

**Congress of the United States**  
**Washington, DC 20515**

February 15, 2019

The Honorable Rosa L. DeLauro  
Chairwoman  
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies  
House Committee on Appropriations  
H-305, The Capitol  
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  
H-305, The Capitol  
Washington, D.C. 20515

Dear Chairwoman 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) for patients that are blind, elderly, or disabled. The Medicaid rule, which is expected to be promulgated 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.

As you may be aware, NEMT is an essential component of our nation's health care delivery system, especially in rural areas. According to a recent Kaiser study (see attached chart), over half of Medicaid transportation services are utilized by patients with the highest burden of chronic diseases, including those diagnosed with cancer, HIV, mental illness, substance abuse, and end-stage renal disease. In fact, NEMT is vital to many of our constituents who are Medicaid patients. Without this help, they could not access 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.

Currently, NEMT is utilized by roughly 10% of Medicaid enrollees and accounts for only 1% of total Medicaid spending. It is reserved for beneficiaries who have no other means of transportation to and from their medical appointments. State programs help to ensure the benefit is accessible only to those in need.

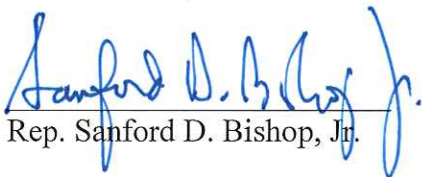
The elimination of Medicaid NEMT would have an adverse impact both on beneficiaries and state budgets. As members of the Congressional Black Caucus, we respectfully request that the Fiscal Year 2020 Labor-HHS Appropriations bill contain the following legislative language to block implementation of this unwise policy:

*None of the funds appropriated in this bill 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 undermine Medicaid NEMT. 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,

  
Rep. Sanford D. Bishop, Jr.

  
Rep. Alma S. Adams

  
Rep. Colin Z. Allred

  
Rep. Karen Bass

  
Rep. Joyce Beatty

  
Rep. Lisa Blunt Rochester

  
Rep. Anthony G. Brown

  
Rep. G.K. Butterfield

  
Rep. André Carson

  
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Marcia L. Fudge  
Rep. Marcia L. Fudge

Alcee L. Hastings  
Rep. Alcee L. Hastings

Steven Horsford  
Rep. Steven Horsford

Hakeem S. Jeffries  
Rep. Hakeem S. Jeffries

Hank Johnson  
Rep. Henry C. "Hank" Johnson, Jr.

Emanuel Cleaver  
Rep. Emanuel Cleaver

Elijah E. Cummings  
Rep. Elijah E. Cummings

Antonio Delgado  
Rep. Antonio Delgado

Dwight Evans  
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Al Green  
Rep. Al Green

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Sheila Jackson Lee  
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Eddie Bernice Johnson  
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Robin L. Kelly  
Rep. Robin L. Kelly



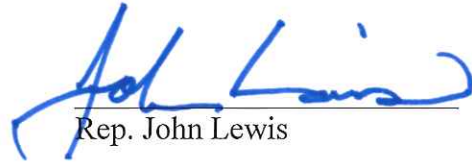
Rep. Brenda L. Lawrence



Rep. Al Lawson, Jr.



Rep. Barbara Lee



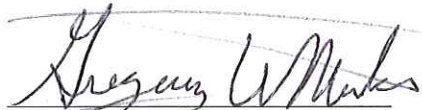
Rep. John Lewis



Rep. Lucy McBath



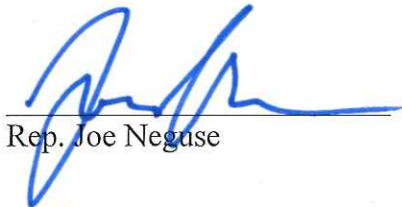
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Rep. Gwen Moore



Rep. Joe Neguse



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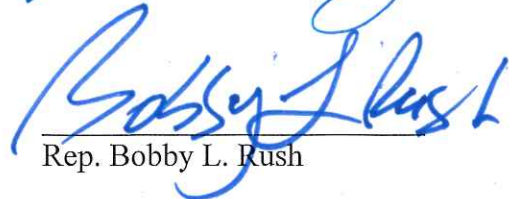
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*Terri Sewell*

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Rep. Marc A. Veasey

*Maxine Waters*

Rep. Maxine Waters

*Bonnie Watson Coleman*

Rep. Bonnie Watson Coleman

*Frederica S. Wilson*

Rep. Frederica S. Wilson

cc The Honorable Nita M. Lowey  
cc The Honorable Kay Granger