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CBC TO CMS – HANDS OFF NON-EMERGENCY MEDICAL TRANSPORTATION

Congressional Black Caucus Rebukes CMS's Effort to Cut NEMT Benefits in Medicaid

Washington, DC. (May 9, 2018) – At the Appropriations Subcommittee for Labor Health and Human Services, Education, and Related Agencies Markup Wednesday, a bipartisan appropriations limitation to prevent the Centers for Medicare and Medicaid Services (CMS) from publishing a rule impinging on Medicaid's non-emergency medical transportation (NEMT) benefit passed by a voice vote as part of the managers amendment. Also included in the bill report is a direction to the agency to commission a study from the National Academy of Medicine on the impact of the regulation on Medicaid beneficiaries, particularly those with chronic conditions.

This limitation by the Appropriations Committee on the use of funds preempts publication of a regulation (RIN: 0938-AT81), expected later this month, which would make NEMT benefits under Medicaid optional at the state level. The Appropriations Committee has not preempted a pending regulation since 2008 when the committee put a moratorium on several Bush administration Medicaid regulations.

A letter (attached), signed by all 53 members of the Congressional Black Caucus to the chair and ranking member of the LHHHS Subcommittee advocating for the change, prompted the move. The amendment was offered by LHHHS Subcommittee Chair Rosa Delauro [D-CT-03], and three Republican members also requested the limitation.

Subcommittee on Agriculture Chair Sanford Bishop [D-GA-02] spoke in favor, saying that NEMT allows "those with cancer or end-stage renal disease who depend on these services to get access to chemotherapy, to dialysis, and to other medical treatments that allow them to remain at home, out of the hospital, and to stay alive."

Medicaid NEMT provides over 100 million rides annually to medical appointments for Medicaid beneficiaries who do not have their own means of transportation. The benefit is used primarily by people with chronic conditions like end-stage renal disease, substance use disorder, and AIDS who depend on NEMT for their access to life-sustaining medical care.

Text of the limitation:

“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: 0983-AT81)”

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