

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 (5) “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 & 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 & 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 (5) loaded miles is included in the payment for the base rate.

Mode - The method used to provide transportation services to clients. This includes personal vehicle owned by individual provider; fixed route public transportation; ambulatory sedan, van, handi-bus; wheelchair-accessible van; and non-emergency ambulance.

Most Appropriate - The least costly mode of transportation to meet a client's medical needs that accommodates the client based on the client's physical, cognitive or developmental capabilities.

Nebraska Medicaid Coverable Services - A medical service that **is** covered by the Nebraska Medicaid Program as specified in Nebraska Administrative Code (NAC) Title 471 (see Appendix 471-000-200).

NET Broker – an entity under contract with DHHS, chosen through a competitive bidding process, to perform all administrative brokerage functions including, but not limited to establishing a transportation network; receiving NET service requests; verifying client program(s) eligibility; screening clients for mobility status and existing transportation resources; determining appropriateness and coverage of program services; approving and arranging for transport; notifying client of transportation arrangement; and prior-authorizing completed services for provider payment.

NET Service Provider – NET services provided by an approved Individual, Exempt or PSC Provider.

Non-Emergency Transportation (NET) Service - Non-Emergency Transportation (NET) Services are a ride, or mileage reimbursement for a ride, and ancillary services provided so that a Medicaid eligible client with no other transportation resources can receive Medicaid coverable services. By definition, NET services do not include transportation provided on an emergency basis, such as trips to the emergency room.

No Show- A trip that is not cancelled where the client or NET provider does not arrive as scheduled; or a scheduled trip that is not cancelled prior to the service when either the client or the NET provider fails to arrive.

Public Service Commission (PSC) Certified Carrier – Transportation providers requiring Nebraska Public Service Commission certification as defined in Neb. Rev. Stat. §75-302 including the following carriers:

Common Carrier means any person who or which undertakes to transport passengers or household goods for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state.

Contract Carrier means any motor carrier which transports passengers or household goods for hire other than as a common carrier designed to meet the distinct needs of each individual customer or a specifically designated class of customers without any limitation as to the number of customers it can serve within the class.

Unloaded Mileage - Miles traveled when a client is not present in the vehicle. All unloaded mileage is included in the payment for the base rate.

Urgent - A serious, but not life threatening, illness/injury. Urgent care is determined by the client's medical care provider. An appointment shall be considered urgent if the medical service provider grants an appointment within forty-eight (48) hours of the client's request. An inpatient or outpatient hospital discharge shall be considered an Urgent Trip.

Wait time - Periods of time that a NET provider spends waiting for the client prior to or in between the provision of covered NET services.

27-002 Covered Services: Medicaid covers the most appropriate NET services necessary to obtain Nebraska Medicaid-coverable services (see 471 NAC 1-002 for a list of Nebraska Medicaid coverable services) when one of the following criteria is met:

1. Client does not own or does not have access to a working licensed vehicle;
2. Client does not have a current valid driver's license; or
3. Client is unable to drive due to a documented physical, cognitive, or developmental limitation;
4. Client is unable to travel or wait by him/herself due to a documented physical, cognitive, or developmental limitation; or
5. Client is unable to secure free transportation as defined in this chapter.

27-002.01 NET Services Provided for Clients Residing in Nursing Facilities, or ICF/MR's when Medicaid primary insurance. NET services for nursing facility or ICF/MR residents may be covered under this chapter for facility discharge transportation to a private residence within boundaries of the state of Nebraska.

27-002.02 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services: All transportation services for medically necessary EPSDT covered services will be provided without regard to service limitations defined within this chapter, and with prior authorization.

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 twenty 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;
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 (3) 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. The escort or attendant provider will not be paid for escort or attendant services while driving the vehicle.

27-004.02 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.

