

117TH CONGRESS  
1ST SESSION

# H. R. 2080

To amend title XVIII of the Social Security Act to provide for temporary coverage of certain transportation services for certain individuals under the Medicare program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Mr. BISHOP of Georgia (for himself, Mr. CARTER of Georgia, Mr. CÁRDENAS, Mr. GRIFFITH, Mr. GRIJALVA, Ms. PRESSLEY, Mr. COHEN, Mr. LEVIN of California, Mr. CARBAJAL, and Ms. SEWELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for temporary coverage of certain transportation services for certain individuals under the Medicare program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Senior Access to Vac-  
5       cines Ensured Act of 2021” or the “SAVE Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Kaiser Family Foundation reported  
4 that only about 12 percent of Medicare beneficiaries  
5 are full Medicare-Medicaid dual eligibles and, thus,  
6 have Medicaid coverage for nonemergency medical  
7 transportation (NEMT) to access COVID–19 vac-  
8 cination appointments and other health care ap-  
9 pointments. According to the Commonwealth Fund,  
10 although 45 percent of Medicare beneficiaries have  
11 incomes lower than 200 percent of the federal pov-  
12 erty level (FPL), which can limit their transpor-  
13 tation options, Medicare does not currently cover  
14 NEMT.

15 (2) Medicare beneficiaries over the age of 65,  
16 according to the Centers for Disease Control, are 24  
17 times more likely to die from COVID–19 than an  
18 adult aged 25–54.

19 (3) A managed NEMT benefit that offers  
20 scheduling and other assistance would improve bene-  
21 ficiaries’ access to the COVID–19 vaccine. It also  
22 would reduce Medicare expenditures by covering  
23 more cost-effective alternatives and avoiding the  
24 high cost of in-patient COVID–19 treatment.

1 **SEC. 3. COVERAGE OF MANAGED, NONEMERGENT TRANS-**  
 2 **PORTATION SERVICES FOR CERTAIN INDI-**  
 3 **VIDUALS.**

4 Title XVIII of the Social Security Act (42 U.S.C.  
 5 1395 et seq.) is amended by adding at the end the fol-  
 6 lowing new section:

7 **“SEC. 1899C. MANAGED, NONEMERGENT TRANSPORTATION**  
 8 **SERVICES BENEFIT PROGRAM.**

9 “(a) ESTABLISHMENT.—The Secretary shall estab-  
 10 lish a program to be known as the ‘Managed, Nonemer-  
 11 gent Transportation Services Benefit Program’ for pur-  
 12 poses of furnishing qualifying individuals not more than  
 13 2 round-trip managed, nonemergent transportation serv-  
 14 ices (as defined in subsection (c)) to COVID–19 vaccina-  
 15 tion sites (including community pharmacies) beginning  
 16 April 1, 2021, and ending on the last day of the emergency  
 17 period described in section 1135(g)(1)(B).

18 “(b) CONTRACT WITH QUALIFIED TRANSPORTATION  
 19 MANAGER.—

20 “(1) IN GENERAL.—For each medicare admin-  
 21 istrative contractor jurisdiction for a year (beginning  
 22 with 2021), the Secretary shall enter into a contract  
 23 with one qualified transportation manager for pur-  
 24 poses of arranging for the provision of managed,  
 25 nonemergent transportation services to qualifying in-  
 26 dividuals in such region. Such contract shall provide

1       that payment be made by the Secretary for such  
2       service on the basis of prepaid capitation payments  
3       (taking into account the charge described in para-  
4       graph (2)(E)).

5           “(2) SELECTION.—Not later than 30 days after  
6       the date of the enactment of this section, notwith-  
7       standing any other provision of law, the Secretary  
8       shall award contracts described in paragraph (1)  
9       through a competitive bidding process under which  
10      the Secretary evaluates applicant entities based on  
11      experience, past performance, references, available  
12      resources, and cost for purposes of selecting quali-  
13      fied transportation managers, with preference given  
14      to applicants with prior satisfactory performance as  
15      a transportation broker under a program described  
16      in section 1902(a)(70). Not later than 15 days after  
17      such date of enactment, the Secretary shall publish  
18      guidance for prospective qualified transportation  
19      managers. Such guidance shall include information  
20      on how such manager may enter into a contract de-  
21      scribed in this subsection and a description of terms  
22      and conditions applicable to such managers with  
23      such contracts. Such a manager shall meet the fol-  
24      lowing requirements:

1           “(A) The manager establishes procedures  
2 meeting criteria established by the Secretary for  
3 addressing beneficiary complaints and ensuring  
4 network transportation providers are licensed  
5 by the State for purposes of operating vehicles  
6 and are competent and courteous.

