
SENATE BILL NO. 284—SENATORS FORD, WOODHOUSE, ATKINSON,
MANENDO, PARKS; DENIS, KIHUEN, SEGERBLOM, SMITH
AND SPEARMAN

MARCH 13, 2015

JOINT SPONSORS: ASSEMBLYMEN ELLIOT ANDERSON,
KIRKPATRICK, SPIEGEL, NEAL, DIAZ; ARAUJO,
BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON,
FLORES, JOINER, MUNFORD, OHRENSCHALL, SPRINKLE,
SWANK AND THOMPSON

Referred to Committee on Health and Human Services

SUMMARY—Requires the State Plan for Medicaid to provide for
certain nonmedical transportation. (BDR 38-974)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid
to provide for certain nonmedical transportation, to the
extent authorized by federal law, to allow recipients to
participate in the community and live independently; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Department of Health and Human Services, to the
2 extent authorized by federal law, to contract with certain motor carriers for the
3 provision of transportation services to recipients of Medicaid traveling to and
4 returning from providers of services under the State Plan for Medicaid. (NRS
5 422.2705) Existing federal law allows the United States Secretary of Health and
6 Human Services to grant a waiver allowing a state plan for Medicaid to provide
7 payment for the cost of home or community-based services for persons who would
8 otherwise require institutionalization. (42 U.S.C. § 1396n(c)) This bill requires the
9 Director of the Department of Health and Human Services to include in the State
10 Plan for Medicaid a requirement that the State will provide nonmedical
11 transportation services that allow recipients of Medicaid to participate in the
12 community and live independently or contract for the provision of such services.
13 This bill also requires the Administrator of the Division of Health Care Financing



14 and Policy of the Department to apply for any waiver necessary for the provision of
15 nonmedical transportation services pursuant to the State Plan to comply with
16 federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 422.2705 is hereby amended to read as
2 follows:

3 422.2705 1. The Department shall, to the extent authorized
4 by federal law, contract with a common motor carrier, a contract
5 motor carrier or a broker for the provision of transportation services
6 to recipients of Medicaid traveling to and returning from providers
7 of services under the State Plan for Medicaid.

8 2. The Department may, to the extent authorized by federal
9 law, contract with a common motor carrier, a contract motor carrier
10 or a broker for the provision of transportation services to recipients
11 of services pursuant to the Children's Health Insurance Program
12 traveling to and returning from providers of services under the
13 Children's Health Insurance Program.

14 3. *The Director shall, to the extent authorized by federal law,*
15 *include in the State Plan for Medicaid a requirement that the State*
16 *will provide transportation services to recipients of Medicaid*
17 *traveling to and returning from services and activities not covered*
18 *pursuant to subsection 1, that allow such recipients to participate*
19 *in the community and live independently. The State may contract*
20 *with a common motor carrier, a contract motor carrier or a broker*
21 *for the provision of such transportation services. The*
22 *Administrator shall apply for any waiver from federal law or*
23 *regulation which is necessary to carry out the provisions of this*
24 *subsection and if a waiver is denied or altered, take all appropriate*
25 *steps to comply with the directives of the Federal Government to*
26 *obtain the waiver.*

27 4. The Director may adopt regulations concerning the
28 qualifications of persons who may contract with the Department to
29 provide transportation services pursuant to this section.

30 ~~[4.]~~ 5. The Director shall:

31 (a) Require each motor carrier that has contracted with the
32 Department to provide transportation services pursuant to this
33 section to submit proof to the Department of a liability insurance
34 policy, certificate of insurance or surety which is substantially
35 equivalent in form to and is in the same amount or in a greater
36 amount than the policy, certificate or surety required by the
37 Department of Motor Vehicles pursuant to NRS 706.291 for a
38 similarly situated motor carrier; and



1 (b) Establish a program, with the assistance of the Nevada
2 Transportation Authority of the Department of Business and
3 Industry, to inspect the vehicles which are used to provide
4 transportation services pursuant to this section to ensure that the
5 vehicles and their operation are safe.

6 ~~5.1~~ 6. As used in this section:

7 (a) "Broker" has the meaning ascribed to it in NRS 706.021.

8 (b) "Common motor carrier" has the meaning ascribed to it in
9 NRS 706.036.

10 (c) "Contract motor carrier" has the meaning ascribed to it in
11 NRS 706.051.

