



## Non-Emergent Medical Transportation Policy: Transportation Services

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<i>State(s):</i> <input type="checkbox"/> Idaho <input type="checkbox"/> Montana <input checked="" type="checkbox"/> Oregon <input type="checkbox"/> Washington <input type="checkbox"/> Other:	<i>LOB(s):</i> <input type="checkbox"/> Commercial <input type="checkbox"/> Medicare <input checked="" type="checkbox"/> Medicaid <input type="checkbox"/> PSA
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### Government Policy Non-Emergent Medical Transportation Policy: Transportation Services

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Non-Emergent Medical Transportation services are transportation services to provide CCO members with access to transportation to a covered health care appointment or flexible services, including mileage, meals, and lodging. This is for scheduled health care appointments, not emergencies. PacificSource has contracts with local transportation brokerages to provide non-emergent transportation services to members.

#### Requirements:

PacificSource will pay for coordination and provision of NEMT provided for members if the member is eligible for NEMT. Contractor's responsibility and member eligibility for NEMT is specified in OAR 410-141-3920 through 410-141-3965, as well as the Coordinated Care Organization (CCO) contracts with the Oregon Health Authority (OHA), Exhibit B, Part 2.

PacificSource is responsible for ensuring members have access to safe, timely, appropriate NEMT services. PacificSource, in coordination with the NEMT brokerage(s), has developed and implemented systems, supported by written policies and procedures, to describe the process for receiving member requests, approving NEMT services, scheduling, assigning, and dispatching providers, grievances, ongoing monitoring, evaluation and improvement of quality and appropriateness of NEMT services, contingency plans, back-up plans, critical care, significant events/incidents/accidents, and adverse weather conditions. PacificSource reviews and approves the NEMT brokerage's policies, per the NEMT Subcontractor Agreement between PacificSource and the NEMT brokerage. This policy will summarize the minimum expectations of policies, monitoring, and oversight conducted by or performed by the NEMT brokerage. This policy incorporates the Medical Ride Program Guide to address policies and procedures required in the CCO contracts and OARs, related to NEMT.

PacificSource oversees the subcontracted Work performed by the NEMT brokerage(s), in accordance with the CCO Contract, Exhibit B, Part 4, section 12 and Exhibit B of the NEMT Subcontractor Agreement. A Pre-Delegation Assessment will be performed prior to entering into a contract with an NEMT brokerage, in accordance with the CCO Contract, Exhibit B, Part 2, section 6 and 42 CFR 438.66(d). The results of the assessment will be documented and provided to the OHA, as requested.

PacificSource will be responsible to ensure that the subcontracted NEMT brokerage(s) comply with the terms and conditions set forth in Exhibit B, Part 2, section 5, Para. e of the CCO contract.

## Procedure: Transportation Services

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**VERIFICATION OF SERVICES:** The NEMT brokerage(s) will maintain a process for receiving member request for NEMT services and to verify eligibility for such services, as follows:

1. How NEMT services are requested, which must permit Members or their Representative to make requests for NEMT Services on behalf of Members. Representatives include the Member's Community Health Worker, foster parent, adoptive parent, or other Provider delegated with this authority.
2. PacificSource will ensure the NEMT brokerage(s) receives eligibility files to validate enrollment and benefit coverage. NEMT services shall be verified through a screening process by which:
  - a. The NEMT brokerage(s) provides all non-emergency medical transportation (NEMT) services for its members and verifies that the person for whom the transportation is being requested is a member enrolled with the CCO.
  - b. The NEMT brokerage(s) verifies that the services being requested is a covered services or health-related service, or in the case of Full Benefit Dual Eligible (FBDE) members, that such members require NEMT travel to a Medicaid or Medicare covered appointment within the CCOs service area or outside the service area if the Covered Service or Health-Related Service is not available within the CCO's service area and for which the CCO is responsible for cost-sharing, including the NEMT services.
  - c. The NEMT brokerage(s) verifies that the member is eligible for services.
  - d. The NEMT brokerage(s) verifies eligibility for services for Full Benefit Dual Eligible (FBDE) members with such members' MA or Dual Special Needs Plans, or directly with such member's Medicare provider.
  - e. The NEMT brokerage(s) verifies that the transportation is a covered NEMT service.