7           “(B) The manager is subject to regular  
8 audit and oversight by the State in which such  
9 manager operates in order to ensure the quality  
10 and timeliness of transportation services man-  
11 aged and the adequacy of qualifying individuals’  
12 access to medical care and services.

13           “(C) The manager complies with all re-  
14 quirements specified in the contract described  
15 in paragraph (1). Such requirements shall in-  
16 clude requirements related to—

17                   “(i) reviews and evaluations to ensure  
18 the quality, appropriateness, and timeliness  
19 of such services arranged by such man-  
20 ager;

21                   “(ii) prohibitions on referrals and con-  
22 flict of interest as the Secretary shall es-  
23 tablish (based on the prohibitions on physi-  
24 cian referrals under section 1877 and such  
25 other prohibitions and requirements as the

1 Secretary determines to be appropriate);  
2 and

3 “(iii) the development and implemen-  
4 tation of a corrective action plan to ad-  
5 dress any contract deficiencies.

6 “(D) The manager establishes procedures  
7 for determining an individual’s eligibility for  
8 managed, nonemergent transportation services  
9 under the program established under subsection  
10 (a) using criteria established by the Secretary  
11 under subsection (c)(3) and for scheduling and  
12 organizing the furnishing of such services.

13 “(c) DEFINITION.—For purposes of this section:

14 “(1) MANAGED, NONEMERGENT TRANSPOR-  
15 TATION SERVICES.—The term ‘managed, nonemer-  
16 gent transportation services’ means the transpor-  
17 tation of an individual by car, taxi, bus, or other  
18 similar means (as specified by the Secretary) to a  
19 provider or supplier of services where such individual  
20 is to be furnished items or services payable under  
21 this title.

22 “(2) QUALIFIED TRANSPORTATION MANAGER.—  
23 The term ‘qualified transportation manager’ means  
24 an entity that arranges, under contract with the

1 Secretary, for the provision of managed, nonemer-  
2 gent transportation services to qualifying individuals.

3 “(3) QUALIFYING INDIVIDUAL.—The term  
4 ‘qualifying individual’ means an individual entitled  
5 to benefits under part A who is not enrolled under  
6 a Medicare Advantage plan under part C and who  
7 is not a full-benefit dual eligible individual (as de-  
8 fined in paragraph (4)) who has no readily-available  
9 means of transportation (as determined by the Sec-  
10 retary). In determining whether an individual has no  
11 readily-available means of transportation for pur-  
12 poses of the previous sentence, the Secretary shall  
13 establish criteria similar to those used by States in  
14 making such determinations under a non-emergency  
15 medical transportation program under a State plan  
16 under title XIX (or a waiver of such plan), such as  
17 evaluating whether such individual—

18 “(A) has a driver’s license;

19 “(B) has a working vehicle available to  
20 such individual at such individual’s residence;

21 “(C) is incapable of driving due to a med-  
22 ical condition; and

23 “(D) has inadequate financial resources to  
24 pay for transportation.

1           “(4) FULL-BENEFIT DUAL ELIGIBLE INDIVIDUAL.—

2           “(A) IN GENERAL.—The term ‘full-benefit  
3           dual eligible individual’ means for a State for a  
4           month an individual who—

5                   “(i) is entitled to benefits under part  
6                   A or enrolled under part B; and

7                   “(ii) is determined eligible by the  
8                   State for medical assistance for full bene-  
9                   fits under title XIX for such month under  
10                  section 1902(a)(10)(A) or 1902(a)(10)(C),  
11                  by reason of section 1902(f), or under any  
12                  other category of eligibility for medical as-  
13                  sistance for full benefits under such title,  
14                  as determined by the Secretary.

15                  “(B) TREATMENT OF MEDICALLY NEEDY  
16                  AND OTHER INDIVIDUALS REQUIRED TO SPEND  
17                  DOWN.—In applying paragraph (1) in the case  
18                  of an individual determined to be eligible by the  
19                  State for medical assistance under section  
20                  1902(a)(10)(C) or by reason of section 1902(f),  
21                  the individual shall be treated as meeting the  
22                  requirement of paragraph (1)(B) for any month  
23                  if such medical assistance is provided for in any  
24                  part of the month.  
25



1       “(d) FUNDING.—The Secretary shall provide for the  
2 transfer, from the Federal Supplementary Medical Insur-  
3 ance Trust Fund under section 1841 to the Centers for  
4 Medicare & Medicaid Services Program Management Ac-  
5 count, of such sums as may be necessary for purposes of  
6 carrying out this section.

7       “(e) CLARIFICATION.—The provisions of section  
8 1862(a) shall not apply to payments made under a con-  
9 tract described in subsection (b)(1).”.

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