

27-000 NON-EMERGENCY TRANSPORTATION (NET) SERVICES

27-001 Service Definitions: the following words, terms and phrases when used in this section shall have the following meanings:

Base Rates: Non-emergency medical transportation base rates include all services, equipment and other costs, including: vehicle operating expenses, services of personnel, first five "Loaded" miles of the trip, unloaded mileage, and usual waiting/standby time.

Department: The Department of Health and Human Services (DHHS) as established by the Health and Human Services Act.

Department staff: Employees of the Department of Health and Human Services or designees assigned those responsibilities.

Exempt Provider: Transportation carriers exempted from Nebraska Public Service Commission certification as defined in Neb. Rev. Stat. §§ 75-303 to 75-303.03.

Free Transportation: An appropriate mode of transportation that can be secured by the client without cost or charge, including the client's personal vehicle or by a legally responsible individual for the client.

~~Escort or Attended Services: An individual or caregiver, who physically assists a physically, mentally, or developmentally disabled client who is unable to travel or wait without assistance or supervision. An escort or attendant may drive their personal vehicle or utilize transportation services with the client to program coverable services.~~

~~Escort or Attendant Provider: An individual or agency provider with an approved provider agreement with the Department of Health and Human Services as defined in Neb. Rev. Stat. § 75-302.~~

Individual Provider: An individual carrier chosen by the client with an approved service provider agreement with the Department of Health and Human Services.

Legally Responsible Individual: A parent or guardian of a minor child, or spouse.

Loaded Mileage: Miles traveled while the client is present in the vehicle. Loaded mileage is covered for non-emergency medical transports when travel exceeds six or more miles. The first five loaded miles are included in the payment for the base rate.

27-002.03 Managed Care: Clients enrolled in managed care may be transported to any Nebraska Medicaid-coverable service not supported by the client's managed care plan.

27-002.04 Provider Location: NET services are available to the nearest Nebraska Medicaid coverable services within a 20-mile radius of the client's residence, able to meet the client's medical needs, and willing to accept the client as a patient, unless otherwise exempted or approved by the Department.

27-003 Non-Covered Services: The following NET services are not covered by Nebraska Medicaid:

1. Transportation to obtain services not coverable by Nebraska Medicaid;
2. Transportation for clients residing in nursing facilities or ICF/MR's, except circumstances outlined in 471 NAC 27-002.01;
3. Transportation of family members to visit a hospitalized or institutionalized member;
4. Transportation to a Durable Medical Equipment (DME) provider that provides a delivery service that can be accessed at no cost to the client, in addition to the delivery of DME products in lieu of transporting the client;
5. Transportation for Medicaid covered services provided in the client's home such as personal care, home health, etc;
6. Transportation to a pharmacy that provides a delivery service that can be accessed at no delivery cost to the client, with the exception of a new prescription requiring immediate use not otherwise reasonably accessible to the client; in addition to the delivery of pharmacy products in lieu of transporting the client;
7. Transportation to a hospital emergency room;
8. Client-provided transportation utilizing his/her own personal vehicle;
9. Wait times, ~~except during escort or attended services;~~
10. Services provided by Department staff or a legally responsible individual for the client; and
11. No shows.

27-004 Authorization Procedures: Authorization for NET services shall be requested for a scheduled trip at least three business days in advance, with the exception of an unscheduled trip for urgent medical care as defined in this Chapter. The authorization shall be requested through the NET Brokerage, and the NET Brokerage shall arrange the trip(s) according to the most appropriate mode of transportation for the service provided to the client as specified in 471 NAC 27-002.

~~27-004.01 Escort or Attendant Provider: When transportation is provided to a client by an escort or attendant provider, the provider may be reimbursed mileage.~~

27-004.0201 Minor Children: A minor child under age 13 may not be transported by a NET provider without adult supervision by a legally responsible individual or an adult designated by a legally responsible individual.

27-004.0302 Additional Passengers: The transportation for one legally responsible adult, or an adult designated by a legally responsible adult, may be authorized to accompany a minor child under age 19 as an additional passenger.

The transportation for an ~~escort or attendant~~ Personal Assistance Services provider may be authorized to accompany a client as an additional passenger.

27-005 Payment for Services

27-005.01 Conditions for Payment: The provider may bill Medicaid only when:

1. The transportation is furnished by a Medicaid enrolled provider to whom a direct vender payment can be made; and
2. The client is actually in the vehicle.

27-005.02 Upper Limits: The Department establishes the NET Service Fee Schedule according to the following limits:

27-005.02A PSC Certified Carriers: Neb. Rev. Stat. §75-303.02 limits the distance rates for common carriers at a rate not to exceed the rate of reimbursement pursuant to Neb. Rev. Stat. §81-1176 multiplied by three. The maximum reimbursement rate does not apply when the carrier transports the client wholly within the corporate limits of the city or village where the transportation of the client originated pursuant to §75-303.02.

27-005.02B Individual Providers: Shall be paid at the mileage rate of reimbursement pursuant to Neb. Rev. Stat. §75-303.03, and Neb. Rev. Stat. §81-1176.

27-006 Billing Requirements: For services billed to Medicaid, providers shall use the appropriate electronic format and submit claims through the NET Brokerage (see Claim Submission Table at 471-000-49).