**APPROVAL OF SERVICES:** PacificSource to monitor on a regular basis and the NEMT brokerage(s) will ensure a process for approval of transportation services, scheduling and dispatching trips, as follows:

1. NEMT services shall be verified through a screening process by which the NEMT brokerage(s) determines the appropriate mode of transportation and the appropriate level of service for the member.
2. The NEMT brokerage(s) approves or denies requests for NEMT services in accordance with OARs 410-141-3835, 410-141-3875 through 410-141-3910, 410-141-3920, 410-141-3930, 410-141-3940 through 410-141-3960 including issuing a notice of adverse benefit determination if denied.
  - a. Approval or denials shall be issued within twenty-four (24) hours of receiving the request.
  - b. Appropriate information pertaining to the verification and approval or denial of NEMT services is entered into the NEMT brokerage(s) system.

2. The NEMT brokerage(s) shall provide covered NEMT Services twenty-four (24) hours a day, three hundred and sixty-five (365) days per year and, in accordance with OAR 410-141-3920; permitting members to schedule:
  - a. Same day for NEMT Services,
  - b. Up to 90 days in advance,
  - c. Multiple NEMT Services at one time for reoccurring appointments up to 90 days in advance.
3. Schedule and assign the requested Transportation to an appropriate NEMT Provider after approving a NEMT Service to be provided by a NEMT Provider (i.e., not fixed route).
4. Approve, schedule, or deny a request for NEMT Services (including all legs of the trip) within twenty-four (24) hours of receiving the request. This timeframe shall be reduced as necessary to ensure the member arrives in time for their appointment.
5. Ensure trips are dispatched appropriately and meet the requirements of Ex. B, Part 2, Sect. 5 and the needs of the member.
6. Ensure dispatcher, at minimum, provides updated information to drivers, monitor drivers' locations, and resolve pick-up and delivery issues.
7. Accommodate unforeseen schedule changes, including the timely reassignment of the affected trip to another NEMT Provider, if necessary.
8. Ensure that NEMT drivers do not change the assigned pick-up time without prior, documented permission from PacificSource or, when such services are Subcontracted, from the NEMT brokerage(s).
9. Notify members, which must include, when possible, the NEMT brokerage(s) informing members of the Transportation arrangements during the phone call requesting the NEMT Service. Otherwise, the NEMT brokerage(s) shall obtain the member's preferred method (e.g., phone call, email, fax) and time of contact, and shall notify members of the Transportation arrangements as soon as the arrangements are in place and prior to the date of the NEMT Service.
10. Responsibility of determining whether Transportation arrangements have been made shall not be delegated to any member. Information about Transportation arrangements includes but not be limited to the name and telephone number of the NEMT Provider, the scheduled pick-up date, time, and address, and the name and address of the Provider to whom the member seeks transport.
  - a. The NEMT brokerage(s) is not responsible for arranging Transportation when the Member uses public transportation or when the Member or another person receives a mileage reimbursement or similar for transporting the Member.
  - b. The NEMT brokerage(s) shall ask the Member to provide the scheduled pick-up date, time, and address and the name and address of the Provider to whom the Member seeks transport when Transportation is scheduled.
  - c. The NEMT brokerage(s) shall provide the name and telephone number of the NEMT driver or NEMT Provider to the Member and confirm the scheduled pick-up time and address with the Member not less than two (2) days prior to the scheduled pick-up time.
    - i. Rides requested less than two (2) days prior to the scheduled pick up time, the NEMT brokerage must provide the member with the brokerage's phone number and may, but is not required, to also provide the member with the name and telephone number of the NEMT driver or NEMT provider.
11. Neither PacificSource or any of its Subcontracted transportation providers may bill a member for transport to or from covered medical services, even if the CCO or its contracted transportation provider denied reimbursement for the transportation services.

**MEMBER AND PASSENGER RIGHTS AND RESPONSIBILITIES:** PacificSource and the NEMT brokerage(s) ensures processes for passenger rights and responsibilities including the right to file a grievance and request an appeal or reconsideration.

