



Region 10
2201 Sixth Avenue, MS/RX 43
Seattle, Washington 98121

AUG 17 2010

Susan Dreyfus, Secretary
Department of Social and Health Services
Post Office Box 45010
Olympia, Washington 98504-5010

RE: Washington State Plan Amendment (SPA) Transmittal Number 08-028

Dear Ms. Dreyfus:

The Centers for Medicare & Medicaid Services' (CMS) Seattle Regional Office has completed its review of State Plan Amendment (SPA) Transmittal Number 08-028 related to the State's use of non-emergency medical transportation (NEMT) brokers.

Washington currently provides Medicaid NEMT services through a brokerage system under which expenditures are claimed at the Medicaid administrative match rate of 50 percent. This SPA was submitted to convert specified regions of the State to an NEMT brokerage model under the authority of §1902(a)(70) of the Social Security Act and 42 CFR 440.170 so that expenditures can be claimed as medical services at the Federal Medical Assistance Percentage (FMAP) rate. In those areas where the State is not currently contracting with NEMT brokers that meet the requirements at 42 CFR §440.170, the State will continue to provide services through brokers but will claim expenditures at the administrative match rate. Should the State contract with qualifying brokers in those regions in the future, the State can submit additional SPAs to convert those regions to the medical services rate. Finally, the State agrees not to claim FMAP for any service provided by the broker that is not an approved NEMT service.

As requested, this SPA is approved effective October 1, 2008.

If you have any additional questions or require any further assistance, please contact me, or have your staff contact Tania Seto at (206) 615-2343 or via email at tania.seto@cms.hhs.gov.

Sincerely,

Barbara K. Richards *my JAS*
Associate Regional Administrator
Division of Medicaid and Children's Health
Operations

cc:
Douglas Porter, Assistant Secretary
Ann Myers, State Plan Coordinator

| | | |
|---|---|------------------------|
| TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL | 1. TRANSMITTAL NUMBER: 08-028 | 2. STATE Washington |
| | 3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID) | |
| FOR: HEALTH CARE FINANCING ADMINISTRATION | 4. PROPOSED EFFECTIVE DATE Oct. 1, 2008 | |
| TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES | | |

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

| | |
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| 6. FEDERAL STATUTE/REGULATION CITATION: | 7. FEDERAL BUDGET IMPACT: a. FFY 2009 \$ 467,000 b. FFY 2010 \$ 818,000 |
| 8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Att. 3.1-A, pages 62 through 62f 62f 62 through 62m (P&I) Att. 3.1-B, pages 60 through 60e 61m 61j 61k 61l 61m 61n 61o 61p 61q 61r 61s 61t 61u 61v 61w 61x 61y 61z 61aa 61ab 61ac 61ad 61ae 61af 61ag 61ah 61ai 61aj 61ak 61al 61am 61an 61ao 61ap 61aq 61ar 61as 61at 61au 61av 61aw 61ax 61ay 61az 61ba 61bb 61bc 61bd 61be 61bf 61bg 61bh 61bi 61bj 61bk 61bl 61bm 61bn 61bo 61bp 61bq 61br 61bs 61bt 61bu 61bv 61bw 61bx 61by 61bz 61ca 61cb 61cc 61cd 61ce 61cf 61cg 61ch 61ci 61cj 61ck 61cl 61cm 61cn 61co 61cp 61cq 61cr 61cs 61ct 61cu 61cv 61cw 61cx 61cy 61cz 61da 61db 61dc 61dd 61de 61df 61dg 61dh 61di 61dj 61dk 61dl 61dm 61dn 61do 61dp 61dq 61dr 61ds 61dt 61du 61dv 61dw 61dx 61dy 61dz 61ea 61eb 61ec 61ed 61ee 61ef 61eg 61eh 61ei 61ej 61ek 61el 61em 61en 61eo 61ep 61eq 61er 61es 61et 61eu 61ev 61ew 61ex 61ey 61ez 61fa 61fb 61fc 61fd 61fe 61ff 61fg 61fh 61fi 61fj 61fk 61fl 61fm 61fn 61fo 61fp 61fq 61fr 61fs 61ft 61fu 61fv 61fw 61fx 61fy 61fz 61ga 61gb 61gc 61gd 61ge 61gf 61gg 61gh 61gi 61gj 61gk 61gl 61gm 61gn 61go 61gp 61gq 61gr 61gs 61gt 61gu 61gv 61gw 61gx 61gy 61gz 61ha 61hb 61hc 61hd 61he 61hf 61hg 61hh 61hi 61hj 61hk 61hl 61hm 61hn 61ho 61hp 61hq 61hr 61hs 61ht 61hu 61hv 61hw 61hx 61hy 61hz 61ia 61ib 61ic 61id 61ie 61if 61ig 61ih 61ii 61ij 61ik 61il 61im 61in 61io 61ip 61iq 61ir 61is 61it 61iu 61iv 61iw 61ix 61iy 61iz 61ja 61jb 61jc 61jd 61je 61jf 61jg 61jh 61ji 61jj 61jk 61jl 61jm 61jn 61jo 61jp 61jq 61jr 61js 61jt 61ju 61jv 61jw 61jx 61jy 61jz 61ka 61kb 61kc 61kd 61ke 61kf 61kg 61kh 61ki 61kj 61kk 61kl 61km 61kn 61ko 61kp 61kq 61kr 61ks 61kt 61ku 61kv 61kw 61kx 61ky 61kz 61la 61lb 61lc 61ld 61le 61lf 61lg 61lh 61li 61lj 61lk 61ll 61lm 61ln 61lo 61lp 61lq 61lr 61ls 61lt 61lu 61lv 61lw 61lx 61ly 61lz 61ma 61mb 61mc 61md 61me 61mf 61mg 61mh 61mi 61mj 61mk 61ml 61mm 61mn 61mo 61mp 61mq 61mr 61ms 61mt 61mu 61mv 61mw 61mx 61my 61mz 61na 61nb 61nc 61nd 61ne 61nf 61ng 61nh 61ni 61nj 61nk 61nl 61nm 61nn 61no 61np 61nq 61nr 61ns 61nt 61nu 61nv 61nw 61nx 61ny 61nz 61oa 61ob 61oc 61od 61oe 61of 61og 61oh 61oi 61oj 61ok 61ol 61om 61on 61oo 61op 61oq 61or 61os 61ot 61ou 61ov 61ow 61ox 61oy 61oz 61pa 61pb 61pc 61pd 61pe 61pf 61pg 61ph 61pi 61pj 61pk 61pl 61pm 61pn 61po 61pp 61pq 61pr 61ps 61pt 61pu 61pv 61pw 61px 61py 61pz 61qa 61qb 61qc 61qd 61qe 61qf 61qg 61qh 61qi 61qj 61qk 61ql 61qm 61qn 61qo 61qp 61qq 61qr 61qs 61qt 61qu 61qv 61qw 61qx 61qy 61qz 61ra 61rb 61rc 61rd 61re 61rf 61rg 61rh 61ri 61rj 61rk 61rl 61rm 61rn 61ro 61rp 61rq 61rr 61rs 61rt 61ru 61rv 61rw 61rx 61ry 61rz 61sa 61sb 61sc 61sd 61se 61sf 61sg 61sh 61si 61sj 61sk 61sl 61sm 61sn 61so 61sp 61sq 61sr 61ss 61st 61su 61sv 61sw 61sx 61sy 61sz 61ta 61tb 61tc 61td 61te 61tf 61tg 61th 61ti 61tj 61tk 61tl 61tm 61tn 61to 61tp 61tq 61tr 61ts 61tt 61tu 61tv 61tw 61tx 61ty 61tz 61ua 61ub 61uc 61ud 61ue 61uf 61ug 61uh 61ui 61uj 61uk 61ul 61um 61un 61uo 61up 61uq 61ur 61us 61ut 61uu 61uv 61uw 61ux 61uy 61uz 61va 61vb 61vc 61vd 61ve 61vf 61vg 61vh 61vi 61vj 61vk 61vl 61vm 61vn 61vo 61vp 61vq 61vr 61vs 61vt 61vu 61vv 61vw 61vx 61vy 61vz 61wa 61wb 61wc 61wd 61we 61wf 61wg 61wh 61wi 61wj 61wk 61wl 61wm 61wn 61wo 61wp 61wq 61wr 61ws 61wt 61wu 61wv 61ww 61wx 61wy 61wz 61xa 61xb 61xc 61xd 61xe 61xf 61xg 61xh 61xi 61xj 61xk 61xl 61xm 61xn 61xo 61xp 61xq 61xr 61xs 61xt 61xu 61xv 61xw 61xx 61xy 61xz 61ya 61yb 61yc 61yd 61ye 61yf 61yg 61yh 61yi 61yj 61yk 61yl 61ym 61yn 61yo 61yp 61yq 61yr 61ys 61yt 61yu 61yv 61yw 61yx 61yy 61yz 61za 61zb 61zc 61zd 61ze 61zf 61zg 61zh 61zi 61zj 61zk 61zl 61zm 61zn 61zo 61zp 61zq 61zr 61zs 61zt 61zu 61zv 61zw 61zx 61zy 61zz | |
| 9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Att. 3.1-A, page 62 Att. 3.1-B, page 60 61 (P&I) Att. 3.1-D, page 1 Attachment 4.19-B, page 20 (P&I) Attachment 4.19-B, page 20 (P&I) | |

10. SUBJECT OF AMENDMENT:

NEMT

11. GOVERNOR'S REVIEW (Check One):

GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED: Exempt
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

| | |
|--|--|
| 12. SIGNATURE OF STATE AGENCY OFFICIAL:  | 16. RETURN TO: Ann Myers Department of Social and Health Services Health and Recovery Services Administration 626 8 th Ave SE MS: 45504 Olympia, WA 98504-5504 |
| 13. TYPED NAME: ROBIN ARNOLD-WILLIAMS | |
| 14. TITLE: Secretary | |
| 15. DATE SUBMITTED: Dec. 30, 2008 | |

FOR REGIONAL OFFICE USE ONLY

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|-------------------------------------|---------------------------------------|
| 17. DATE RECEIVED: DECEMBER 30 2008 | 18. DATE APPROVED: AUG 17 2010 |
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PLAN APPROVED - ONE COPY ATTACHED

| | |
|--|---|
| 19. EFFECTIVE DATE OF APPROVED MATERIAL: 10/01/2008 | 20. SIGNATURE OF REGIONAL OFFICIAL:  |
| 21. TYPED NAME: Barbara K. Richards | 22. TITLE: Associate Regional Administrator Division of Medicaid & Children's Health |

23. REMARKS:

2/25/2009 State authorized pen and ink changes.
3/18/2009 State authorized pen and ink changes.
6/23/2009 State authorized pen and ink changes.
5/26/2010 State authorized pen and ink changes.
7/07/2010 State authorized pen and ink changes.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. a. Transportation
- (1) Ambulance transportation is provided as an optional service for emergencies or as required by state law.
 - (2) Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. a. Transportation

(a) Non-governmental entities

- The State assures it has established a non-emergency medical transportation program in accordance with 1902(a)(70) of the Social Security Act in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was procured in compliance with the requirements of 45 CFR 92.36 (b)-(i).

