Rule Number 13 CSR 70-5.010

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
<th>FAX</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content Sharie Hahn</td>
<td>(573) 522-8368</td>
<td>(573) 522-6092</td>
<td><a href="mailto:Sharie.L.Hahn@dss.mo.gov">Sharie.L.Hahn@dss.mo.gov</a></td>
</tr>
<tr>
<td>Data Entry Aaron Mealy</td>
<td>(573) 526-0414</td>
<td>(573) 522-6092</td>
<td><a href="mailto:Aaron.Mealy@dss.mo.gov">Aaron.Mealy@dss.mo.gov</a></td>
</tr>
</tbody>
</table>

Interagency mailing address DLS, Broadway Bldg, 221 W High Street, Room 230

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

- Emergency Rulemaking
- Proposed Rulemaking
- Rule Action Notice
- Request for Non-Substantive Change
- Statement of Actual Cost
- Order of Rulemaking

**Effective Date for the Emergency**

- Proposed Rulemaking
- Rule
- Amendment
- Rescission
- Termination

**Effective Date for the Order**

- Withdrawal
- Adopt
- Amendment
- Rescission

**Statutory 30 days OR Specific date**

Does the Order of Rulemaking contain changes to the rule text?  

- NO
- YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:
August 17, 2020

Sharie Hahn  
Special Counsel  
Missouri Department of Social Services  
Broadway State Office Building  
Jefferson City, MO 65102  

Dear Sharie:

This office has received your Proposed Rulemaking for the following regulation:

- 13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission to JCAR and the Secretary of State.

Sincerely,

[Signature]

Caroline M. Coulter  
Deputy General Counsel
August 27, 2020

Waylene W. Hiles, Director
Joint Committee on Administrative Rules
Capitol Building, Room B-8
Jefferson City, MO 65101

Dear Ms. Hiles:

RE: 13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services

Attached is an accurate and complete copy of the proposed order regarding the amendment of 13 CSR 70-5.010. This proposed order will be filed concurrently with the Secretary of State.

Statutory authority: sections 208.201 and 660.017, RSMo.

Sincerely,

[Signature]

Jennifer Tidball
Acting Director
Department of Social Services

Attachments
August 27, 2020

RE: 13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services

Dear Secretary of State Ashcroft:

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the MO HealthNet Division, Department of Social Services.

The MO HealthNet Division, Department of Social Services further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section § 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

The MO HealthNet Division, Department of Social Services has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: sections 208.201 and 660.017, RSMo.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Sharie Hahn
221 West High Street, Room 230
Jefferson City, MO 65102
573-526-0414
Sharie.L.Hahn@dss.mo.gov

Sincerely,

[Signature]

Jennifer Tidball
Acting Director
Department of Social Services

Attachments
DECLARATION
OF PUBLIC COST

I, Jennifer Tidball, Acting Director of the Department of Social Services, do declare that it is my opinion that the cost of proposed amendment 13 CSR 70-5.010, is less than five hundred dollars ($500) in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Sincerely,

Jennifer Tidball
Acting Director
Department of Social Services
13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services. The Department of Social Services is amending outdated terminology throughout the rule and incorporating all transportation methods available to participants in section (2).

PURPOSE: This proposed amendment eliminates outdated terminology and incorporates all transportation methods available to participants in MO HealthNet.

PURPOSE: This rule establishes the criteria by which the Missouri Medical Assistance program reimburses expenses for nonemergency, medically necessary transportation if a participant does not have access to transportation services that are available free of charge.

(1) The Missouri Medical Assistance program or its contractor shall reimburse eligible participants or nonemergency medical transportation (NEMT) providers for medically necessary transportation only if a participant does not have access to transportation services that are available free of charge.

(A) The participant must have an appointment for any medical treatment that is approved by the Missouri Medical Assistance program. MHD will not reimburse participants or providers for nonemergency medical transportation to a pharmacy or to any location where the purpose of the nonemergency transportation is to fill a pharmaceutical prescription.

(B) Alternative transportation services that may be provided free of charge include, but are not limited to, private vehicles, volunteers, relatives, a designated legal representative, an individual involved in the resident's care, or transportation services provided by nursing facilities or other residential centers. Participants must not have access to free transportation in order to be eligible for reimbursement under this section.

(2) Nonemergency medical transportation is not available to a pharmacy.

(3) (2) Missouri Medical Assistance program shall reimburse the most appropriate and least costly transportation alternative suitable for the participant's medical condition. If a participant can use has access to private vehicles or less costly public transportation, those alternatives must be used before participants can use in lieu of more expensive transportation alternatives.

(A) The alternative transportation services provided include:

1. Bus passes/tickets;
2. Taxi/sedans;
3. Wheelchair van;
4. Multi-passenger vans;
5. Stretcher van;
6. Ambulance; [or]
7. Gas reimbursement; or

8. Volunteer driver program, if approved by the state agency.

(B) Transports are limited to medical treatment within the distance standards set forth in 20 CSR 400-7.095. Exceptions to these standards are listed below include:

1. The participant has a previous history of other than routine medical care with the qualified, enrolled medical service provider for a special condition or illness.
2. The participant has been referred by a Primary Care Provider (PCP) to a qualified, enrolled medical service provider for a special condition or illness.
3. There is not a routine or specialty care appointment available within thirty (30) calendar days to a qualified, enrolled medical service provider within the travel standards.

[4] (3) MO HealthNet MHD shall reimburse[s] for the least expensive and most appropriate ancillary services when the medical treatment requires an overnight stay. Ancillary services include meals and lodging.


PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.