.5.D.2.
- 3. Transportation to or from non-covered medical services, including services that do not qualify due to coverage limitations and services provided at locations not included in section 8.014.4.
- 4. Waiting time.
- 5. Cancellations.
- 6. Transportation which is covered by another entity.
- 7. Metered taxi services.

8. Charges for additional passengers, including siblings or children, not receiving a medical service, except when acting as an escort under section 8.014.5.D.1.
9. Transportation for nursing facility or group home residents to medical or rehabilitative services required in the facility's program, unless the facility does not have an available vehicle.
10. Transportation to emergency departments to receive emergency services. See section 8.018 for emergency medical transportation services.
11. Providing escorts or the escort's wages.
12. Trips to receive Home and Community Based Services
 - a. Non-medical Transportation should be utilized if other transportation options are not available to the client.

8.014.6.B. General Limitations

1. The SDE is responsible for ensuring that the client utilizes the least costly mode of transportation available that is suitable to the client's condition.

8.014.7. AUTHORIZATION

8.014.7.A. All NEMT services must be authorized as required by the SDE. Authorization requests submitted more than three months after an NEMT service is rendered will be denied. NEMT services may be denied if proper documentation is not provided to the SDE.

8.014.7.B. If a client requests transportation via wheelchair vehicle, stretcher van, or ambulance, the SDE must verify the service is medically necessary with the client's medical provider.

1. Medical or safety requirements must be the basis for transporting a client in the prone or supine position.

8.014.7.C. Out-of-State NEMT

1. NEMT to receive out of state treatment is permissible only if treatment is not available in the state of Colorado.
2. The following Border towns are not considered out of state for the purposes of NEMT prior authorization:
 - a. Arizona: Flagstaff and Teec Nos Pos.
 - b. Kansas: Elkhart, Goodland, Johnson, Sharon Springs, St. Francis, Syracuse, Tribune.
 - c. Nebraska: Benkelman, Cambridge, Chappell, Grant, Imperial, Kimball, Ogallala, and Sidney.
 - d. New Mexico: Aztec, Chama, Farmington, Raton, and Shiprock.
 - e. Oklahoma: Boise City.
 - f. Utah: Monticello and Vernal.
 - g. Wyoming: Cheyenne and Laramie.

8.014.7.D.

1. The following services require prior authorization by Health First Colorado:
 - a. Out-of-State travel, except to the Border Towns identified at section 8.014.7.C.2.
 - b. Air travel, both commercial air and air ambulance.
 - c. Train travel via commercial railway.
 - d. Second escort.

2. Prior authorization requests require the following information:
 - a. NEMT prior authorization request form completed by SDE and member's physician and submitted to Colorado Medical Assistance Program according to form instructions.
 - i. The Colorado Medical Assistance Program will return requests completed by non-physicians and incomplete requests to the SDE.
 - ii. The Colorado Medical Assistance Program's determination will be communicated to the SDE. If additional information is requested, the SDE must obtain the information and submit to the Colorado Medical Assistance Program. If the request is denied, the SDE must send the client a denial notice.