- (1) The State will operate the broker program without the requirements of the following paragraphs of section 1902(a);

- (1) state-wideness (indicate areas of State that are covered)

Broker regions:

- #2 Snohomish County
- #3 King County
- #4 Pierce County
- #6 Grays Harbor, Lewis, Mason-south, Pacific, and Thurston Counties
- #7 Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties
- #9 Chelan, Douglas, and Okanogan Counties

- (10)(B) comparability (indicate participating beneficiary groups)

- (23) freedom of choice (indicate mandatory population groups)

- (2) Transportation services provided will include:

- wheelchair van
- taxi
- stretcher car
- bus passes
- tickets
- secured transportation
- other transportation (please describe)

When cost effective, appropriate, and necessary to ensure access to eligible medical services, will consider using/authorizing gas vouchers, mileage reimbursement, grouped-ride vehicle, volunteers, parking, tolls, ferries, and air transport; and, will provide lodging and meal reimbursement as outlined at 42 CFR 440.170 (a) (3) (ii).

[Note: Grouped or shared-ride vehicles are a cost-effective method to transport groups of clients with similar trip origins and destinations; or more than one client in a locale similar to an airport shuttle. Brokers pay transportation subcontractors on a contracted mileage-based or time-based system; costs are allocated equitably to the clients' specific medical program account codes.]

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

- (3) The State assures that transportation services will be provided under a contract with a broker who:
 - (i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;
 - (ii) has oversight procedures to monitor beneficiary access and complaints and ensures that transportation is timely and transport personnel are licensed, qualified, competent, and courteous;
 - (iii) is subject to regular auditing and oversight by the State in order to ensure the quality and timeliness of the transportation services provided and the adequacy of beneficiary access to medical care and services;
 - (iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).

(4) The broker contract will provide transportation to the following categorically needy mandatory populations:

- Low-income families with children (section 1931)
- Deemed AFDC-related eligibles
- Poverty-level related pregnant women
- Poverty-level infants
- Poverty-level children 1 through 5
- Poverty-level children 6 - 18
- Qualified pregnant women AFDC - related
- Qualified children AFDC - related
- IV-E foster care and adoption assistance children
- TMA recipients (due to employment) (section 1925)
- TMA recipients (due to child support)
- SSI recipients

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

(5) The broker contract will provide transportation to the following categorically needy optional populations:

- Optional poverty-level - related pregnant women
- Optional poverty-level - related infants
- Optional targeted low income children
- Non-IV-E children who are under State adoption assistance agreements
- Non-IV-E independent foster care adolescents who were in foster care on their 18th birthday
- Individuals who meet income and resource requirements of AFDC or SSI
- Individuals who would meet the income & resource requirements of AFDC if child care costs were paid from earnings rather than by a State agency
- Individuals who would be eligible for AFDC if State plan had been as broad as allowed under Federal law
- Children aged 15-20 who meet AFDC income and resource requirements
- Individuals who would be eligible for AFDC or SSI if they were not in a medical institution
- Individuals infected with TB
- Individuals screened for breast or cervical cancer by CDC program
- Individuals receiving COBRA continuation benefits
- Individuals in special income level group, in a medical institution for at least 30 consecutive days, with gross income not exceeding 300% of SSI income standard
- Individuals receiving home and community based waiver services who would only be eligible under State plan if in a medical institution (NEMT is provided to 1905(a) services, but not to 1915(c) waived services (e.g., socialization, work training, etc.))
- Individuals terminally ill if in a medical institution and will receive hospice care
- Individuals aged or disabled with income not above 100% FPL
- Individuals receiving only an optional State supplement in a 209(b) State
- Individuals working disabled who buy into Medicaid (BBA working disabled group)
- Employed medically improved individuals who buy into Medicaid under TWWIIA Medical Improvement Group
- Individuals disabled age 18 or younger who would require an institutional level of care (TEFRA 134 kids)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

(6) Payment Methodology

(A) The State will pay the contracted broker by the following method:

- (i) risk capitation
 (ii) non-risk capitation
 (iii) other

Non-governmental brokers are paid a set monthly amount for brokers' internal costs to distribute trips that are to be provided by subcontractors.

Non-governmental brokers pay their subcontractors for services with Medicaid funds received from the state. Brokers assign trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities.

Non-governmental brokers (for which FMAP is requested) are not allowed to directly provide transportation services.

Non-governmental brokers receive an invoice, detailed by trip, from the subcontracted transportation provider; the broker reviews the invoice and determines if the trip is invoiced correctly, and whether the trip is payable.

Non-governmental brokers submit monthly summarized invoices to the state, by region. The broker invoices have separate amounts for (1) the broker's contracted monthly fee, and (2) the direct transportation expenses (e.g., cost of the trips by subcontracted transportation providers, bus tickets, gas vouchers). The back-up documentation to the invoice includes comprehensive trip data reports. These reports include but are not limited to: trips and costs by mode, by program served, most costly clients, and subcontracted transportation provider. The state pays the broker, which then pays the subcontracted transportation provider.

This quantity and quality of trip/cost data facilitates state cost containment initiatives, as well as program oversight and management. As a result, Washington NEMT operates at one of the lowest estimated per capita costs in the country.

(B) Who will pay the transportation provider?

