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S.P. 259

In Senate, February 26, 2013

Resolve, Requiring the Department of Health and Human Services To Adopt an Alternative MaineCare Nonemergency Transportation System to the Current Risk-based Prepaid Ambulatory Health Plan

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator COLLINS of York. Cosponsored by Representative CHASE of Wells and Senators: CRAVEN of Androscoggin, DUTREMBLE of York, LACHOWICZ of Kennebec, TUTTLE of York, Representatives: BEAVERS of South Berwick, PARRY of Arundel. 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current risk-based prepaid ambulatory health plan adopted by the Department of Health and Human Services in 2012 for MaineCare nonemergency transportation precludes some regional transportation agencies from bidding for contracts; and

Whereas, it is unclear whether for-profit agencies can use volunteer drivers that
have been used by regional transportation agencies for decades and whether volunteer
drivers would want to continue to volunteer in a manner that contributes to a for-profit
agency's profit; and

11 **Whereas,** the federal Department of Health and Human Services, Centers for 12 Medicare and Medicaid Services presented different transportation models to the State 13 and therefore the risk-based model is not the only model that may be adopted while 14 remaining compliant with federal rules and regulations; and

15 Whereas, it is vital that this ambiguity be clarified as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within
the meaning of the Constitution of Maine and require the following legislation as
immediately necessary for the preservation of the public peace, health and safety; now,
therefore, be it

Sec. 1. Department of Health and Human Services adoption of an 20 alternative nonemergency transportation system to the current risk-based 21 22 system. Resolved: That the Department of Health and Human Services shall adopt an alternative MaineCare nonemergency transportation system to the current risk-based 23 24 prepaid ambulatory health plan. The department shall examine the transportation models 25 presented by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and adopt one of the models that is not a risk-based 26 27 prepaid ambulatory health plan. The contracts for regional brokers for MaineCare nonemergency transport remain in place until the end of the contract term under the 28 29 current risk-based system, but current options for renewal may not be exercised. Any 30 new request for proposals and resulting contracts issued must comply with the alternative system adopted by the department. 31

32 **Emergency clause.** In view of the emergency cited in the preamble, this 33 legislation takes effect when approved.

SUMMARY

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This resolve requires the Department of Health and Human Services to adopt an alternative MaineCare nonemergency transportation system to the current risk-based prepaid ambulatory health plan. The department shall examine the transportation models presented by the federal Department of Health and Human Services, Centers for

- Medicare and Medicaid Services and adopt one of the models that is not a risk-based prepaid ambulatory health plan. The current contracts issued under the risk-based system remain in place, but at the end of the contract period new requests for proposals must comply with the newly adopted system.