

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H4/1/19  
**A Bill**

HOUSE BILL 1521

By: Representative M. Gray  
By: Senator Irvin

**For An Act To Be Entitled**

*AN ACT TO ESTABLISH RULES TO IMPROVE CONTRACTING AND  
SERVICE DELIVERY OF MEDICAID NONEMERGENCY  
TRANSPORTATION AND TO ENSURE COMPLIANCE WITH FEDERAL  
REGULATIONS; AND FOR OTHER PURPOSES.*

**Subtitle**

*TO ESTABLISH RULES TO IMPROVE CONTRACTING  
AND SERVICE DELIVERY OF MEDICAID  
NONEMERGENCY TRANSPORTATION AND TO ENSURE  
COMPLIANCE WITH FEDERAL REGULATIONS.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:*

*20-77-135. Nonemergency transportation – Intent – Rules – Federal compliance.*

*(a) The General Assembly finds that it is the obligation of the Department of Human Services to ensure that a contractor that is awarded a contract to provide nonemergency transportation in the Arkansas Medicaid Program is prepared to deliver those services in a manner that minimizes disruption for Medicaid beneficiaries during the contract transition period.*

*(b) The department shall adopt rules concerning nonemergency transportation, including without limitation rules that address:*

*(1) Operational stability for nonemergency transportation networks in the state; and*



(2) Transition planning for both incoming and outgoing nonemergency transportation contractors.

(c) Regarding procurements for nonemergency transportation broker services, the department shall comply with 42 C.F.R. § 440.170, as it existed on March 1, 2019, which requires that a competitive bidding process be used to select a broker of nonemergency transportation based on the state's evaluation of the broker's experience, performance, references, resources, qualifications, and costs.

SECTION 2. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Department of Human Services shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before January 1, 2021; or

(2) If approval under § 10-3-309 has not occurred by January 1, 2021, as soon as practicable after approval under § 10-3-309.

(b) The department shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2021, so that the Legislative Council may consider the rules for approval before January 1, 2021.

/s/M. Gray