- (i) Broker
 (ii) State
 (iii) other

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

(7 - 1) The broker is a non-governmental entity (see descriptions in 9) and assures that:

(A) the broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 45 CFR 440.170(a)(4)(ii)

(7 - 2) The broker is a non-governmental entity (see descriptions in 9) and assures that:

(B) the broker is itself a provider of transportation or subcontracts with or refers to an entity with which it has a prohibited financial relationship and:

(i) transportation is provided in a rural area as defined at 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker

(ii) transportation is so specialized that there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.

(iii) the availability of other non-governmental Medicaid participating providers or other providers determined by the State to be qualified is insufficient to meet all the need for transportation.

(8) The broker is a governmental entity and provides transportation itself or refers to or subcontracts with another governmental entity for transportation and the State assures that the governmental broker will (see descriptions in 9):

(A) maintain an accounting system such that all funds allocated to the Medicaid brokerage program and all costs charged to the Medicaid brokerage will be completely separate from any other program.

(B) document that with respect to each individual beneficiary specific transportation needs, the government provider is the most appropriate and lowest cost alternative.

(C) document that the Medicaid program is paying no more for fixed route public transportation than the rate charged to the general public and no more for public paratransit services than the rate charged to other State human services agencies for the same service.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

- (9) Please describe how the NEMT brokerage program operates.

Non-governmental brokers serving the following contract regions are all private non-profit 501 (c) 3 organizations: regions 2, 3, 4, 6, 7, and 9.

The State of Washington manages and monitors non-emergency medical transportation (NEMT) "brokerage" contracts. NEMT services are provided through regional brokers.

Brokers are competitively procured through rigorous nationally advertised processes. For-profit brokers are not prohibited from competing for brokerage contracts during procurements.

Brokers operate access management centers and interact with eligible Medicaid clients requesting access to eligible Medicaid services – trips are only authorized after brokers verify client eligibility and determine that clients do not have other transportation resources/options.

To directly save Medicaid medical funds (and as examples), brokers may authorize trips to Veterans' Hospitals, Shriners' Hospitals, and for services where Medicare and/or private insurance is primary and Medicaid coverage is secondary. Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

Brokers assign trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities. Brokers utilize low cost options first, such as fixed route tickets/passes, gas reimbursement, mileage reimbursement, and only authorize higher cost options such as taxi and wheelchair lift-equipped vehicles based on the individual needs of clients.

Clients have the right to request a fair hearing and an appeal to a hearing decision, except in relation to provisions that are inapplicable under 42 CFR 440.170. Fair hearings are conducted before an impartial administrative law judge in accordance with the state's administrative hearings procedures (the same process as for other Medicaid healthcare services).

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation

(b) Governmental entities

- The State assures it has established a non-emergency medical transportation program in accordance with 1902(a)(70) of the Social Security Act in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was procured in compliance with the requirements of 45 CFR 92.36 (b)-(i).

- (1) The State will operate the broker program without the requirements of the following paragraphs of section 1902(a);

- (1) state-wideness (indicate areas of State that are covered)

Broker region:

#1 Island, San Juan, Skagit, and Whatcom Counties

- (10)(B) comparability (indicate participating beneficiary groups)

- (23) freedom of choice (indicate mandatory population groups)

- (2) Transportation services provided will include:

- wheelchair van
- taxi
- stretcher car
- bus passes
- tickets
- secured transportation
- other transportation (please describe)

When cost effective, appropriate, and necessary to ensure access to eligible medical services, will consider using/authorizing gas vouchers, mileage reimbursement, grouped-ride vehicle, volunteers, parking, tolls, ferries, and air transport; and, will provide lodging and meal reimbursement as outlined at 42 CFR 440.170 (a) (3) (ii).

[Note: Grouped or shared-ride vehicles are a cost-effective method to transport groups of clients with similar trip origins and destinations; or more than one client in a locale similar to an airport shuttle. Brokers pay transportation subcontractors on a contracted mileage-based or time-based system; costs are allocated equitably to the clients' specific medical program account codes.]

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

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 - (ii) has oversight procedures to monitor beneficiary access and complaints and ensures that transportation is timely and transport personnel are licensed, qualified, competent, and courteous;
 - (iii) is subject to regular auditing and oversight by the State in order to ensure the quality and timeliness of the transportation services provided and the adequacy of beneficiary access to medical care and services;
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

(6) Payment Methodology

(A) The State will pay the contracted broker by the following method:

- (i) risk capitation
 (ii) non-risk capitation
 (iii) other

The governmental broker is paid monthly on a cost reimbursement basis with a contract limit for the broker's internal costs to distribute trips that are to be provided by subcontractors.

The governmental broker is not allowed to directly provide transportation services.

The governmental broker pays their subcontractors for services with Medicaid funds received from the state. The governmental broker assigns trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities.

The governmental broker receives an invoice, detailed by trip, from the subcontracted transportation provider; the broker reviews the invoice and determines if the trip is invoiced correctly, and whether the trip is payable.

The governmental broker submits monthly summarized invoices to the state, by region. The broker invoices have separate amounts for (1) the broker's internal costs, and (2) the direct transportation expenses (e.g., the cost of the trips by subcontracted transportation providers, bus tickets, gas vouchers). The back-up documentation to the invoice includes comprehensive trip data reports. These reports include but are not limited to: trips and costs by mode, by program served, most costly clients, and subcontracted transportation provider. The state pays the broker; the broker pays the subcontracted transportation provider.

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(B) Who will pay the transportation provider?

