

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)