

27-000 NON-EMERGENCY TRANSPORTATION (NET) SERVICES

27-001 Service Definitions: the following words, terms and phrases when used in this section shall have the following meanings:

Base Rates: Non-emergency medical transportation base rates include all services, equipment and other costs, including: vehicle operating expenses, services of personnel, first five "Loaded" miles of the trip, unloaded mileage, and usual waiting/standby time.

Department: The Department of Health and Human Services (DHHS) as established by the Health and Human Services Act.

Department staff: Employees of the Department of Health and Human Services or designees assigned those responsibilities.

Exempt Provider: Transportation carriers exempted from Nebraska Public Service Commission certification as defined in Neb. Rev. Stat. §§ 75-303 to 75-303.03.

Free Transportation: An appropriate mode of transportation that can be secured by the client without cost or charge, including the client's personal vehicle or through access to a vehicle in the household that is owned by a legally responsible individual for the client.

Individual Provider: An individual carrier who meets the requirements of Neb. Rev. Stat. § 75-303 (11), (12), or (13), has an approved service provider agreement with the Department and is chosen by the client.

Legally Responsible Individual: A parent or guardian of a minor child, or spouse.

Loaded Mileage: Miles traveled while the client is present in the vehicle. Loaded mileage is covered for non-emergency medical transports when travel exceeds six or more miles. The first five loaded miles are included in the payment for the base rate.

Mode: The method used to provide transportation services to clients. This includes personal vehicle owned by individual provider; fixed route public transportation; ambulatory sedan, van, handi-bus; wheelchair-accessible van; and commercial airlines.

Most Appropriate: The least costly mode of transportation to meet a client's medical needs that accommodates the client based on the client's physical, cognitive or developmental capabilities.

Nebraska Medicaid Coverable Services: A medical service that is covered by the Nebraska Medicaid Program as specified in Nebraska Administrative Code (NAC) Title 471 (see Appendix 471-000-200).

NET Broker: An entity under contract with DHHS, chosen through a competitive bidding process, to perform all administrative brokerage functions including, but not limited to establishing a transportation network; receiving NET service requests; verifying client program(s) eligibility; screening clients for mobility status and existing transportation resources; determining appropriateness and coverage of program services; approving and arranging for transport; notifying client of transportation arrangement; and facilitating provider payment for completed services.

NET Service Provider: NET services provided by an approved Individual, Exempt or PSC Provider.

Non-Emergency Transportation (NET) Service: Non-Emergency Transportation (NET) Services are a ride, or mileage reimbursement for a ride, and escort/attendant services provided so that a Medicaid eligible client with no other transportation resources can receive Medicaid coverable services. By definition, NET services do not include transportation provided on an emergency basis, such as trips to the emergency room.

No Show: A trip that is not cancelled where the client or NET provider does not arrive as scheduled; or a scheduled trip that is not cancelled prior to the service when either the client or the NET provider fails to arrive.

Public Service Commission (PSC) Certified Carrier: Transportation providers requiring Nebraska Public Service Commission certification as defined in Neb. Rev. Stat. § 75-302 including the following carriers:

Common Carrier means any person who or which undertakes to transport passengers or household goods for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state.

Contract Carrier means any motor carrier which transports passengers or household goods for hire other than as a common carrier designed to meet the distinct needs of each individual customer or a specifically designated class of customers without any limitation as to the number of customers it can serve within the class.

Unloaded Mileage: Miles traveled when a client is not present in the vehicle. All unloaded mileage is included in the payment for the base rate.

Urgent: A serious, but not life threatening, illness/injury. Urgent care is determined by the client's medical care provider. An appointment shall be considered urgent if the medical service provider grants an appointment within 48 hours of the client's request. An inpatient or outpatient hospital discharge shall be considered an Urgent Trip.

Wait time: Periods of time that a NET provider spends waiting for the client prior to or in between the provision of covered NET services.

27-002 Covered Services: Medicaid covers the most appropriate NET services necessary to obtain Nebraska Medicaid-coverable services (see 471 NAC 1-002 for a list of Nebraska Medicaid coverable services) when one of the following criteria is met:

1. Client does not own or does not have access to a working licensed vehicle;
2. Client does not have a current valid driver's license;
3. Client is unable to drive due to a documented physical, cognitive, or developmental limitation;
4. Client is unable to travel or wait by him/herself due to a documented physical, cognitive, or developmental limitation; or
5. Client is unable to secure free transportation as defined in this chapter.

