

10.09.19.00

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

Chapter 19 Transportation Grants

**Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of
Maryland**

.01 Scope.

These regulations govern the administration of grants to counties, municipal corporations, and nonprofit organizations for the provision of safety-net transportation services to Medical Assistance Program recipients. The grant funds are to be used by grantees to:

- A. Screen requests for transportation by recipients;
- B. Arrange for transportation;
- C. Expand existing and develop new transportation resources; and
- D. Provide transportation services where no other transportation is available to the recipient.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Ambulance" means a specially designed vehicle used for transporting the sick or injured, which has necessary patient care equipment including a stretcher, clean linens, first aid supplies, oxygen equipment, and, in addition, other safety and lifesaving equipment which may be required by State or local laws to classify the vehicle as an ambulance.

(2) "Attendant" means an individual needed to accompany a recipient who is unable to travel alone.

(3) "Department" has the meaning stated in COMAR 10.09.36.01.

(4) "Emergency" means a situation requiring prompt diagnosis and treatment of conditions having the potential of causing imminent disability or death.

(5) "Emergency services" means services provided in hospital emergency facilities after the onset of a medical condition manifesting itself by symptoms of sufficient severity that the absence of immediate medical attention

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could reasonably be expected by a prudent layperson, possessing an average knowledge of health and medicine, to result in:

- (a) Placing health in jeopardy;
 - (b) Serious impairment to bodily functions;
 - (c) Serious dysfunction of any bodily organ or part; or
 - (d) Development or continuance of severe pain.
- (6) "Grantee" means a recipient of grant funds from the Department pursuant to this chapter.
- (7) "Medical Assistance Program" means a program of comprehensive medical and other health-related care for indigent and medically indigent individuals.
- (8) "Medicare" has the meaning stated in COMAR 10.09.36.01.
- (9) "Necessary" has the meaning stated in COMAR 10.09.36.01.
- (10) "Nonambulatory" means a condition which renders a recipient physically unable to use a bus, taxicab, or private automobile in going to or from a hospital to receive needed medical treatment.
- (11) "Program" has the meaning stated in COMAR 10.09.36.01.
- (12) "Recipient" means an individual who is certified as eligible for, and is receiving, Medical Assistance benefits.
- (13) "Wheelchair van" means a van equipped with either a lift tailgate or side lift which is used for loading patients who are nonambulatory but who do not require the use of equipment found in an ambulance.

.03 Procedure for Submission of Proposals.

A. The Secretary shall request proposals for the award of transportation grants.

B. An applicant shall include in the applicant's proposal a description of how the applicant intends to carry out the duties required by these regulations. At a minimum, the applicant shall include the following items in the proposal:

- (1) The criteria which the applicant will use to determine the recipient's need for transportation services;
- (2) A discussion of how the applicant will arrange and provide transportation;
- (3) If applicable, a description of how volunteers will be recruited and reimbursed;
- (4) The reporting methodology that will be used by the grantee; and
- (5) An itemized budget for administrative costs, including:
 - (a) A staffing plan;
 - (b) Descriptions of individual job responsibilities and salaries;

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(c) A budget form; and

(d) Other pertinent material.

C. If an applicant intends to enter into subcontracts for transportation services referred to in §B(2) of this regulation, the applicant shall provide the following information:

(1) The names of the subcontractors;

(2) The scope of services to be subcontracted;

(3) The payment arrangement and payment level; and

(4) The plan for monitoring the performance of the subcontractors.

.04 Services to Recipients.

A. A grantee is responsible for arranging or providing nonemergency transportation to and from medically necessary covered services to Medical Assistance recipients and, when necessary, their attendants, who have no other means of transportation available. In carrying out this duty, a grantee:

(1) Shall screen recipients' requests for transportation in order to identify whether transportation is available to the recipients from other sources;

(2) When determining the appropriate means of transport for a recipient who appears to have a mental or physical disability which would prevent the recipient from using public transportation, shall request documentation prepared by the recipient's physician which indicates that the recipient's medical condition makes it medically contraindicated for the recipient to use public transportation;

(3) Shall refer recipients to organizations and programs which might be able to provide transportation and otherwise arrange for transportation when appropriate;

(4) Shall encourage the development and expansion of transportation resources such as churches and other community organizations;

(5) Shall provide transportation to recipients for whom there is no other transportation resource available, in the most efficient and cost-effective manner possible, including the use of volunteers and charitable organizations whenever possible; and

(6) May refuse to pay for transportation services if the recipient requests transportation less than 24 hours before the time the transportation is to be provided.

B. Screening referred to in §A(1) of this regulation includes obtaining the information listed below, as appropriate:

(1) Whether a recipient or a member of the recipient's household owns a vehicle;

(2) Availability of vehicles owned by friends or relatives with whom a recipient does not share a household;

(3) Availability of a volunteer using a privately owned vehicle;

(4) Availability of a volunteer from a public or private agency;

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- (5) Availability of transportation services provided for free by any other city, county, or State agency programs;
- (6) Methods by which a recipient previously reached medical services or currently reaches nonmedical services, such as the grocery store;
- (7) Whether a recipient can walk to the medical service;
- (8) Whether public bus transportation operates between a recipient's home and medical service;
- (9) Whether a recipient is mentally or physically disabled;
- (10) Whether a recipient is chronically ill or otherwise requires medical services on a frequent and ongoing basis; and
- (11) Whether a recipient can reschedule an appointment to a time when transportation would be available.