27-004.03 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 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) and submit for approval to participate in Medicaid. 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 10 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 past two (2) 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 (3) 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 fifteen 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, escorts 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:

- a. Child pornography;
- b. Child or adult abuse;
- c. Driving under the influence, pending charge or conviction within the past eight years;
- d. Domestic assault;
- e. Shoplifting after age 19 and within three years prior to the criminal history review;
- f. Felony fraud within the last 10 years;
- g. Misdemeanor fraud within the last five years;
- h. Possession of any controlled substance within the last five years;
- i. Possession of a controlled substance with intent to deliver within the last 5 years;
- j. Felony or misdemeanor assault without a weapon in the last 10 years;
- k. Felony or misdemeanor assault with a weapon in the last 15 years;
- l. Prostitution or solicitation of prostitution within the last five years;
- m. Felony or misdemeanor robbery or burglary within the last 10 years;
- n. Rape or sexual assault; or
- o. Homicide.

27-000 MEDICAL TRANSPORTATION SERVICES

27-001 Standards for Participation: To participate in the Nebraska Medical Assistance Program (NMAP), providers of medical transportation services must fully meet any applicable local, state, and federal laws and regulations governing the provision of their services.

27-001.01 Provider Agreement: The medical transportation provider must complete and sign Form MILTC-9, "Service Provider Agreement," or Form MC-19, "Medical Assistance Provider Agreement," and submit the completed form to the Department of Health and Human Services (DHHS) for approval to participate in NMAP.

27-001.02 Type of Providers: NMAP covers medical transportation by providers that meet one of the following definitions:

Common Carrier means any person who transports passengers by motor vehicle for hire and is licensed as such with the Public Service Commission (PSC).

Exempt Provider means carriers exempted from PSC licensure by law including those that:

1. Transport for hire persons who are aged and their spouses and dependents under a contract with a municipality or county;
2. Are owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes as provided by Section 501(c)(4), Internal Revenue Code, and transporting solely those persons over age 60, their spouses and dependents, and/or persons experiencing disabilities;
3. Are operated by a municipality or county as authorized by law in the transportation of persons who are aged;
4. Are operated by a governmental subdivision or a qualified public purpose organization having motor vehicles with a seating capacity of 20 or less and are engaged in the transportation of passengers in the state; or
5. Are engaged in the transportation of passengers and are operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska; and
6. Provide escort services under contract with the Department of Health and Human Services or with any other agency organized under the Nebraska Community Aging Services Act.

~~Individual Provider means a person who is not in the business of providing transportation for hire; for example, a friend, neighbor, or non-legally responsible relative~~

~~27-001.02A Definitions:~~

~~Department means the Department of Health and Human Services (DHHS) as established by the Health and Human Services Act (Laws 2007, LB 296).~~

~~Department staff means employees of the Department of Health and Human Services or contractors of the Department of Health and Human Services assigned those responsibilities.~~

~~27-001.03 Transportation Provider Standards: Department staff approve provider agreements with common carriers, exempt providers, escort providers, and individual providers. To be approved, providers must meet all general provider standards in addition to the service specific standards. Department staff annually review provider agreements and renew the agreement when the provider continues to meet all provider standards and service specific standards.~~

~~27-001.03A Common Carriers: The Public Service Commission certifies common carriers. Taxis and van companies are certified by the PSC as common carriers. Department staff must:~~

- ~~1. Verify that the carrier is certified by the Public Services Commission;~~
- ~~2. Request and receive a copy of the carrier's tariff (the geographic and rate parameters of operation assigned to a particular carrier by the Public Service Commission); and~~
- ~~3. Verify that the carrier has a special DHHS designation.~~

~~27-001.03B Exempt Providers: Exempt providers must ensure that their employees meet the individual provider standards in 471 NAC 27-001.04.~~

~~27-001.03C Medical Escorts: If the client requires a medical escort, see 473 NAC 5-018 or 474 NAC 5-018.~~

~~27-001.04 Individual Provider Standards: Department staff are authorized to approve provider agreements with individual providers by Neb. Rev. Stat. § 75-303.03 only if the following driver and vehicle standards are met at all times when the individual is providing transportation for a client.~~

~~27-001.04A Driver Standards: The individual provider must:~~

- ~~1. Have been chosen by the client or the usual caregiver to provide transportation;~~
- ~~2. Be age 19 or older;~~
- ~~3. Possess a current and valid driver's license;~~

