

Nov. 22, 2021

PUBLIC NOTICE

Public Notice of Final Action for Certain Medical Transportation Under the Consolidated Appropriations Act, 2021

The South Carolina Department of Health and Human Services (SCDHHS) gives notice of the following actions regarding the Medicaid coverage of certain medical transportation under the State Plan under Title XIX of the Social Security Act Medical Assistance Program (Medicaid).

Effective on or after Dec. 15, 2021, SCDHHS will amend the South Carolina Title XIX State Plan to address the Consolidated Appropriations Act, Division CC, Title II, Section 209 added provisions concerning Medicaid coverage of certain medical transportation. This provision codifies in statute longstanding regulatory requirements for states to assure necessary transportation for beneficiaries to and from covered services. Additional requirements for providers and drivers were added for the state's Medicaid transportation program, including those providing services under a Transportation Network Company ((TNC), i.e., Uber and Lyft) The Centers for Medicare and Medicaid Services (CMS) requires the State Plan be amended to conform to the amendments made by Section 209.

The State Plan must include the following new provider and driver requirements:

- (A) Each provider and individual driver is not excluded from participation in any federal health care program (as defined in section 1128B(f) of the Social Security Act) and is not listed on the exclusion list of the Inspector General of the Department of Health and Human Services*;
- (B) Each such individual driver has a valid driver's license;
- (C) Each such provider has in place a process to address any violation of a state drug law; and,
- (D) Each such provider has in place a process to disclose to the state Medicaid program the driving history, including any traffic violations, of each such individual driver employed by such provider, including any traffic violations.

****New federal requirement for TNCs***

Based on the information above, the brokerage contract obligations will be amended to include the new requirements under the current terms. SCDHHS anticipates this policy change to be budget neutral.

Copies of this notice are available at each South Carolina Healthy Connections Medicaid county office and at www.scdhhs.gov for public review. Additional information regarding these actions is available upon request at the address cited below.

Any written comments submitted may be reviewed by the public at the SCDHHS, Bureau of Provider & Support Services, 1801 Main Street, Columbia, South Carolina, Monday through Friday between the hours of 9 a.m. and 5 p.m.

Robert M. Kerr
Director

Notice of Non-Discrimination

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If you believe SCDHHS has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with the Civil Rights Official using the contact information provided above. You can file a grievance in person, by mail, or via email. If you need help filing a grievance, we are available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf> or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201 or by phone at: 800-368- 1019, 800-537-7697 (TDD). Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html> .