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State/Territory Name: Texas

State Plan Amendment (SPA) #: 15-08

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Superseding Page Listing
- 4) Approved SPA Page(s)

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Dallas Regional Office  
1301 Young Street, Suite 833  
Dallas, Texas 75202



**DIVISION OF MEDICAID & CHILDREN'S HEALTH - REGION VI**

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May 20, 2015

Our Reference: SPA TX 15-008

Ms. Kay Ghahremani  
State Medicaid/CHIP Director  
Health and Human Services Commission  
Post Office Box 13247  
Mail Code H100  
Austin, Texas 78711

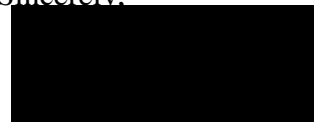
Dear Ms. Ghahremani:

We have reviewed the State's proposed amendment to the Texas State Plan submitted under Transmittal Number 15-008, dated March 13, 2015. This state plan amendment adds eleven (11) counties to the Non-emergency Medical Transportation (NEMT) program under the brokerage model. These counties are being deleted from inclusion in the 1915 b waiver.

Based on the information submitted, we have approved the amendment for incorporation into the official Texas State Plan with an effective date change of June 1, 2015. A copy of the CMS-179 and approved plan pages are enclosed with this letter.



If you have questions, please contact Cheryl Rupley at (214) 767-6278.

Sincerely,



Bill Brooks  
Associate Regional Administrator

cc: Becky Brownlee, Policy Development Support

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</b> <b>FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES</b>		1. TRANSMITTAL NUMBER:  <div style="text-align: center; font-weight: bold;">15-008</div>	2. STATE:  <div style="text-align: center; font-weight: bold;">TEXAS</div>
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE AND MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE:  <div style="text-align: center; font-weight: bold;">June 1, 2015</div>	
5. TYPE OF PLAN MATERIAL (Circle One):  <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION:  <b>SSA §§ 1902(a)(70), 1905 (a)(29); 42 C.F.R. §§ 431.53, 440.170.</b>		7. FEDERAL BUDGET IMPACT: <b>SEE ATTACHMENT</b> a. FFY 2015 <b>\$2,595,482</b> b. FFY 2016 <b>\$8,207,819</b> c. FFY 2017 <b>\$8,709,421</b>	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:  <b>SEE ATTACHMENT TO BLOCKS 8 &amp; 9</b>		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):  <b>SEE ATTACHMENT TO BLOCKS 8 &amp; 9</b>	
10. SUBJECT OF AMENDMENT:  <b>The proposed amendment adds 11 counties to the Non-Emergency Medical Transportation (NEMT) brokerage model; these counties will no longer be served under the NEMT 1915(b) waiver model.</b>			
11. GOVERNOR'S REVIEW (Check One):  <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: Sent to Governor's Office this date. Comments, if any, will be forwarded upon receipt. <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF: 		16. RETURN TO:  <b>Kay Ghahremani</b> <b>State Medicaid Director</b> <b>Post Office Box 13247, MC: H-100</b> <b>Austin, Texas 78711</b>	
13. TYPED NAME: <b>Kay Ghahremani</b>			
14. TITLE: <b>State Medicaid Director</b>			
15. DATE SUBMITTED: <b>March 13, 2015</b>			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:      13 March, 2015		18. DATE APPROVED:      20 May, 2015	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:  1 June, 2015		20. SIGNATURE OF REGIONAL OFFICIAL: 	
21. TYPED NAME:  Bill Brooks		22. TITLE: Associate Regional Administrator Division of Medicaid & Children's Health	
23. REMARKS:			

**Attachment to Blocks 8 & 9 of CMS Form 179**

**Transmittal Number 15-008**

**Number of the  
Plan Section or Attachment**

**Number of the Superseded  
Plan Section or Attachment**

Appendix 1 to Attachment 3.1-A  
Page 55

Appendix 1 to Attachment 3.1-A  
Page 55 (TN 14-020)

Appendix 1 to Attachment 3.1-B  
Page 55

Appendix 1 to Attachment 3.1-B  
Page 55 (TN 14-020)

Attachment 3.1-D  
Page 3  
Page 4

Attachment 3.1-D  
Page 3 (TN 14-020)  
Page 4 (TN 14-020)

State: Texas  
Date Received: 3/13/15  
Date Approved: 5/20/15  
Date Effective: 6/1/15  
Transmittal Number: 15-0008

**28. Any other medical care, and any other type of remedial care recognized under State law, specified by the Secretary (in accordance with section 1905(a)(29) of the Social Security Act and 42 C.F.R. § 440.170)**

- a. Transportation (provided in accordance with 42 C.F.R. § 440.170) excluding "school-based" transportation

- ☐ Not provided  
☐ Provided without a broker as an optional medical service  
☒ Non-emergency transportation is provided through a brokerage program as an optional medical service in accordance with 1902(a)(70) of the Social Security Act and 42 C.F.R. § 440.170(a)(4).