- (i) Broker
 (ii) State
 (iii) other

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

- (7 - 1) The broker is a non-governmental entity (see descriptions in 9) and assures that:
- (A) the broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 45 CFR 440.170(a)(4)(ii)

(7 - 2) The broker is a non-governmental entity (see descriptions in 9) and assures that:

- (B) the broker is itself a provider of transportation or subcontracts with or refers to an entity with which it has a prohibited financial relationship and:
 - (iv) transportation is provided in a rural area as defined at 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker
 - (v) transportation is so specialized that there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.
 - (vi) the availability of other non-governmental Medicaid participating providers or other providers determined by the State to be qualified is insufficient to meet all the need for transportation.
- (8) The broker is a governmental entity and provides transportation itself or refers to or subcontracts with another governmental entity for transportation and the State assures that the governmental broker will (see descriptions in 9):
 - (D) maintain an accounting system such that all funds allocated to the Medicaid brokerage program and all costs charged to the Medicaid brokerage will be completely separate from any other program.
 - (E) document that with respect to each individual beneficiary specific transportation needs, the government provider is the most appropriate and lowest cost alternative.
 - (F) document that the Medicaid program is paying no more for fixed route public transportation than the rate charged to the general public and no more for public paratransit services than the rate charged to other State human services agencies for the same service.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. Transportation (cont)

- (9) Please describe how the NEMT brokerage program operates.

Governmental broker serving Region 1

The State of Washington manages and monitors non-emergency medical transportation (NEMT) "brokerage" contracts. NEMT services are provided through regional brokers.

Brokers are competitively procured through rigorous nationally advertised processes. For-profit brokers are not prohibited from competing for brokerage contracts during procurements.

Brokers operate access management centers and interact with eligible Medicaid clients requesting access to eligible Medicaid services – trips are only authorized after brokers verify client eligibility and determine that clients do not have other transportation resources/options.

To directly save Medicaid medical funds (and as examples), brokers may authorize trips to Veterans' Hospitals, Shriners' Hospitals, and for services where Medicare and/or private insurance is primary and Medicaid coverage is secondary. Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

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Clients have the right to request a fair hearing and an appeal to a hearing decision, except in relation to provisions that are inapplicable under 42 CFR 440.170. Fair hearings are conducted before an impartial administrative law judge in accordance with the state's administrative hearings procedures (the same process as for other Medicaid healthcare services).

The broker serving Region 1 is a governmental entity (a council of governments) and serves Island, San Juan, Skagit, and Whatcom counties. This broker does not directly provide trips, but does purchase trips on two public transit system (in Skagit and Whatcom counties). This broker also authorizes trips using other available modes of transportation as listed in Section (2).

- (A) The State pays for direct transportation expenses (e.g., cost of the trips by subcontracted transportation providers, bus tickets, gas vouchers) per detailed report. The State pays separately for the governmental broker's cost of operating the brokerage (call center, etc.) on a monthly reimbursement basis.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

24. (9) Transportation (cont)

The governmental broker maintains an accounting system such that all funds allocated to the Medicaid brokerage program and all costs charged to the Medicaid brokerage will be completely separate from any other program. The governmental broker maintains an accounting system as required by this authority. The broker is both required by law and committed to assuring that all agency costs are allocated to the appropriate activity and fund source. All costs clearly attributable to a specific activity and fund source are direct charged to that fund source. Activities which benefit all programs operated by the organization are allocated based upon a cost allocation plan (this applies to a portion of the broker's cost of operating the brokerage).

(B) The governmental broker has a procedure related to evaluating each individual beneficiary's specific needs and making a determination related to the most appropriate, lowest cost trip, with a specific focus on the procedure related to government providers (i.e., public transit). These determinations are made on a case-by-case basis each month.

(C) For Medicaid beneficiaries the governmental broker pays the same rate/fare as the general public pays for all fixed route transportation. The cost of the bus pass may not exceed the total cost of all trips a beneficiary would make to Medicaid providers to obtain Medicaid services, were the trips purchased individually. The governmental broker also pays the same rate as the general public for paratransit trips, which is no more than human service agencies pay for the service. The public rates are utilized in determining whether public transit will be the most appropriate low cost service for a specific beneficiary's needs in any given month. In general, public transit trips in the broker's regions are significantly lower in cost than other modes of transportation available.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. a. Transportation
- (1) Ambulance transportation is provided as an optional service for emergencies or as required by state law.
 - (2) Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. a. Transportation

(a) non-governmental entity

■ The State assures it has established a non-emergency medical transportation program in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was procured in compliance with the requirements of 45 CFR 92.36 (b)-(i).

■ (1) The State will operate the broker program without the requirements of the following paragraphs of section 1902(a);

■ (1) state-wideness (indicate areas of State that are covered)

Broker regions:

#2 Snohomish County

#3 King County

#4 Pierce County

#6 Grays Harbor, Lewis, Mason-south, Pacific, and Thurston Counties

#7 Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties

#9 Chelan, Douglas, and Okanogan Counties

(10)(B) comparability (indicate participating beneficiary groups)

■ (23) freedom of choice (indicate mandatory population groups)

(2) Transportation services provided will include:

■ wheelchair van

■ taxi

■ stretcher car

■ bus passes

■ tickets

■ secured transportation

■ other transportation (please describe)

When cost effective, appropriate, and necessary to ensure access to eligible medical services, will consider using/authorizing gas vouchers, mileage reimbursement, grouped-ride vehicle, volunteers, parking, tolls, ferries, and air transport; and, will provide lodging and meal reimbursement as outlined at 42 CFR 440.170 (a) (3) (ii).

