

CHAPTER 2019-72

Committee Substitute for House Bill No. 411

An act relating to nonemergency medical transportation services; amending s. 316.87, F.S.; authorizing certain transportation network companies to provide nonemergency medical transportation services to a Medicaid recipient under certain circumstances; requiring the Agency for Health Care Administration to update its regulations, policies, or other guidance by a specified date to reflect such authorization; providing limitations on requirements for transportation network companies and transportation network company drivers; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.87, Florida Statutes, is amended to read:

316.87 Nonemergency medical transportation services.—

(1) To ensure the availability of nonemergency medical transportation services throughout the state, a provider licensed by the county or operating under a permit issued by the county may not be required to use a vehicle that is larger than needed to transport the number of persons being transported or that is inconsistent with the medical condition of the individuals receiving the nonemergency medical transportation services. This subsection section does not apply to the procurement, contracting, or provision of paratransit transportation services, directly or indirectly, by a county or an authority, pursuant to the Americans with Disabilities Act of 1990, as amended.

(2) Subject to compliance with state and federal Medicaid requirements, a transportation network company that:

(a) Is under contract with a Medicaid managed care plan;

(b) Is under contract with a transportation broker under contract with a Medicaid managed care plan;

(c) Is under contract with a transportation broker under contract with the Agency for Health Care Administration; or

(d) Receives referrals from a transportation broker under contract with a Medicaid managed care plan or the Agency for Health Care Administration,

may provide nonemergency medical transportation services under ss. 409.905 and 409.973 to a Medicaid recipient if all drivers and prospective drivers are screened pursuant to the procedures set forth in s. 435.03 or functionally equivalent procedures, as determined by the Agency for Health Care Administration. By October 1, 2019, the Agency for Health Care Administration shall update its regulations, policies, or other guidance,

including its Medicaid Non-Emergency Transportation Services Coverage Policy, as necessary, to reflect this authorization. Requirements for transportation network companies and transportation network company drivers may not exceed those imposed under s. 627.748, except as necessary to conform to other applicable state and federal Medicaid transportation requirements administered by the Agency for Health Care Administration.

(3) Subsection (2) may not be construed to:

(a) Expand or limit the transportation benefits provided to Medicaid recipients or to require a Medicaid managed care plan to contract with a transportation network company or transportation broker.

(b) Exempt any person, firm, corporation, association, or governmental entity that engages in the business or service of providing advanced life support or basic life support transportation services from the licensure requirements provided in s. 401.25.

Section 2. This act shall take effect July 1, 2019.

Approved by the Governor June 7, 2019.

Filed in Office Secretary of State June 7, 2019.