1. Passenger rights include but are not limited to the following:
  - a. To receive safe and reliable transportation to meet their needs;
  - b. To receive interpretation services for calls to or received by the NEMT brokerage(s);
  - c. To receive materials in a format or language to meet their needs;
  - d. To receive written materials when a transport is denied; and
  - e. Any additional rights outlined in OAR 410-141-3590.
2. Passenger responsibilities include but are not limited to the following:
  - a. To treat drivers and other passengers with respect;
  - b. To call us as soon as you can to set up, change or cancel a transport;
  - c. Use seat belts and other safety equipment as required by law, such as, car seats; and
  - d. Any additional responsibilities outlined in OAR 410-141-3590.
3. The grievance and appeal processes and rights specified in Exhibit I and OAR 410-141-3875 through 410-141-3910 are available with respect to NEMT services, with the following modifications:
  - a. Prior to mailing a notice of adverse benefit determination to a member, the NEMT brokerage(s) must provide a secondary review by another employee when the initial screener denies a ride.
  - b. The NEMT brokerage(s) shall mail, within 72 hours of denial, a notice of adverse benefit determination to:
    - i. A member denied a ride; and
    - ii. The provider or other third-party with which the affected member was scheduled for an appointment.
4. PacificSource and the NEMT brokerage(s) directs members (and passengers) to comply with its Grievance and Appeals Systems for grievances related to NEMT Services. Grievances related to NEMT services may include, without limitation, all expressions of dissatisfaction related to: (1) driver or vehicle safety, (2) quality of services, (3) interactions with NEMT Providers or NEMT drivers such as rudeness (4) access to services and (5) consumer rights. A Member may express dissatisfaction about a denial of a service, in full or in part, through Contractor's Appeal process.
5. Neither the NEMT brokerage(s) nor PacificSource shall preclude Members from making Grievances that have been made previously or from filing or submitting the same Grievance to Contractor if the Grievance was not resolved to the Member's satisfaction at the Subcontractor level.
6. PacificSource and the NEMT brokerage(s) has a process for documenting, responding to, addressing or otherwise resolving all Grievances regardless of whether such Grievances involve services provided by CCO itself or a Subcontractor.

**MODIFICATIONS TO TRANSPORTATION:** Pacificsource and the NEMT brokerage(s) maintains procedures addressing modifications for passengers and driver's safety in accordance with OAR 410-141-3955.

1. NEMT services may be modified when:

- a. A member has a health condition that presents a direct threat to the driver or others in the vehicle.
- b. A member threatens harm to the driver or others in the vehicle or engages in behavior or creates circumstances that puts the driver or others in the vehicle at risk of harm.
- c. The NEMT brokerage(s) judgment, modifications are required in order to ensure providers will provide the covered services to a member.
- d. A member frequently cancels or does not show up for the scheduled NEMT services on the date such services is to be provided.

**APPROPRIATE MODES OF TRANSPORTATION:** PacificSource and the NEMT brokerage(s) maintains procedures that determine appropriate modes of transportation to meet the needs of the member or assess whether the member:

1. NEMT services shall be verified through a screening process by which the NEMT brokerage(s) determines the appropriate mode of transportation and the appropriate level of service for the member.
  - a. Is ambulatory and a members' current level of mobility and functional independence.
  - b. Will be accompanied by an attendant, including those permitted under OAR 410-141-3935, and if so, whether the member requires assistance and whether the attendant meets the requirements for an attendant.
  - c. Is age twelve (12) or under and will be accompanied by an adult.
  - d. Has any special conditions or needs including physical or behavioral health disabilities and modify, as may be required, the NEMT services in accordance with OAR 410-141-3955. Based on approval of previous NEMT services, the NEMT brokerage(s) must display members' permanent and temporary special needs, appropriate mode of transportation, and any other information necessary to ensure that appropriate transportation is approved and provided.
  - e. Requires secured transportation in accordance with OAR 410-141-3940.

**TIMELY ACCESS TO SERVICES:** PacificSource and the NEMT brokerage(s) ensures timely access for NEMT services which shall include:

1. Arranging for NEMT Services to be available in a timely manner to ensure members arrive at their destination with sufficient time to check in and prepare for an appointment; including the timely pick up of members at the end of their appointments to provide the return trip without excessive delay.
2. Implementing contingency plans for unexpected peak Transportation demands and back-up plans for instances when a vehicle is late (more than fifteen (15) minutes late) or is otherwise unavailable for service.
3. PacificSource shall conduct a readiness review of NEMT brokerages or other entities providing NEMT Services in line with the Subcontractor readiness review requirements, prior to entering into a contract with an NEMT Provider.
4. Ensuring that NEMT Providers are subject to the participating provider credentialing requirements of 410-141-3510 prior to providing services.
  - a. The NEMT brokerage(s) must require all drivers are licensed, certified and/or accredited and qualified to perform duties.
  - b. The NEMT brokerage(s) must ensure all drivers have the skill, experience, and competence to perform.