[Note: Grouped or shared-ride vehicles are a cost-effective method to transport groups of clients with similar trip origins and destinations; or more than one client in a locale similar to an airport shuttle. Brokers pay transportation subcontractors on a contracted mileage-based or time-based system; costs are allocated equitably to the clients' specific medical program account codes.]

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

- (3) The State assures that transportation services will be provided under a contract with a broker who:
 - (i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;
 - (ii) has oversight procedures to monitor beneficiary access and complaints and ensures that transportation is timely and transport personnel are licensed, qualified, competent, and courteous;
 - (iii) is subject to regular auditing and oversight by the State in order to ensure the quality and timeliness of the transportation services provided and the adequacy of beneficiary access to medical care and services;
 - (iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).

- (4) The broker contract will provide transportation to the following medically needy populations under section 1902(a)(10)(C):
 - Children under age 21, or under age 20, 19, or 18 and reasonable classifications as the State may choose
 - Parents or other caretaker relatives with whom a child is living if
Child is a dependent child
 - Aged (65 years of age or older)
 - Blind
 - Disabled
 - Permanently or totally disabled individuals 18 or older, under title XVI
 - Persons essential to recipients under title I, X, XIV, or XVI
 - Blind or disabled as defined in section 1614 with respect to States not eligible to participate in the State plan program under title XVI
 - Pregnant women
 - Newborns

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

(5) Payment Methodology

(A) The State will pay the contracted broker by the following method:

- (i) risk capitation
- (ii) non-risk capitation
- (iii) other

Non-governmental brokers are paid a set monthly amount for brokers' internal costs to distribute trips that are to be provided by subcontractors.

Non-governmental brokers pay their subcontractors for services with Medicaid funds received from the state. Brokers assign trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities.

Non-governmental brokers (in the designated regions for which FMAP is requested) are not allowed to directly provide transportation services.

Non-governmental brokers receive an invoice, detailed by trip, from the subcontracted transportation provider; the broker reviews the invoice and determines if the trip is invoiced correctly, and whether the trip is payable.

Non-governmental brokers submit monthly summarized invoices to the state, by region. The broker invoices have separate amounts for (1) the broker's contracted monthly fee, and (2) the direct transportation expenses (e.g., cost of the trips by subcontracted transportation providers, bus tickets, gas vouchers). The back-up documentation to the invoice includes comprehensive trip data reports. These reports include but are not limited to: trips and costs by mode, by program served, most costly clients, and subcontracted transportation provider. The state pays the broker, which then pays the subcontracted transportation provider.

This quantity and quality of trip/cost data facilitates state cost containment initiatives, as well as program oversight and management. As a result, Washington NEMT operates at one of the lowest estimated per capita costs in the country.

(B) Who will pay the transportation provider?

- (i) Broker
- (ii) State
- (iii) other

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

(6-1) The broker is a non-governmental entity (see description in 8) and assures that:

- (A) the broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 45 CFR 440.170(a)(4)(ii)

(6-2) The broker is a non-governmental entity (see description in 8) and assures that:

- (B) the broker is itself a provider of transportation or subcontracts with or refers to an entity with which it has a prohibited financial relationship and:
 - (i) transportation is provided in a rural area as defined at 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker
 - (ii) transportation is so specialized that there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.
 - (iii) the availability of other non-governmental Medicaid participating providers or other providers determined by the State to be qualified is insufficient to meet the need for transportation.

- (7) The broker is a governmental entity and provides transportation itself or refers to or subcontracts with another governmental entity for transportation and the State assures that the governmental broker will (see description in 8):

- (A) maintain an accounting system such that all funds allocated to the Medicaid brokerage program and all costs charged to the Medicaid brokerage will be completely separate from any other program.
- (B) document that with respect to each individual beneficiary specific transportation needs, the government provider is the most appropriate and lowest cost alternative.
- (C) document that the Medicaid program is paying no more for fixed route public transportation than the rate charged to the general public and no more for public paratransit services than the rate charged to other State human services agencies for the same service.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

- (8) Please describe how the NEMT brokerage program operates.

Non-governmental brokers serving the following contract regions are all private non-profit 501 (c) 3 organizations: regions 2, 3, 4, 6, 7, and 9

The State of Washington manages and monitors non-emergency medical transportation (NEMT) "brokerage" contracts. NEMT services are provided through regional brokers.

Brokers are competitively procured through rigorous nationally advertised processes. For-profit brokers are not prohibited from competing for brokerage contracts during procurements.

Brokers operate access management centers and interact with eligible Medicaid clients requesting access to eligible Medicaid services – trips are only authorized after brokers verify client eligibility and determine that clients do not have other transportation resources/options.

To directly save Medicaid medical funds (and as examples), brokers may authorize trips to Veterans' Hospitals, Shriners' Hospitals, and for services where Medicare and/or private insurance is primary and Medicaid coverage is secondary. Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

Brokers assign trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities. Brokers utilize low cost options first, such as fixed route tickets/passes, gas reimbursement, mileage reimbursement, and only authorize higher cost options such as taxi and wheelchair lift-equipped vehicles based on the individual needs of clients.

Clients have the right to request a fair hearing and an appeal to a hearing decision, except in relation to provisions that are inapplicable under 42 CFR 440.170. Fair hearings are conducted before an impartial administrative law judge in accordance with the state's administrative hearings procedures (the same process as for other Medicaid healthcare services).

(b) governmental entity

- The State assures it has established a non-emergency medical transportation program in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was procured in compliance with the requirements of 45 CFR 92.36 (b)-(i).