- ~~4. Have no more than three points assessed against his/her Nebraska driver's license, or meet a comparable standard in the state in which s/he is licensed to drive;~~
- ~~5. Currently have no limitations that would interfere with safe driving;~~
- ~~6. Personally drive his/her own vehicle to transport clients;~~
- ~~7. Use seat belts and child passenger restraint devices as required by law;~~
- ~~8. Not smoke while transporting clients;~~
- ~~9. Not transport clients while under the influence of alcohol or any drug that impairs the ability to drive safely;~~
- ~~10. Not provide transportation if s/he has a communicable disease which may pose a threat to the health and well-being of the client;~~
- ~~11. Have and maintain the minimum automobile liability and medical insurance coverage as required by law; and~~
- ~~12. Report disqualification from any Department program for intentional program violation.~~

~~27-001.04B Vehicle Standards: The individual provider vehicle must be:~~

- ~~1. Currently licensed and registered as required by law;~~
- ~~2. Kept at all times in proper physical and mechanical condition;~~
- ~~3. Equipped with operable seat belts, turn signals, lights, and horn;~~
- ~~4. Equipped with proper child passenger restraint devices as required by law when transporting children; and~~
- ~~5. Equipped to provide comfortable temperature and ventilation conditions.~~

~~27-001.04C Registry Checks and Criminal Background Checks: Department staff must complete and document registry checks and criminal background checks on each potential individual provider.~~

~~27-001.04C1 Registry Checks: Department staff must check:~~

- ~~1. Adult Protective Services Central Registry;~~
- ~~2. Central Register of Child Protection Cases; and~~
- ~~3. Nebraska State Patrol Sex Offender Registry.~~

~~If the potential provider does not reside in Nebraska or has resided in Nebraska for less than one year, Department staff must check registries in the state of residence or previous residence, if possible.~~

~~27-001.04C1a Department staff must not approve a provider agreement with a potential individual provider if a report of abuse or neglect concerning the individual provider has been determined to be "Court Substantiated" or "Department Substantiated" on the APS Central Registry or "Court Substantiated", "Court Pending", or "Inconclusive" on the Central Register of Child Protection Cases.~~

~~27-001.04C1b~~ Department staff must not approve a provider agreement with a potential individual provider if the individual's name appears on the Nebraska State Patrol Sex Offender Registry.

~~27-001.04C2~~ Criminal Background Checks: Department staff must:

- ~~1.~~ Obtain a criminal history statement from the potential individual provider;
and
- ~~2.~~ Perform a criminal history check of the potential individual provider.

~~27-001.04C2a~~ General Criminal History: Department staff must not approve a provider agreement with a potential individual provider if a history of convictions for misdemeanor or felony actions that endanger the health and safety of a client is indicated. This includes crimes against a child or vulnerable adult, crimes involving intentional bodily harm, crimes involving the illegal use of a controlled substance, and crimes involving moral turpitude on the part of the potential provider, or any major traffic violations.

~~27-001.04C2b~~ Specific Criminal History: Department staff must deny or terminate a provider agreement when conviction has occurred in the following areas:

- ~~1.~~ Child pornography;
- ~~2.~~ Child or adult abuse;
- ~~3.~~ Driving under the influence: a DUI conviction within the past eight years;
- ~~4.~~ Domestic assault;
- ~~5.~~ Shoplifting after age 19 and within the last three years;
- ~~6.~~ Felony fraud within the last 10 years;
- ~~7.~~ Misdemeanor fraud within the last five years;
- ~~8.~~ Termination of provider status for cause from any Department program within the last 10 years;
- ~~9.~~ Possession of any controlled substance within the last five years;
- ~~10.~~ Possession of a controlled substance with intent to deliver within the last 10 years;
- ~~11.~~ Felony or misdemeanor assault without a weapon in the last 10 years;
- ~~12.~~ Felony or misdemeanor assault with a weapon in the last 15 years;
- ~~13.~~ Prostitution or solicitation of prostitution within the last five years;
- ~~14.~~ Felony or misdemeanor robbery or burglary within the last 10 years;
- ~~15.~~ Rape or sexual assault; or
- ~~16.~~ Homicide.