- c. The NEMT brokerage(s) must notify PacificSource of any driver whose license, certification, or insurance is no longer valid, suspended, revoked, or otherwise not renewed.
  - d. The NEMT brokerage(s) must ensure such drivers do not provide NEMT services until all requirements are in effect.
5. Ensuring that NEMT Services are only provided using vehicles that meet all of the requirements set forth in OAR 410-141-3925 as well as local licensing and permit requirements and are operated by drivers who meet all of the requirements, and have undergone all of, the pre-hire activities required under OAR 410-141-3925, which include verification of State driver's license with any required endorsements, screening for exclusion from participation in federal programs, and background checks. Obtaining and addressing accurate and timely information, for each driver, about any violation of a state drug law and the driver's driving history, including any traffic violations.

**CONTINGENCY AND BACK-UP PLANS:** PacificSource and the NEMT brokerage(s) shall maintain procedures that address contingency and back-up plans for NEMT services, which includes:

1. The NEMT brokerage(s) Adverse Weather Plan, which must provide for the transportation of members who need critical medical care, including but not limited to renal dialysis and chemotherapy, during adverse weather conditions. "Adverse weather conditions" includes, but is not limited to, extreme heat, extreme cold, flooding, tornado warnings and heavy snowfall, or icy roads. Policies and procedures include, at a minimum, staff training, methods of notification, and member education.
2. Contingency and Back-Up Plans includes descriptions of the NEMT brokerage(s) contingency plans for unexpected peak Transportation demands and back-up plans for instances when a vehicle is late (more than fifteen (15) minutes late) or is otherwise unavailable for service.
3. The NEMT brokerage(s) shall ensure that NEMT Providers arrive on time for scheduled pick-ups. The NEMT Provider may arrive before the scheduled pick-up time, but the member may not be required to board the vehicle prior to the scheduled pick-up time.

**PICK-UP AND DELIVERY:** PacificSource and the NEMT brokerage(s) shall maintain procedures that address pick-up and delivery for NEMT services, which include:

1. Drivers make their presence known to members and require drivers to wait until at least fifteen (15) minutes after the scheduled pick-up time. If the member is not present fifteen (15) minutes after the scheduled pick-up time, the driver must notify the dispatcher before departing from the pick-up location.
2. Drivers provide, at a minimum, the approved level of service (curb-to-curb, door-to-door, or hand-to-hand, or all of the foregoing as applicable).
3. Members arrive at pre-arranged times for appointments and are picked up at pre-arranged times for the return leg of the trip. If there is no pre-arranged time for the return leg of the trip, The NEMT brokerage(s) shall ensure that Members are picked up within one (1) hour after notification.
4. Members may not be required to arrive at their scheduled appointment more than one (1) hour before their appointment time.
5. Drivers are not permitted to drop off members at an appointment before the office or facility has opened for business, unless requested by the member or, as applicable, the member's guardian, parent, or representative, as permitted under OAR 410-141-3920 (5)(b)(A).



6. Drivers are not permitted to drop off members at an appointment more than 15 minutes prior to the office or other facility closes for business unless the appointment is not reasonably expected to end within 15 minutes after closing or as requested by the member or, as applicable, the member's guardian, parent, or representative, as permitted under OAR 410-141-3920 (5)(b)(B).
7. The waiting time for members for pick-up does not exceed fifteen (15) minutes past the scheduled pick-up time.
8. Scheduled pick-up times shall allow the appropriate amount of travel time to assure the members arrive giving them sufficient time to check-in for their appointment.
9. Members shall be dropped off for their appointment no less than fifteen (15) minutes prior to their appointment time to prevent the drop off time from being considered a late drop off.