- (1) The State will operate the broker program without the requirements of the following paragraphs of section 1902(a);

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

- (1) state-wideness (indicate areas of State that are covered)
Broker regions:
#1 Island, San Juan, Skagit, and Whatcom Counties
- (10)(B) comparability (indicate participating beneficiary groups)
- (23) freedom of choice (indicate mandatory population groups)

(2) Transportation services provided will include:

- wheelchair van
- taxi
- stretcher car
- bus passes
- tickets
- secured transportation
- other transportation (please describe)

When cost effective, appropriate, and necessary to ensure access to eligible medical services, will consider using/authorizing gas vouchers, mileage reimbursement, grouped-ride vehicle, volunteers, parking, tolls, ferries, and air transport; and, will provide lodging and meal reimbursement as outlined at 42 CFR 440.170 (a) (3) (ii).

[Note: Grouped or shared-ride vehicles are a cost-effective method to transport groups of clients with similar trip origins and destinations; or more than one client in a locale similar to an airport shuttle. Brokers pay transportation subcontractors on a contracted mileage-based or time-based system; costs are allocated equitably to the clients' specific medical program account codes.]

- (3) The State assures that transportation services will be provided under a contract with a broker who:
 - (i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;
 - (ii) has oversight procedures to monitor beneficiary access and complaints and ensures that transportation is timely and transport personnel are licensed, qualified, competent, and courteous;

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. (3) Transportation (cont)

- (iii) is subject to regular auditing and oversight by the State in order to ensure the quality and timeliness of the transportation services provided and the adequacy of beneficiary access to medical care and services;
- (iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).

■ (4) The broker contract will provide transportation to the following medically needy populations under section 1902(a)(10)(C):

- Children under age 21, or under age 20, 19, or 18 and reasonable classifications as the State may choose
- Parents or other caretaker relatives with whom a child is living if Child is a dependent child
- Aged (65 years of age or older)
- Blind
- Disabled
- Permanently or totally disabled individuals 18 or older, under title XVI
- Persons essential to recipients under title I, X, XIV, or XVI
- Blind or disabled as defined in section 1614 with respect to States not eligible to participate in the State plan program under title XVI
- Pregnant women
- Newborns

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

(5) Payment Methodology

(A) The State will pay the contracted broker by the following method:

- (i) risk capitation
 (ii) non-risk capitation
 (iii) other

The governmental broker is paid monthly on a cost reimbursement basis with a contract limit for the broker's internal costs to distribute trips that are to be provided by subcontractors.

The governmental broker is not allowed to directly provide transportation services.

The governmental broker pays their subcontractors for services with Medicaid funds received from the state. The governmental broker assigns trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities.

The governmental broker receives an invoice, detailed by trip, from the subcontracted transportation provider; the broker reviews the invoice and determines if the trip is invoiced correctly, and whether the trip is payable.

The governmental broker submits monthly summarized invoices to the state, by region. The broker invoices have separate amounts for (1) the broker's internal costs, and (2) the direct transportation expenses (e.g., cost of the trips by subcontracted transportation providers, bus tickets, gas vouchers). The back-up documentation to the invoice includes comprehensive trip data reports. These reports include but are not limited to: trips and costs by mode, by program served, most costly clients, and subcontracted transportation provider. The state pays the broker; the broker pays the subcontracted transportation provider.

This quantity and quality of trip/cost data facilitates state cost containment initiatives, as well as program oversight and management. As a result, Washington NEMT operates at one of the lowest estimated per capita costs in the country.

(B) Who will pay the transportation provider?

- (i) Broker
 (ii) State
 (iii) other

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

(6-1) The broker is a non-governmental entity (see description in 8) and assures that:

- (A) the broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 45 CFR 440.170(a)(4)(ii)

(6-2) The broker is a non-governmental entity (see description in 8) and assures that:

- (B) the broker is itself a provider of transportation or subcontracts with or refers to an entity with which it has a prohibited financial relationship and:
- (i) transportation is provided in a rural area as defined at 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.
 - (ii) transportation is so specialized that there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.
 - (iii) the availability of other non-governmental Medicaid participating providers or other providers determined by the State to be qualified is insufficient to meet the need for transportation.

(7) The broker is a governmental entity and provides transportation itself or refers to or subcontracts with another governmental entity for transportation and the State assures that the governmental broker will (see description in 8):

- (A) maintain an accounting system such that all funds allocated to the Medicaid brokerage program and all costs charged to the Medicaid brokerage will be completely separate from any other program.
- (B) document that with respect to each individual beneficiary specific transportation needs, the government provider is the most appropriate and lowest cost alternative.
- (C) document that the Medicaid program is paying no more for fixed route public transportation than the rate charged to the general public and no more for public paratransit services than the rate charged to other State human services agencies for the same service.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

23. Transportation (cont)

- (8) Please describe how the NEMT brokerage program operates.

Governmental broker serving Region 1

The State of Washington manages and monitors non-emergency medical transportation (NEMT) "brokerage" contracts. NEMT services are provided through regional brokers.

Brokers are competitively procured through rigorous nationally advertised processes. For-profit brokers are not prohibited from competing for brokerage contracts during procurements.

Brokers operate access management centers and interact with eligible Medicaid clients requesting access to eligible Medicaid services – trips are only authorized after brokers verify client eligibility and determine that clients do not have other transportation resources/options.

To directly save Medicaid medical funds (and as examples), brokers may authorize trips to Veterans' Hospitals, Shriners' Hospitals, and for services where Medicare and/or private insurance is primary and Medicaid coverage is secondary. Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

Brokers assign trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities. Brokers utilize low cost options first, such as fixed route tickets/passes, gas reimbursement, mileage reimbursement, and only authorize higher cost options such as taxi and wheelchair lift-equipped vehicles based on the individual needs of clients.