Individual ~~and escort or attendant~~ providers shall submit the appropriate billing document to the NET Brokerage who shall submit in an electronic format for Medicaid payment.

27-007 Provider Participation: To participate in the Nebraska Medicaid Program, providers of NET services shall fully meet all applicable local, state, and federal laws and regulations governing the provision of their services.

27-007.01 Provider Agreement: The NET provider shall complete and sign the "Service Provider Agreement," ~~(see Appendix 471-000-90)~~ with the "NET Service Provider Agreement Addendum" ~~(see Appendix 471-000-74)~~ found on the Nebraska Medicaid Provider Enrollment website and submit for approval to participate in Medicaid. NET Service provider agreements are renewed annually to ensure the provider continues to meet all provider standards.

27-007.02 NET Service Provider Standards: A provider shall meet all requirements set forth in the NET Brokerage Provider Manual ~~(see Appendix 471-000-111)~~, and not have been terminated as a provider for cause from any Department program within the last ten years;

27-007.03 NET Provider Vehicle Requirements: Providers shall meet all vehicle standards in accordance with the NET Brokerage Provider Manual ~~(see Appendix 471-000-111)~~.

27-007.04 -Driver Qualifications: Providers shall ensure drivers:

1. Be age 19 or older;
2. Possess a current and valid driver's license with no more than three points assessed against his/her Nebraska driver's license within the past two years, or meet a comparable standard in the state in which s/he is licensed to drive;
3. Not had his/her driver/chauffeur's license revoked within past three years;

~~27-007.05 -Escort or Attendant Qualification:~~

- ~~1. Be age 19 or older; and~~
- ~~2. Not a legally responsible individual to the client.~~

27-008 Background Checks:

27-008.01 Nebraska Child Abuse and Neglect Central Register and Adult Protective Services Central Registry checks: Nebraska Child Abuse and Neglect Central Register and Adult Protective Services Central Registry checks shall be completed for each potential driver, ~~escort or attendant~~ prior to providing services and annually thereafter. This shall include registry checks in the state of residence or previous residence, if the state provides this service, when the potential driver does not reside in Nebraska or has resided in Nebraska for less than one year.

A driver, ~~escort or attendant~~ will not be approved if a report of abuse or neglect concerning the driver has been determined to be "Court Substantiated", "Agency Substantiated", or "Court Pending" on the Nebraska Child Abuse and Neglect Central Register or on the Adult Protective Services Central Registry.

27-008.02 Nebraska State Patrol Sex Offender Registry checks: A Nebraska State Patrol Sex Offender Registry check at ~~http://www.nsp.state.ne.us/sor/find.cfm~~ shall be completed for each potential driver, ~~escort or attendant~~ prior to providing services and annually thereafter. This shall include a registry check in the state of residence or previous residence, if the state provides this service, when the potential driver does not reside in Nebraska or has resided in Nebraska for less than one year.

A driver, ~~escort or attendant~~ will not be approved if their name appears on the Nebraska State Patrol Sex Offender Registry.

27-008.03 Criminal History Checks: Provider staff shall ensure criminal history checks are completed for each potential driver, ~~escort or attendant~~ prior to providing services and annually thereafter.

1. Individual Providers: If the driver, ~~escort or attendant~~ is an individual, the Department staff shall:
 - a. Obtain a criminal history statement (~~see Appendix 471-000-130~~) from the driver, ~~escort or attendant~~. This statement shall identify any record of any felony or misdemeanor convictions. This shall include details, dates, and disposition (e.g., parole, probation, incarceration, fine, community service, etc.); and
 - b. Perform a Nebraska statewide criminal background check of the driver, ~~escort or attendant~~. The driver shall provide Department staff with a statewide criminal history check in the state of residence when the driver does not reside in Nebraska, or previous state(s) of residence, if the driver has resided in Nebraska for less than 15 years.

2. PSC and Exempt Providers: PSC certified carriers and exempt providers shall perform a nationwide criminal background check on all drivers, whether employees or independent contractors. Records shall be maintained by these carriers and providers, and shall be made available to Department staff upon request.

27-008.03A Specific Criminal History: Drivers; ~~escort or attendants~~ shall not have a history of misdemeanor or felony conviction(s) in the State of Nebraska or any other state, that include crimes against a child or vulnerable adult; crimes involving intentional bodily harm; crimes involving the illegal use of a controlled substance; or crimes involving moral turpitude on the part of the potential driver. Examples include but are not limited to the following:

1. Child pornography;
2. Child or adult abuse;
3. Driving under the influence, pending charge or conviction within the past eight years;
4. Domestic assault;
5. Shoplifting after age 19 and within three years prior to the criminal history review;
6. Felony fraud within the last ten years;
7. Misdemeanor fraud within the last five years;
8. Possession of any controlled substance within the last five years;
9. Possession of a controlled substance with intent to deliver within the last five years;
10. Felony or misdemeanor assault without a weapon in the last ten years;
11. Felony or misdemeanor assault with a weapon in the last 15 years;
12. Prostitution or solicitation of prostitution within the last five years;
13. Felony or misdemeanor robbery or burglary within the last ten years;
14. Rape or sexual assault; or
15. Homicide.