



RON DESANTIS
GOVERNOR

SIMONE MARSTILLER
SECRETARY

December 29, 2021

Statewide Medicaid Managed Care (SMMC) Policy Transmittal: 2021-40

Applicable to the **2018-2023 SMMC contract benefits** for:

- Managed Medical Assistance (MMA) and MMA Specialty
- Long-Term Care (LTC)
- Dental

Re: Non-Emergency Transportation Requirements

The managed care plan must provide non-emergency transportation services as detailed in the Florida Non-Emergency Transportation Services Coverage Policy, incorporated by reference in Rule 59G-4.330, Florida Administrative Code (F.A.C.). (Attachment II, Exhibit II-A, Section VI.A.1.a. and Attachment II, Exhibit II-B, Section VI.A.2.a.) The 2019 Florida Legislature amended section 316.87, Florida Statutes to allow transportation network companies (TNCs) to provide non-emergency transportation services under the Florida Medicaid program, if certain conditions are met. The purpose of this policy transmittal is to inform the managed care plan of new non-emergency transportation contract provisions required to comply with section 209 of the [Consolidated Appropriations Act, 2021](#).

The managed care plan must ensure that all transportation services, including services provided by a transportation broker or a TNC, comply with the following requirements of the Consolidated Appropriations Act, 2021, Division CC, Title II, Section 209. The managed care plan must ensure all transportation service providers, including services provided by individual drivers employed by any transportation contractor(s):

- (1) Not knowingly employ or contract with individual drivers or entities debarred or excluded from participation in any federal health care program under ss. 1128 and 1128A of the Social Security Act, nor with an individual or entity who is an affiliate, as defined in the Federal Acquisition Regulation at 48 CFR 2.101, of a person described in 42 CFR 438.610 (a)(1); or subcontractors on the discriminatory vendor list maintained by the Department of Management Services in accordance with s. 287.134, F.S.; (42 CFR 438.808(a) and (b)(2); 42 CFR 431.55(h); 42 CFR 438.610(b); ss. 1128(b)(8) and 1903(i)(2) of the Social Security Act; 42 CFR 1001.1901(c); 42 CFR 1002.3(b); State Medicaid Director Letters 6/12/08 and 1/16/09; Executive Order No. 12549);

On at least a monthly basis check current staff, subcontractors and individual drivers against the federal LEIE and the federal SAM (includes the former EPLS) or their equivalent, to identify excluded parties; must also check on a monthly basis, the Agency's listing of suspended and terminated providers at the Agency website below, to ensure transportation contractors do not include any non-Medicaid eligible providers in their network: http://apps.ahca.myflorida.com/dm_web;



Conduct these checks during the process of engaging the services of new employees, subcontractors and drivers and during renewal of agreements and recredentialing; must not employ or contract with an entity that is in nonpayment status or is excluded from participation in federal health care programs under ss. 1128 and 1128A of the Social Security Act; (42 CFR 438.214(d)(1));

- (2) Has in place a process to address any violation of a State of Florida drug law, through repeating the Level I background screening in accordance with section 435.03, F.S.; or the background screening process that yields the same minimum results as a background screening completed in accordance with section 435.03, F.S., as prior approved by the Agency; and
- (3) Has in place a process to disclose to the Agency the driving history, including any traffic violations, of each such individual driver employed by the transportation contractors.

For each contracted transportation vendor, the managed care plan must submit an attestation that states services were provided in accordance with the requirements listed above for the previous 365 days. The managed care plan must complete the attestation(s) in accordance with the requirements in Chapter 2 of the SMMC Managed Care Plan Report Guide. The managed care plan must submit the attestation(s) to the Agency by January 1st of each year.

The managed care plan must develop policies and procedures that support how the managed care plan will meet each of the new transportation requirements detailed in this policy transmittal and submit those policies and procedures to their Agency contract manager no later than close of business on January 31, 2022.

If you have questions or concerns, contact your Agency contract manager at (850) 412-4004.

Sincerely,



Tom Wallace
Deputy Secretary for Medicaid

TW/sar