~~Pending charges must be reviewed by Department staff to determine whether the client's safety is in jeopardy. Other convictions must be considered using the guidance in 471 NAC 27-001.04C2a and weighted to similar offenses included in this list.~~

~~27-001.04C4 Individual Provider Approval Process: Department staff must obtain a copy of the individual's driver's license, insurance card, and vehicle registration. The provider must complete and sign the provider self-certification and the provider agreement. In addition to having no more than three points assessed against his/her driver's license, each provider's past eight-year driving history must be considered. If a license has been suspended or revoked, the provider must not be approved for eight years from the date of suspension or revocation.~~

~~27-001.04C4a Renewal: The provider self-certification and the provider agreement must be renewed annually. The registry checks and criminal history checks required under 471 NAC 27-001.04C must be completed for each renewal. Department staff must not renew any provider agreement with a provider whose name appears on the registries or whose criminal history check indicates any convictions as specified in 471 NAC 27-001.04C.~~

~~27-001.04C4b Termination: Department staff must terminate the provider agreement if the individual provider is found to be in violation of any of the standards in 471 NAC 27-001.04A and 04B. Department staff must terminate any provider agreement with a provider whose name appears on the registries or whose criminal history check indicates any convictions as specified in 471 NAC 27-001.04C.~~

~~27-002 Covered Services: NMAP covers transportation necessary to obtain:~~

- ~~1. Nebraska Medicaid-coverable services (see 471 NAC 1-002 for a list of Nebraska Medicaid coverable services); and~~
- ~~2. Adult day care and Mental Health Day Rehabilitation services where a documented medical need exists.~~

~~27-002.01 Services Provided for Clients Enrolled in the Nebraska Health Connection (NHC): Certain NMAP clients are required to participate in the Nebraska Medicaid Managed Care Program known as the Nebraska Health Connection (NHC). See 471-000-122 for a listing of the NHC plans.~~

~~27-002.01A Health Maintenance Organizations (HMO) Plans: The NHC HMO plans are required to provide, at a minimum, coverage of services as described in this Chapter. The prior authorization requirements, payment limitations, and billing instructions outlined in this Chapter do not apply to services provided to clients enrolled in an NHC HMO plan. Services provided to clients enrolled in an NHC HMO plan are not billed to NMAP. The provider must provide services only under arrangement with the HMO. Transportation for HMO enrollees to receive Medicaid services that are not covered under the HMO plan, such as dental services and pharmacy services, may be covered under this chapter.~~

~~27-002.01B Primary Care Case Management (PCCM) Plans: All NMAP policies apply to services provided to NHC clients enrolled in a PCCM plan.~~

~~27-002.01C Mental Health and Substance Abuse Managed Care Enrollees: If the client is enrolled in the Medicaid Mental Health and Substance Abuse Managed Care Plan, the contracted plan is responsible for authorizing transportation for mental health or substance abuse services under this chapter.~~

~~27-003 Noncovered Services: The following medical transportation services are not covered by NMAP:~~

- ~~1. Transportation to obtain services not coverable by Nebraska Medicaid, except adult day care services where a documented medical need exists;~~
- ~~2. Transportation for clients residing in nursing facilities or ICF/MR's. (The facility is responsible for securing transportation for needed health care for residents); and~~
- ~~3. Department staff-provided transportation.~~

~~27-004 Requirements and Limitations for Certain Services~~

~~27-004.01 Service Authorization: NMAP contracts with the Social Services Block Grant Program or other designated entities to provide, when required, transportation needs assessments and authorization of medical transportation services for Medicaid-eligible clients.~~

~~During the transportation needs assessment, Department staff must:~~

- ~~1. Determine if the client is eligible for medical transportation services;~~
- ~~2. Determine the most appropriate form of transportation;~~
- ~~3. Explain coverage limitations; and~~
- ~~4. Establish contact with the transportation provider, if needed.~~

~~Medical transportation services authorized through the Social Services Block Grant Program must follow the regulations in 473 and 474 NAC.~~

~~27-004.02 Coverage Criteria for Transportation: NMAP covers transportation when the client has no other means of transportation. Coverage may be considered only if the client is:~~