Clients have the right to request a fair hearing and an appeal to a hearing decision, except in relation to provisions that are inapplicable under 42 CFR 440.170. Fair hearings are conducted before an impartial administrative law judge in accordance with the state's administrative hearings procedures (the same process as for other Medicaid healthcare services).

The broker serving Region 1 is a governmental entity (a council of governments) and serves Island, San Juan, Skagit, and Whatcom counties. This broker does not directly provide trips, but does purchase trips on two public transit system (in Skagit and Whatcom counties). This broker also authorizes trips using other available modes of transportation as listed in Section (2).

- (A) The State pays for direct transportation expenses (e.g., cost of the trips by subcontracted transportation providers, bus tickets, gas vouchers) per detailed report. The State pays separately for the governmental broker's cost of operating the brokerage (call center, etc.) on a monthly reimbursement basis.

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State WASHINGTON

23. (8) Transportation (cont)

The governmental broker maintains an accounting system such that all funds allocated to the Medicaid brokerage program and all costs charged to the Medicaid brokerage will be completely separate from any other program. The governmental broker maintains an accounting system as required by this authority. The broker is both required by law and committed to assuring that all agency costs are allocated to the appropriate activity and fund source. All costs clearly attributable to a specific activity and fund source are direct charged to that fund source. Activities which benefit all programs operated by the organization are allocated based upon a cost allocation plan (this applies to a portion of the broker's cost of operating the brokerage).

- (B) The governmental broker has a procedure related to evaluating each individual beneficiary's specific needs and making a determination related to the most appropriate, lowest cost trip, with a specific focus on the procedure related to government providers (i.e., public transit). These determinations are made on a case-by-case basis each month.
- (C) For Medicaid beneficiaries the governmental broker pays the same rate/fare as the general public pays for all fixed route transportation. The cost of the bus pass may not exceed the total cost of all trips a beneficiary would make to Medicaid providers to obtain Medicaid services, were the trips purchased individually. The governmental broker also pays the same rate as the general public for paratransit trips, which is no more than human service agencies pay for the service. The public rates are utilized in determining whether public transit will be the most appropriate low cost service for a specific beneficiary's needs in any given month. In general, public transit trips in the broker's region are significantly lower in cost than other modes of transportation available.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

METHODS OF ASSURING TRANSPORTATION

Transportation is provided as an administrative activity in accordance with 1902(a)(4)(A) of the Act and 42 CRF 431.53 in regions: 5, 8, 10, 11, 12, 13

Broker regions:

- #5: Mason-North, Clallam, Jefferson, and Kitsap counties;
- #8: Benton, Columbia, Franklin, Kittitas, Walla Walla, and Yakima counties;
- #10: Ferry, Pend Oreille, and Stevens counties;
- #11: Adams, Grant, and Lincoln counties;
- #12: Spokane County;
- #13: Asotin, Garfield, and Whitman counties.

Not Provided

Provided

The State of Washington manages and monitors non-emergency medical transportation (NEMT) "brokerage" contracts. NEMT services are provided through regional brokers.

Brokers are competitively procured through rigorous nationally advertised processes. For-profit brokers are not prohibited from competing for brokerage contracts during procurements.

Brokers operate access management centers and interact with eligible Medicaid clients requesting access to eligible Medicaid services – trips are only authorized after brokers verify client eligibility and determine that clients do not have other transportation resources/options.

To directly save Medicaid medical funds (and as examples), brokers may authorize trips to Veterans' Hospitals, Shriners' Hospitals, and for services where Medicare and/or private insurance is primary and Medicaid coverage is secondary. Transportation for clients who also have Medicare Part D is provided at the same level of service as, and under the same restrictions for, prescription drug pickups.

Brokers assign trips to the most appropriate and cost-effective available transportation services subcontractor based on each client's mobility status and personal capabilities. Brokers utilize low cost options first, such as fixed route tickets/passes, gas reimbursement, mileage reimbursement, and only authorize higher cost options such as taxi and wheelchair lift-equipped vehicles based on the individual needs of clients.

Clients have the right to request a fair hearing and an appeal to a hearing decision, except in relation to provisions that are inapplicable under 42 CFR 440.170. Fair hearings are conducted before an impartial administrative law judge in accordance with the state's administrative hearings procedures (the same process as for other Medicaid healthcare services).

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTON

Methods of Assuring Transportation (cont)

The Broker for Region #5 does not directly assign trips to itself as a provider; however, the broker's parent agency did subcontract with a transit agency to provide ADA complementary paratransit services, and some of those trips were funded by Medicaid until 09/30/2009. The State is not requesting FMAP for trips in Region #5 under this amendment. This region will provide NEMT as an administrative activity.

Each of the brokers in the regions below is allowed to themselves provide a contractually limited percentage of non-transit trips. The contractual limits are as follows, as well as the percentage of non-transit trips provided by the broker itself, for state fiscal years 2008 and 2009:

| Region | Limit of non-transit trips | Trips provided by broker | |
|--------|----------------------------|--------------------------|----------|
| | | SFY 2008 | SFY 2009 |
| #8: | 15% | 4.7% | 1.8% |
| #10: | 7% | 0.5% | 1.7% |
| #11: | 30% | 0.3% | 0.2% |
| #12: | 20% | 16.6% | 15.1% |
| #13: | 15% | 12.1% | 12.2% |

These regions will provide NEMT as an administrative activity.