

# ASSEMBLY, No. 3616

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 12, 2016

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**SYNOPSIS**

Establishes performance and training standards for certain Medicaid transportation services and requires DHS to report compliance with standards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/20/2016)**

1 AN ACT concerning certain transportation services and  
2 supplementing Title 30 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. As used in this act:

8 "Department" means the Department of Human Services.

9 "Medicaid program" means the State Medicaid program  
10 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

11 "Provider" means a person, company, firm, association,  
12 corporation, or other entity that is participating directly, or  
13 indirectly as a subcontractor, in the Medicaid program and is  
14 providing transportation services.

15 "Transportation service" means a pick up or return trip of a  
16 person receiving benefits under the Medicaid program by a provider  
17 to or from the person's appointment for health care services  
18 received under the Medicaid program.

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20 2. A provider of transportation services shall ensure that  
21 transportation services are provided within 15 minutes of the pre-  
22 arranged time scheduled by the person seeking the services and the  
23 provider.

24

25 3. a. A driver or other staff member of a provider who comes  
26 into direct contact with a person receiving transportation services  
27 and who is employed after the effective date of this act shall receive  
28 training at the time of employment and refresher training biennially,  
29 which shall include:

30 (1) training to meet the special needs of the person receiving  
31 transportation services;

32 (2) procedures to follow, in a consistent manner, to be  
33 responsive to a complaint by the person receiving transportation  
34 services; and

35 (3) appropriate and courteous treatment and interactions with  
36 the person receiving transportation services.

37 b. A driver or other staff member of a provider, who comes  
38 into direct contact with a person receiving transportation services  
39 and is employed on the effective date of this act, shall complete the  
40 training provided for in subsection a. of this section within six  
41 months of the effective date of this act and refresher training  
42 biennially.

43 c. The department, a division of the department, or any agency  
44 which is under contract with the department to provide training  
45 shall provide the training specified in this section.

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47 4. To ensure the accountability of transportation services  
48 offered by a provider, the department shall:

- 1 a. require a provider, as part of the provider's obligations under  
2 its contract with the department or under its subcontract with  
3 another provider, as applicable, to:
- 4 (1) meet the standard to provide transportation services within  
5 15 minutes as specified in section 2 of this act;
- 6 (2) utilize drivers or other staff members who have completed  
7 training as specified in section 3 of this act; and
- 8 (3) maintain, at a minimum, a record of each transportation  
9 service requested, the transportation service provided, each waiting  
10 time for a transportation service that is in excess of 15 minutes, and  
11 each complaint made by a person who requests a transportation  
12 service.
- 13 b. randomly audit the information maintained by the provider  
14 pursuant to subsection a. of this section, including monitoring  
15 complaints by tallying and reviewing the complaints for quality  
16 assurance purposes; and
- 17 c. engage in such other activities as necessary to ensure that  
18 providers meet the performance standard to provide transportation  
19 services within 15 minutes and that transportation services are  
20 provided by trained providers and staff members, as specified in  
21 sections 2 and 3 of this act.
- 22
- 23 5. The department shall report annually to the Governor and,  
24 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the  
25 Legislature, on compliance of providers with the performance and  
26 training standards specified in sections 2 and 3 of this act,  
27 including, but not limited to: the percentage of providers who do  
28 not meet the performance or training standards; the percentage of  
29 transportation services that are not provided within the 15 minute  
30 standard specified in section 2 of this act; the number of complaints  
31 about noncompliance with the performance or training standards;  
32 and any department activities to ensure that standards are met.
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- 34 6. The Commissioner of Human Services shall, in accordance  
35 with the "Administrative Procedure Act," P.L.1968, c.410  
36 (C.52:14B-1 et seq.), adopt any rules and regulations as the  
37 commissioner deems necessary to carry out the provisions of this  
38 act.
- 39
- 40 7. This act shall take effect on the first day of the seventh  
41 month next following the date of enactment, but the Commissioner  
42 of Human Services may take such anticipatory administrative action  
43 in advance thereof as shall be necessary for the implementation of  
44 this act.

STATEMENT

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This bill would require a provider of transportation services under the Medicaid program to ensure that these services are provided within 15 minutes of the pre-arranged time scheduled by the person seeking the services and the provider. "Transportation services" are defined in the bill as a pick up or return trip of a person receiving benefits under the Medicaid program by a provider to or from the person's appointment for health care services received under the Medicaid program. "Provider" is defined as a person, company, firm, association, corporation, or other entity that is participating directly, or indirectly as a subcontractor, in the Medicaid program and is providing transportation services.

The bill also would require a driver or other staff member of a provider who comes into direct contact with a person receiving transportation services, and who is employed after the effective date of the bill, to receive training at the time of employment and refresher training every two years. The training would be provided by the Department of Human Services (DHS), a division of DHS, or any agency under contract with DHS to provide training. If employed on the effective date, training would be completed within six months of the effective date, with refresher training also required every two years.

The training would include: 1) meeting the special needs of the person receiving transportation services; (2) procedures to follow, in a consistent manner, to be responsive to a complaint; and (3) appropriate and courteous treatment and interactions with the persons receiving these services.

The bill includes provisions to ensure the accountability of transportation services offered by a provider and requires DHS to require a provider as part of its contract obligations under its contract with DHS or under its subcontract with another provider, as applicable, to: meet the standard to provide transportation services within the 15 minute period specified in the bill; utilize trained drivers and staff members as described above; and maintain certain records about the services requested, wait times, and complaints. DHS is required to audit this information, including tallying and reviewing complaints for quality assurance purposes, and also to engage in other activities as necessary to ensure services are provided in accordance with the standards in the bill.

The bill also requires DHS to report annually to the Governor and to the Legislature on compliance of providers with the performance and training standards, complaints about transportation services, and any activities of DHS to ensure that standards are met.

Many individuals living with serious mental and physical illnesses are reliant on Medicaid for their health care insurance and many of those receiving Medicaid benefits do not have cars, and lack the means to access public transportation. Medicaid funded

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1 transportation is often their sole means of getting to important  
2 appointments. Attending behavioral and physical health care  
3 appointments are essential as people move towards recovery.  
4 Individuals entitled to this service, however, have been expressing  
5 concerns that the current provider does not meet their needs. This  
6 bill is in response to complaints and concerns that were identified as  
7 a result of a consumer survey conducted by the Mental Health  
8 Association in New Jersey.