C. When the recipient is unable without assistance to obtain the documentation referred to in §A(2) of this regulation, and has no family member or other representative who can provide assistance, the grantee shall offer to contact the recipient's health care provider to request documentation of disability.

.05 Limitations.

Monies from a grant provided under these regulations may not be used to pay for the following:

- A. Emergency transportation services;
- B. Medicare ambulance services;
- C. Transportation to or from Veterans Administration hospitals unless it is to receive treatment for a non-military-related condition;
- D. Transportation to or from any correctional institutions;
- E. Transportation of recipients committed by the courts to mental institutions;
- F. Transportation between a nursing facility and a hospital, for routine diagnostic tests, nursing services, or physical therapy which can be performed at the nursing facility;
- G. Transportation services from a facility for treatment when the treatment is provided by the facility in which the recipient is located;
- H. Transportation to receive nonmedical services;
- I. Gratuities of any kind;
- J. Transportation between a medical day care facility and the recipient's home;
- K. Transportation to or from a State facility while the patient is a resident of that facility;
- L. Transportation of non-Medical Assistance recipients;

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- M. Trips for purposes related to education, recreational activities, or employment;
- N. Transportation of anyone other than the recipient, except for an attendant accompanying a minor or when an attendant is medically necessary;
- O. Wheelchair van service for ambulatory recipients;
- P. Ambulance service for a recipient who does not need to be transported in a prone position;
- Q. Transportation between a community rehabilitation program (CRP) and the recipient's home;
- R. Transportation between a day habilitation program and the recipient's home;
- S. Transportation to or from services that are not medically necessary.

.06 Notices to Recipients.

Whenever a grantee determines that the grantee will not arrange or provide transportation for a recipient who has requested transportation at least 24 hours in advance, even though the recipient has no available transportation resource, the grantee shall send the recipient a notice on a form, approved by the Department, that states the recipient has a right to a fair hearing pursuant to COMAR 10.09.24.13.

.07 Documentation.

A grantee shall document the following items and make the documentation available to the Department upon request:

- A. Whether the recipient had other transportation available or could reschedule the appointment to a time when transportation would be available;
- B. That any transportation paid for out of grant funds was to or from a medically necessary service for a recipient; and
- C. Which recipients the grantee denied transportation and the reason or reasons why.

.08 Accountability.

The Department shall:

- A. Follow all applicable policies required by COMAR 10.04.04 when approving grants; and
- B. Reconcile each grant on a yearly basis.

.09 Responsibility to Recipients.

A grantee is expected to meet the transportation needs of recipients in a grantee's county out of grant funds. In those circumstances when the grant funds are insufficient, the grantee shall contact the Program's staff specialist for transportation services, who shall evaluate and assist in resolving transportation requests. A grantee may not refuse services or assistance to a recipient who requests transportation on the basis that the grantee's grant funds have been exhausted.

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.10 Interpretive Regulation.

These regulations shall be interpreted in conformity with applicable federal statutes and regulations.

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Administrative History

Effective date: June 26, 1981 (8:13 Md. R. 1139)

Regulation .03A amended effective January 6, 1983 (9:26 Md. R. 2572); January 30, 1984 (11:2 Md. R. 113)

Regulation .07F amended effective January 30, 1984 (11:2 Md. R. 113); September 10, 1984 (11:18 Md. R. 1584)

Regulation .09A amended effective May 12, 1986 (13:9 Md. R. 1029)

Regulation .11 amended effective June 6, 1983 (10:11 Md. R. 974)

Regulation .12 adopted effective October 25, 1982 (9:21 Md. R. 2106)

Regulations .01—.12 repealed effective July 1, 1987 (14:4 Md. R. 418)

Regulations .01—.12 adopted effective July 1, 1987 (14:4 Md. R. 418)

Regulation .01B amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulations .01B and .05A amended as an emergency provision effective July 17, 1990 (17:16 Md. R. 1984); amended permanently effective November 1, 1990 (17:20 Md. R. 2427)

Regulations .01B and .05A amended, and .04G adopted as an emergency provision effective May 1, 1991 (18:7 Md. R. 765); amended permanently effective October 1, 1991 (18:15 Md. R. 1726)

Regulation .03A—C amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulation .04A amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulation .05 amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulation .06A and B amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulation .07 amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulation .07A amended as an emergency provision effective January 28, 1991 (18:3 Md. R. 301); emergency status expired April 8, 1991 (18:9 Md. R. 1004)

Regulation .07A amended as an emergency provision effective April 9, 1991 (18:9 Md. R. 1005); amended permanently effective October 7, 1991 (18:18 Md. R. 2004)

Regulation .08C and D amended effective July 1, 1989 (16:12 Md. R. 1336)

Regulations .01—.12, General Transportation, repealed effective May 24, 1993 (20:10 Md. R. 851)

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Regulations .01—.10, Transportation Grants, adopted effective May 24, 1993 (20:10 Md. R. 851)

Regulation .02B amended effective July 1, 1994 (21:12 Md. R. 1060)

Regulation .05 amended effective July 1, 1994 (21:12 Md. R. 1060)