**ACCIDENTS AND INCIDENTS:** PacificSource and the NEMT brokerage maintains procedures that address accidents and incidents, and the Administrative Notice that will be made as follows:

1. Responding to accidents and incidents, which must require PacificSource or the NEMT Provider, upon becoming aware of any accident resulting in driver or passenger injury or fatality or incidents involving abuse or alleged abuse by the driver (individually and collectively, an "Incident"), to provide OHA with Administrative Notice of the Incident using the reporting template, if any, posted on the CCO Contract Forms Website. Contractor or the NEMT Provider shall report all cases of suspected or known abuse as required by Sec. 32, Ex. D.
  - a. The NEMT brokerage(s) must notify PacificSource immediately of any incident.
  - b. The NEMT brokerage(s) will report the following:
    - i. Name of member;
    - ii. OHP Client ID number;
    - iii. Name of the driver and transportation company;
    - iv. Location of the incident;
    - v. Date and time of the incident;
    - vi. Description of the incident and any injuries sustained;
    - vii. Whether hospital treatment was required; and/or
    - viii. Police incident report number, when applicable.
2. Within two (2) business days of PacificSource becoming aware of the Incident, PacificSource will submit email notification to: [CCO.MCOCDeliverableReports@dhsosha.state.or.us](mailto:CCO.MCOCDeliverableReports@dhsosha.state.or.us).
  - a. Incident report must describe the Incident with particularity including, without limitation: (i) the name of the driver, (ii) the name of the passenger, (iii) the location of the Incident, (iv) the date and time of the Incident, (v) a description of the Incident and any injuries sustained as a result of the Incident, and (vi) whether the driver or the passenger required treatment at a Hospital. If applicable, a police report number will be included with such Administrative Notice or shall provide the full police report to OHA as soon as possible after providing Administrative Notice of the Incident.
3. PacificSource and the NEMT brokerage(s) shall cooperate in any related investigations.

**RECORD KEEPING:** The NEMT brokerage(s) will be subject to the requirements in OAR 410-141-3520 (Record Keeping and Use of Health Information Technology). The NEMT brokerage(s) must ensure monitoring and documentation of services, which requires PacificSource to:

1. Subject to OAR 410-141-3965, collect and maintain documentation of services provided that includes each trip, the member ID, the destination, the reason the ride was requested (service reason), and any incidents of no-show on part of the driver or the member.

2. Subject to OAR 410-141-3520, clinical records and audit results must be retained for a minimum of ten (10) years after the date of service.
3. Subject to the requirements set forth in OAR 410-141-3965, pay for coordination and provision of NEMT Services provided to members if the member is eligible for NEMT. PacificSource may also pay, with its Health-Related Services funds, for the coordination and provision of NEMT provided to members if the member is eligible for NEMT and the request for NEMT is for a Health-Related Service.
4. Monitor and document complaints about NEMT Services, including those relating to any incidence of a driver failing to show up for a requested transport. Any and all instances of a driver failing to show up for a requested transport shall require documented follow up from the Contractor's NEMT coordinator or designee. Required follow up includes determining whether the member suffered any harm as a result of the driver's failure to provide the ride, whether rescheduling of appointments was or is necessary, and whether any additional recourse or Corrective Action with the driver or the Subcontracted NEMT Provider is appropriate.

**CORRECTIVE ACTION PLANS:** PacificSource will take the following actions related to the NEMT brokerage(s) failure to meet requirements:

1. When a deficiency is identified, PacificSource will issue a corrective action to NEMT brokerage using the PacificSource corrective action plan reporting process, as outlined in the *Subcontractor Corrective Action Plan Policy*.
2. PacificSource will notify the NEMT brokerage of the deficiency through a formal corrective action notice. Upon such notice, PacificSource will notify the OHA of the Corrective Action Plan (CAP) within 14 days after issuing the CAP, through Administrative Notice.
3. Upon removal of the CAP, PacificSource will notify the OHA, through Administrative Notice, of the successful remedy of the CAP or if the NEMT brokerage failed to fully remedy the underlying deficiency, if the deadline for the remedy has passed.

**STAFF COMMUNICATIONS:** PacificSource will distribute updates or changes to PacificSource employees and the NEMT brokerages as needed. These communications will be sent via policy, email, or delivered in team meetings. PacificSource staff have continual access to company policies through the intranet on the PS Web. In addition, leadership reviews and approves policies through the Government Operations Committee, and other committees as needed.

## Appendix

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**Policy Number:** NEMT-01

**Effective:** 1/1/2022

**Next review:** 1/1/2026

**Policy type:** Government

**Author(s):** .

**Depts:** Provider Network

**Applicable regulation(s):** CCO Contract Deliverable

**External entities affected:** NEMT Brokerages

**OHA Approval:** February 15, 2023