- ~~1. Unable to provide needed transportation (for example, has no access to a working licensed vehicle, has no current valid driver's license, or is unable to drive); and~~
- ~~2. Unable to secure transportation by a family member, relative, friend, organization, or other agency (such as Cancer Society, Easter Seals, churches, etc.) at no cost.~~

~~Transportation may be authorized and the provider may bill NMAP only when the client is actually in the vehicle.~~

~~27-004.03 Transportation for Out-of-State Medical Treatment: Medicaid may cover transportation for out-of-state medical treatment for Medicaid-eligible clients.~~

~~If out-of-state treatment is approved by Medicaid, Department staff may authorize transportation. The client is not eligible for transportation assistance if the client is driving him/herself.~~

~~If out-of-state treatment is not approved because of a non-medical reason such as the out-of-state provider refusing to participate in Medicaid, transportation for out-of-state treatment may be approved (see 471 NAC 27-004.03B). If out-of-state treatment is not approved for lack of medical necessity, transportation of out-of-state treatment must not be approved.~~

~~If prior authorization for out-of-state treatment is not required (for example, receiving services in a border state), Department staff may authorize transportation under the usual procedures.~~

~~27-004.03A Medicare (Primary) and Medicaid (Secondary): If the client has Medicare as his/her primary insurance and Medicaid is secondary, the client does not require out-of-state treatment approval from Medicaid. The DHHS Central Office Transportation Coordinator will determine if out-of-state transportation assistance is approved. The coordinator must use components of the definition of medical necessity found in 471 NAC 1-002.02A to determine whether out-of-state transportation may be authorized. If out-of-state transportation assistance is disapproved because the client is requesting routine medical services (for example, using a distant out-of-state clinic as the primary care provider), Department staff must deny the transportation service.~~

~~27-004.03B Private Health Insurance (Primary) and Medicaid (Secondary): If the client is using private insurance as his/her primary insurance and Medicaid is secondary, Medicaid prior authorization of the out-of-state medical treatment is required.~~

~~If out-of-state treatment is approved by Medicaid, Department staff may authorize transportation. The client is not eligible for assistance if the client is driving him/herself.~~

~~If Medicaid denies prior authorization of payment for out-of-state treatment because of a non-medical reason such as the out-of-state provider refusing to participate in Medicaid, Department staff must request prior authorization from the DHHS Central Office Transportation Coordinator. If the Coordinator denies out-of-state transportation, Department staff must deny the transportation service. If the Coordinator approves the out-of-state transportation, Department staff must approve the transportation service.~~

~~If Medicaid denies prior authorization for out-of-state treatment due to lack of medical necessity, transportation for out-of-state treatment must also be denied.~~

27-005 Payment for Services

27-005.01 Conditions for Payment: The Department will pay for transportation services only:

3. When the client is actually in the vehicle; and
4. Using the most direct and logical route from the client's residence to the service location.

27-005.02 Upper Limits: DHHS Central Office establishes transportation rates according to the following limits. Department staff assigned resource development responsibilities may negotiate rates lower than the established rates.

27-005.02A Common Carriers: Neb. Rev. Stat. § 75-303.02 limits the distance rates for common carriers at a rate no greater than three times the state employee mileage rate.

The maximum reimbursement rate does not apply when the carrier:

1. Transports the client wholly within the corporate limits of the city or village where the transportation of the client originated; or
2. Transports a disabled person as defined by the federal Americans with Disabilities Act of 1990 in a vehicle that is compliant with the regulations for the transportation of the disabled person.

27-005.02B Taxi: Taxi rates may be no greater than 95% of published rates.

27-005.02C Exempt Providers: DHHS Central Office will establish rates for exempt providers.

27-005.02D Individual Providers: As provided in Neb. Rev. Stat. § 75-303.03, the Department of Health and Human Services will reimburse the individual provider for costs incurred in transportation at a rate no greater than that paid for reimbursement of state employees under Neb. Rev. Stat. § 81-1176.

27-006 Billing Requirements: For medical transportation services authorized through the Social Services Block Grant Program, providers must follow the regulations in 473 and 474 NAC.

For services billed to NMAP, providers must use the appropriate claim form or electronic format (see Claim Submission Table at 471-000-49).