

110TH CONGRESS  
2D SESSION

# H. R. 7122

To amend title XIX of the Social Security Act to require State Medicaid plans to continue to cover non-emergency transportation to medically necessary services.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2008

Mr. OLVER (for himself, Mr. WAXMAN, Mr. BERRY, Mr. ROSS, Ms. DELAURO, Mr. ALLEN, Mr. MARKEY, Mr. MCGOVERN, Mrs. CAPPs, Mr. RUSH, Mr. CARNAHAN, Mr. HINCHEY, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to require State Medicaid plans to continue to cover non-emergency transportation to medically necessary services.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONTINUING REQUIREMENT OF MEDICAID**  
2 **COVERAGE OF NON-EMERGENCY TRANSPOR-**  
3 **TATION TO MEDICALLY NECESSARY SERV-**  
4 **ICES.**

5 (a) **REQUIREMENT.**—Section 1902(a)(10) of the So-  
6 cial Security Act (42 U.S.C. 1396a(a)(10)(A)) is amend-  
7 ed—

8 (1) in subparagraph (A), by striking “and  
9 (21)” and inserting “, (21), and (28)”; and

10 (2) in subparagraph (C)(iv), by striking “and  
11 (17)” and inserting “, (17), and (28)”.

12 (b) **DESCRIPTION OF SERVICES.**—Section 1905(a) of  
13 such Act (42 U.S.C. 1395d(a)) is amended—

14 (1) in paragraph (27), by striking “and” at the  
15 end;

16 (2) by redesignating paragraph (28) as para-  
17 graph (29) and by striking the comma at the end  
18 and inserting a semicolon; and

19 (3) by inserting after paragraph (27) the fol-  
20 lowing new paragraph:

21 “(28) non-emergency transportation to medi-  
22 cally necessary services, consistent with the require-  
23 ment of section 431.53 of title 42, Code of Federal  
24 Regulations, as in effect as of June 1, 2008; and”.

25 (c) **EFFECTIVE DATE.**—The amendments made by  
26 this section shall take effect on the date of the enactment

1 of this Act and shall apply to transportation on or after  
2 such date.

3 (d) SUSPENSION OF IMPLEMENTATION OF CHANGE  
4 IN REGULATION.—The Secretary of Health and Human  
5 Services shall not—

6 (1) implement section 440.390 of proposed sub-  
7 part C of part 440 of title 42, Code of Federal Reg-  
8 ulations, contained in the proposed rule published on  
9 February 22, 2008, on pages 9714 through 9727 of  
10 volume 73, Federal Register; and

11 (2) promulgate or implement any rule or provi-  
12 sion—

13 (A) similar to such section or in contraven-  
14 tion of the amendments made by subsections  
15 (a) and (b); or

16 (B) revising the requirement, as in effect  
17 as of June 1, 2008, for non-emergency trans-  
18 portation under the Medicaid program.

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