



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John A. McNeal
Director

MEMORANDUM

DATE: January 28, 2020

TO: Ms. Nicole Cunningham, DMMA
Planning & Policy Development Unit

FROM: TW/arc
J. Todd Webb – Chairperson
State Council for Persons with Disabilities

RE: 23 DE Reg. 519 [DMMA Proposed Regulation Regarding Non-Emergency Medical Transportation (January 1, 2020)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Medicaid and Medical Assistance's (DMMAs) proposal to amend the Title XIX Medicaid State Plan regarding transportation, specifically to establish coverage and reimbursement methodologies for non-emergency medical transportation services (NEMT). The Medicaid NEMT benefit is authorized under the Social Security Act under § 1902(a)(70) and 42 CFR § 440.170. The benefit ensures necessary transportation to and from providers and includes coverage for transportation and related travel expenses necessary to secure medical examinations and treatments. The proposed regulation was published as 23 DE Reg. 519 in the January 1, 2020 issue of the Register of Regulations. SCPD has the following observations.

Prior to the proposed amendment, the Delaware State Plan provided non-emergency transportation through a brokerage program. While this brokerage system remains in place, the proposed regulation now allows NEMT to be provided without a broker when "it is medically necessary for the member to travel to receive treatment and/or medical evaluation; the location of the medical services provided is greater than 25 miles from the member's place of residence and the member is required to remain on the premises of the medical services provider overnight; or the medical service provided results in displacement of the member for a consecutive 24-hour period."

SCPD endorses the proposed regulation since it should assist individuals needing transportation who are in more remote areas or who require more intensive services that require overnight stays or travel. Reliable medical transportation services are critical for ensuring access to care for individuals with disabilities; therefore, SCPD encourages continued efforts to expand transportation services.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations or position on the proposed regulation.

cc: Mr. Stephen Groff
Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disability Council

23reg519- DMMA non-emergency medical transportation 1-28-2020