

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

June 21, 2017

Christian Laurence
Medicare Medicaid Coordination Office
Centers for Medicare and Medicaid Services

Via email to Christian.Laurence@cms.hhs.gov

RE: Q&A on Medicaid coverage of NEMT for Beneficiaries Dually Eligible for Medicare and Medicaid

Justice in Aging appreciates the opportunity to comment on the above-referenced draft. We also very much appreciate that MMCO has developed this Q&A. It provides helpful clarity on the scope of coverage of the benefit for dual eligibles that, to our knowledge, has not been easily available previously. Our thanks to MMCO for putting it together.

Location of the document: We note that existing information about NEMT seems to be scattered on the CMS website, with most on a page focused on program integrity, www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/nemt.html. We hope that MMCO will put the Q&A on a place on the website that is easily found and will also insert links to the Q&A on other pages that feature information on NEMT. Further, the Q&A is limited to a discussion of specific questions related to the benefit and dual eligibles. It is possible that, given the vagaries of computer searches, a consumer seeking general information about the benefit would find the Q&A but not the more consumer-facing booklets on the Program Integrity page. Links within the Q&A to those documents would be helpful. We also note that one of those consumer documents, the fact sheet titled "Let Medicaid Give You a Ride," states that NEMT is available for "Medicaid-approved care." It would be helpful to modify that language to conform to the Q&A discussion of the right to NEMT for Medicare-covered care as well.

Question 1: We ask that "appropriate form of transportation" be amended to read "medically appropriate form of transportation." As MMCO is aware, some of the more serious challenges with NEMT have been around failure to provide NEMT that is appropriate for the individual's health conditions. Amending the sentence would help to highlight the requirement.

Additional Issues: We ask that CMS consider adding Q&A's about the interaction between the Medicaid benefit and NEMT that is offered as supplemental benefit in some Medicare Advantage plans. Is the dual eligible required to use the Medicare Advantage benefit first? These concerns come up with other supplemental MA benefits like vision and dental. These are difficult issues and we would appreciate any guidance that MMCO could develop.

Since on both the MA side and the Medicaid side, the NEMT benefit may be limited, we also have general concerns about consumer confusion. Issues could arise if the Medicaid program and the

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Medicare Advantage plan use different transportation brokers, different procedures for booking rides, or different transportation providers. We recognize that these broader issues are beyond the scope of the Q&A but note them as challenges for duals who are in managed care and using NEMT.

Thank you again for the opportunity to comment and, more broadly, for MMCO's ongoing efforts to address NEMT issues facing duals. If you need additional information, please do not hesitate to contact me at GBurke@justiceinaging.org.

Sincerely,

A handwritten signature in cursive script that reads "Georgia Burke". The signature is written in black ink and is positioned below the word "Sincerely,".

Georgia Burke
Directing Attorney
Justice in Aging