27-002.01 NET Services Provided for Clients Residing in Nursing Facilities or ICF/DD's when Medicaid is the Primary Insurance: NET services for nursing facility or ICF/DD residents may be covered under this chapter for facility discharge transportation to a private residence within boundaries of the state of Nebraska.

27-002.02 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services: All transportation services for medically necessary EPSDT covered services will be provided without regard to service limitations defined within this chapter, and with prior authorization.

27-002.03 (Reserved)

27-002.04 Provider Location: NET services are available to the nearest Nebraska Medicaid coverable services within a 20-mile radius of the client's residence, able to meet the client's medical needs, and willing to accept the client as a patient, unless otherwise exempted or approved by the Department.

27-003 Non-Covered Services: The following NET services are not covered by Nebraska Medicaid:

1. Transportation to obtain services not coverable by Nebraska Medicaid;
2. Transportation for clients residing in nursing facilities or intermediate care facilities for persons with developmental disabilities (ICF/DD), except circumstances outlined in 471 NAC 27-002.01;
3. Transportation of family members to visit a hospitalized or institutionalized member;
4. Transportation to a Durable Medical Equipment (DME) provider that provides a delivery service that can be accessed at no cost to the client, in addition to the delivery of DME products in lieu of transporting the client;
5. Transportation for Medicaid covered services provided in the client's home such as personal care, home health, etc;
6. Transportation to a pharmacy that provides a delivery service that can be accessed at no delivery cost to the client, with the exception of a new prescription requiring immediate use not otherwise reasonably accessible to the client; in addition to the delivery of pharmacy products in lieu of transporting the client;
7. Transportation to a hospital emergency room;
8. Client-provided transportation utilizing his/her own personal vehicle;
9. Wait times;
10. Services provided by Department staff or a legally responsible individual for the client; and
11. No shows.

27-004 Authorization Procedures: Authorization for NET services shall be requested for a scheduled trip at least three business days in advance, with the exception of an unscheduled trip for urgent medical care as defined in this Chapter. The authorization shall be requested through the NET Brokerage, and the NET Brokerage shall arrange the trip(s) according to the most appropriate mode of transportation for the service provided to the client as specified in 471 NAC 27-002.

27-004.01 Minor Children: A minor child under age 13 may not be transported by a NET provider without adult supervision by a legally responsible individual or an adult designated by a legally responsible individual.

27-004.02 Additional Passengers: The transportation for one legally responsible adult, or an adult designated by a legally responsible adult, may be authorized to accompany a minor child under age 19 as an additional passenger.

The transportation for a Personal Assistance Services provider may be authorized to accompany a client as an additional passenger.

27-005 Payment for Services

27-005.01 Conditions for Payment: The provider may bill Medicaid only when:

1. The transportation is furnished by a Medicaid enrolled provider to whom a direct vender payment can be made; and
2. The client is actually in the vehicle.

27-005.02 Upper Limits: The Department establishes the NET Service Fee Schedule according to the following limits:

27-005.02A PSC Certified Carriers: Neb. Rev. Stat. §75-303.02 limits the distance rates for common carriers at a rate not to exceed the rate of reimbursement pursuant to Neb. Rev. Stat. §81-1176 multiplied by three. The maximum reimbursement rate does not apply when the carrier transports the client wholly within the corporate limits of the city or village where the transportation of the client originated pursuant to §75-303.02.

27-005.02B Individual Providers: Shall be paid at the mileage rate of reimbursement pursuant to Neb. Rev. Stat. §75-303.03, and Neb. Rev. Stat. §81-1176.

27-006 Billing Requirements: For services billed to Medicaid, providers shall submit claims through the NET Brokerage.

27-007 Provider Participation: To participate in the Nebraska Medicaid Program, providers of NET services shall fully meet all applicable local, state, and federal laws and regulations governing the provision of their services.