Non-emergency medical transportation services will be provided under the brokerage program model in the following counties:

ANDERSON, ANGELINA, ATASCOSA, AUSTIN, BANDERA, BASTROP, BELL, BEXAR, BLANCO, BOSQUE, BOWIE, BRAZORIA, BRAZOS, BROWN, BURLESON, BURNET, CALDWELL, CALHOUN, CALLAHAN, CAMP, CASS, CHAMBERS, CHEROKEE, COKE, COLEMAN, COLORADO, COMAL, COMANCHE, CONCHO, CORYELL, CROCKETT, DALLAS, DE WITT, DELTA, DENTON, DIMMIT, EASTLAND, EDWARDS, ELLIS, ERATH, FALLS, FAYETTE, FISHER, FORT BEND, FRANKLIN, FREESTONE, FRIO, GALVESTON, GILLESPIE, GOLIAD, GONZALES, GREGG, GRIMES, GUADALUPE, HAMILTON, HARDIN, HARRIS, HARRISON, HASKELL, HAYS, HENDERSON, HILL, HOOD, HOPKINS, HOUSTON, HUNT, IRION, JACKSON, JASPER, JEFFERSON, JOHNSON, JONES, KARNES, KAUFMAN, KENDALL, KENT, KERR, KIMBLE, KINNEY, KNOX, LA SALLE, LAMAR, LAMPASAS, LAVACA, LEE, LEON, LIBERTY, LIMESTONE, LLANO, MADISON, MARION, MASON, MATAGORDA, MAVERICK, MCCULLOCH, MCLENNAN, MEDINA, MENARD, MILAM, MILLS, MITCHELL, MONTGOMERY, MORRIS, NACOGDOCHES, NAVARRO, NEWTON, NOLAN, ORANGE, PALO PINTO, PANOLA, PARKER, POLK, RAINS, REAGAN, REAL, RED RIVER, ROBERTSON, ROCKWALL, RUNNELS, RUSK, SABINE, SAN AUGUSTINE, SAN JACINTO, SAN SABA, SCHLEICHER, SCURRY, SHACKELFORD, SHELBY, SMITH, SOMERVELL, STEPHENS, STERLING, STONEWALL, SUTTON, TARRANT, TAYLOR, THROCKMORTON, TITUS, TOM GREEN, TRAVIS, TRINITY, TYLER, UPSHUR, UVALDE, VAL VERDE, VAN ZANDT, VICTORIA, WALKER, WALLER, WASHINGTON, WHARTON, WILLIAMSON, WILSON, WOOD, and ZAVALA

The State assures it has established a non-emergency medical transportation program in accordance with 1902(a)(70) of the Social Security Act in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was selected through a competitive bidding process that is consistent with 45 C.F.R. § 92.36(b) through (i) and is based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs.

- (1) The State will operate the broker program without the requirements of the following paragraphs of section 1902(a).

- ☒ (1) state-wideness (indicate areas of State that are covered)  
☒ (10)(B) comparability (indicate participating beneficiary groups)  
☒ (23) freedom of choice (indicate mandatory population groups)

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## Medical Transportation Program (continued)

service. Advance funds are for clients through age 20. Advanced funds may be issued to cover meals, lodging, and/or mileage.

(7) *Out-of-state transport* to contiguous counties or bordering counties in adjoining states (Louisiana, Arkansas, Oklahoma, and New Mexico) that are within 50 miles of the Texas border, if services are medically necessary and it is the customary or general practice of clients in a particular locality within Texas to obtain services from an out-of-state provider that is enrolled as a Texas Medicaid provider. Out-of-state transport also includes travel to states outside of the adjoining states for medically necessary medical care or other health care services that cannot be provided within the state of Texas.

(8) *Commercial airline transportation services* for a client and attendant to a covered health care service, when it is the most cost effective option or when necessary to meet the client's medical needs.

(9) *Transportation of an attendant*, if necessary.

Transportation in Texas is provided through two models. These models are the NEMT Brokerage Program Model and the 1915(b) Waiver Model.

