

May 7, 2019

The Honorable Rosa L. DeLauro
Chairwoman
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
House Committee on Appropriations
2358-B Rayburn House Office Building
Washington, D.C. 20515

The Honorable Tom Cole
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
House Committee on Appropriations
2358-B Rayburn House Office Building
Washington, D.C. 20515

Dear Chair DeLauro and Ranking Member Cole:

We are writing to express our concern about a soon-to-be proposed change in a Medicaid regulation that for the first time would allow states to eliminate Medicaid non-emergency medical transportation (NEMT), including for patients that are blind, elderly, or disabled. The Medicaid rule, which the administration plans to promulgate in May 2019, would repeal long-standing regulations (CFR §431.53) that have been upheld in the courts requiring State plans to include necessary transportation to and from providers.

NEMT is an essential component of our nation's health care delivery system, especially in rural areas. According to a recent Kaiser study, over half of Medicaid transportation services are utilized by patients with the highest burden of chronic conditions, including those diagnosed with cancer, HIV, behavioral health conditions, including substance use disorder, and end-stage renal disease. Without this help, they could not access physical therapy, chemotherapy, dialysis, and other services that allow them to remain at home and out of the hospital. NEMT also helps them to travel to their pharmacists to obtain their drug prescriptions and medical supplies.

NEMT is reserved for beneficiaries who have no other means of transportation to and from their medical appointments. State program integrity, including NEMT benefit management, efforts help to ensure the benefit is accessible only to those in need.

The elimination of Medicaid NEMT would have an adverse impact on beneficiaries, Medicaid managed care plans, and state budgets. As stakeholders interested in the access NEMT enables, we respectfully request that the Fiscal Year 2020 Labor-HHS Appropriations bill contain the following legislative language to block implementation of this unwise policy:

None of the funds appropriated in this Act or otherwise made available to the Department of Health and Human Services shall be used to publish the proposed regulation in the Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions relating to the Medicaid Nonemergency Medical Transportation benefit for Medicaid beneficiaries expected to be published for comment in May 2019 and promulgated in Fall 2019 (RIN:0938-AT81).

We would be grateful if you would include this important legislative language in the FY2020 Labor-HHS Appropriations bill and join us in blocking any attempt to eliminate or limit Medicaid NEMT services. It is essential that we retain the requirement for States to offer transportation to all Medicaid patients that have no other means to access health services.

Thank you for your kind attention.

Sincerely,

AIDS Action Baltimore
AIDS Alabama
AIDS Alabama South
AIDS Foundation of Chicago
Allies for Independence
American Academy of HIV Medicine
American Association of People with Disabilities
American Association on Health and Disability
American Federation of County and Municipal Employees
American Kidney Fund
American Network of Community Options and Resources
American Public Transportation Association
American Therapeutic Recreation Association
Amida Care
The Arc of the United States
Association of Programs for Rural Independent Living (APRIL)
Autistic Self Advocacy Network
Center for Autism and Related Disorders
Center for Public Representation
Children's Health Fund
Community Catalyst
Community Transportation Association of America

Dialysis Patient Citizens
Disability Rights Education and Defense Fund
Easterseals
Epilepsy Foundation
Equality NC
FamiliesUSA
First Focus
Global Alliance for Behavioral Health and Social Justice
Greater Wisconsin Agency on Aging
HIV Dental Alliance
HIV Medicine Association
Hudson Valley Community Services
The Jewish Federations of North America
Justice in Aging
Lakeshore Foundation
Los Angeles LGBT Center
Lutheran Services in America
Medicare Rights Center
Mental Health America
Michael J. Fox Foundation for Parkinson's Research
National Adult Day Services Association (NADSA)
National Alliance on Mental Illness
National Association for Children's Behavioral Health
National Association of Area Agencies on Aging (N4A)
National Association of Directors of Developmental Disabilities Services
National Association of Nutrition and Aging Services Programs (NANASP)
National Consumer Voice for Quality Long-Term Care
National Council on Aging
National Healthcare for the Homeless Council
National Rural Health Association
Nevada Disability Coalition
Pennsylvania Council on Independent Living
SKIL Resource Center
Treatment Action Group
Treatment Communities of America
United Spinal Association
WI Association of Mobility Managers (WAMM)