27-007.01 Provider Agreement: The NET provider shall complete and sign the "Service Provider Agreement" with the "NET Service Provider Agreement Addendum" found on the Nebraska Medicaid Provider Enrollment website and submit for approval to participate in Medicaid. NET Service provider agreements are renewed annually to ensure the provider continues to meet all provider standards.

27-007.02 Provider Compliance Reviews: The NET provider agreements are reviewed annually to ensure the provider continues to meet all provider requirements for provider participation.

27-007.03 NET Service Provider Standards: A provider shall meet all requirements set forth in the NET Brokerage Provider Manual and not have been terminated as a provider for cause from any Department program within the last ten years;

27-007.04 NET Provider Vehicle Requirements: Providers shall meet all vehicle standards in accordance with the NET Brokerage Provider Manual.

27-007.05 Driver Qualifications: Providers shall ensure drivers:

1. Be age 19 or older;
2. Possess a current and valid driver's license with no more than three points assessed against his/her Nebraska driver's license within the past two years, or meet a comparable standard in the state in which s/he is licensed to drive;
3. Not had his/her driver/chauffeur's license revoked within past three years;

27-008 Background Checks:

27-008.01 Nebraska Child Abuse and Neglect Central Register and Adult Protective Services Central Registry checks: Nebraska Child Abuse and Neglect Central Register and Adult Protective Services Central Registry checks shall be completed for each potential driver prior to providing services and annually thereafter. This shall include registry checks in the state of residence or previous residence, if the state provides this service, when the potential driver does not reside in Nebraska or has resided in Nebraska for less than one year.

A driver will not be approved if a report of abuse or neglect concerning the driver has been determined to be "Court Substantiated", "Agency Substantiated", or "Court Pending" on the Nebraska Child Abuse and Neglect Central Register or on the Adult Protective Services Central Registry.

27-008.02 Nebraska State Patrol Sex Offender Registry checks: A Nebraska State Patrol Sex Offender Registry check shall be completed for each potential driver prior to providing services and annually thereafter. This shall include a registry check in the state of residence or previous residence, if the state provides this service, when the potential driver does not reside in Nebraska or has resided in Nebraska for less than one year.

A driver will not be approved if their name appears on the Nebraska State Patrol Sex Offender Registry.

27-008.03 Criminal History Checks: Provider staff shall ensure criminal history checks are completed for each potential driver prior to providing services and annually thereafter.

1. Individual Providers: If the driver is an individual, the Department staff shall:
 - a. Obtain a criminal history statement from the driver. This statement shall identify any record of any felony or misdemeanor convictions. This shall include details, dates, and disposition (e.g., parole, probation, incarceration, fine, community service, etc.); and
 - b. Perform a Nebraska statewide criminal background check of the driver. The driver shall provide Department staff with a statewide criminal history check in the state of residence when the driver does not reside in Nebraska, or previous state(s) of residence, if the driver has resided in Nebraska for less than 15 years.

2. PSC and Exempt Providers: PSC certified carriers and exempt providers shall perform a nationwide criminal background check on all drivers, whether employees or independent contractors. Records shall be maintained by these carriers and providers, and shall be made available to Department staff upon request.

27-008.03A Specific Criminal History: Drivers shall not have a history of misdemeanor or felony conviction(s) in the State of Nebraska or any other state, that include crimes against a child or vulnerable adult; crimes involving intentional bodily harm; crimes involving the illegal use of a controlled substance; or crimes involving moral turpitude on the part of the potential driver. Examples include but are not limited to the following:

1. Child pornography;
2. Child or adult abuse;
3. Driving under the influence, pending charge or conviction within the past eight years;
4. Domestic assault;
5. Shoplifting after age 19 and within three years prior to the criminal history review;
6. Felony fraud within the last ten years;
7. Misdemeanor fraud within the last five years;
8. Possession of any controlled substance within the last five years;
9. Possession of a controlled substance with intent to deliver within the last five years;
10. Felony or misdemeanor assault without a weapon in the last ten years;
11. Felony or misdemeanor assault with a weapon in the last 15 years;
12. Prostitution or solicitation of prostitution within the last five years;
13. Felony or misdemeanor robbery or burglary within the last ten years;
14. Rape or sexual assault; or
15. Homicide.