### NEMT Brokerage Program Model

In seven Managed Transportation Organization (MTO) Regions and two service delivery areas (SDAs), transportation and related services (e.g., mass transit, meals, lodging) are provided through a broker that meets the requirements outlined in 42 C.F.R. § 440.170(a)(4). The broker is paid a capitated, per-member-per-month rate. The NEMT Brokerage Program Model includes three contractors and the following counties:

ANDERSON, ANGELINA, ATASCOSA, AUSTIN, BANDERA, BASTROP, BELL, BEXAR, BLANCO, BOSQUE, BOWIE, BRAZORIA, BRAZOS, BROWN, BURLESON, BURNET, CALDWELL, CALHOUN, CALLAHAN, CAMP, CASS, CHAMBERS, CHEROKEE, COKE, COLEMAN, COLORADO, COMAL, COMANCHE, CONCHO, CORYELL, CROCKETT, DALLAS, DE WITT, DELTA, DENTON, DIMMIT, EASTLAND, EDWARDS, ELLIS, ERATH, FALLS, FAYETTE, FISHER, FORT BEND, FRANKLIN, FREESTONE, FRIO, GALVESTON, GILLESPIE, GOLIAD, GONZALES, GREGG, GRIMES, GUADALUPE, HAMILTON, HARDIN, HARRIS, HARRISON, HASKELL, HAYS, HENDERSON, HILL, HOOD, HOPKINS, HOUSTON, HUNT, IRION, JACKSON, JASPER, JEFFERSON, JOHNSON, JONES, KARNES, KAUFMAN, KENDALL, KENT, KERR, KIMBLE, KINNEY, KNOX, LA SALLE, LAMAR, LAMPASAS, LAVACA, LEE, LEON, LIBERTY, LIMESTONE, LLANO, MADISON, MARION, MASON, MATAGORDA, MAVERICK, MEDINA, MCCULLOCH, MCLENNAN,

**Medical Transportation Program (continued)**

MENARD, MILAM, MILLS, MITCHELL, MONTGOMERY, MORRIS, NACOGDOCHES, NAVARRO, NEWTON, NOLAN, ORANGE, PALO PINTO, PANOLA, PARKER, POLK, RAINS, REAGAN, REAL, RED RIVER, ROBERTSON, ROCKWALL, RUNNELS, RUSK, SABINE, SAN AUGUSTINE, SAN JACINTO, SAN SABA, SCHLEICHER, SCURRY, SHACKELFORD, SHELBY, SMITH, SOMERVELL, STEPHENS, STERLING, STONEWALL, SUTTON, TARRANT, TAYLOR, THROCKMORTON, TITUS, TOM GREEN, TRAVIS, TRINITY, TYLER, UPSHUR, UVALDE, VAL VERDE, VAN ZANDT, VICTORIA, WALKER, WALLER, WASHINGTON, WHARTON, WILLIAMSON, WILSON, WOOD, and ZAVALA

1915(b) Waiver Model

In four Managed Transportation Organization (MTO) Regions, transportation and related services (e.g., mass transit, meals, lodging) are provided through an MTO under the authority of a 1915(b) waiver. The managed transportation organization may own, operate, and maintain a fleet of vehicles. The managed transportation organization is paid a capitated, per-member-per-month rate.

The 1915(b) Waiver Model includes three contractors and the following counties:

ANDREWS, ARANSAS, ARCHER, ARMSTRONG, BAILEY, BAYLOR, BEE, BORDEN, BREWSTER, BRISCOE, BROOKS, CAMERON, CARSON, CASTRO, CHILDRESS, CLAY, COCHRAN, COLLIN, COLLINGSWORTH, COOKE, COTTLE, CRANE, CROSBY, CULBERSON, DALLAM, DAWSON, DEAF SMITH, DICKENS, DONLEY, DUVAL, ECTOR, EL PASO, FANNIN, FLOYD, FOARD, GAINES, GARZA, GLASSCOCK, GRAY, GRAYSON, HALE, HALL, HANSFORD, HARDEMAN, HARTLEY, HEMPHILL, HIDALGO, HOCKLEY, HOWARD, HUDSPETH, HUTCHINSON, JACK, JEFF DAVIS, JIM HOGG, JIM WELLS, KENEDY, KING, KLEBERG, LAMB, LIPSCOMB, LIVE, OAK, LOVING, LUBBOCK, LYNN, MARTIN, MCMULLEN, MIDLAND, MONTAGUE, MOORE, MOTLEY, NUECES, OCHILTREE, OLDHAM, PARMER, PECOS, POTTER, PRESIDIO, RANDALL, REEVES, REFUGIO, ROBERTS, SAN PATRICIO, SHERMAN, STARR, SWISHER, TERRELL, TERRY, UPTON, WARD, WEBB, WHEELER, WICHITA, WILBARGER, WILLACY, WINKLER, WISE, YOAKUM, YOUNG, and ZAPATA

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