

Transportation

Under Medi-Cal and EPSDT

Question: My client has to travel to a university program in another city to obtain autism services for her child. The car ride is very difficult and sometimes they need to stay overnight. She cannot afford this. Where can she get help?

Answer: If your client's daughter is a Medicaid recipient, your client and her daughter may obtain transportation, including "related" services, through Medicaid and EPSDT.

EPSDT, the Early and Periodic Screening, Diagnosis and Treatment Program designed by the federal government to provide comprehensive medical services for children receiving Medicaid, requires that services listed in 42 U.S.C. §1396d(a) be covered if needed to correct or ameliorate a problem. Among those services are preventive and rehabilitative care and other medical services recognized by the state.¹ Regulations implementing these provisions mandate coverage of transportation to and from medical care for those Medicaid recipients who would not otherwise be able to access these services. Transportation costs covered by Medicaid include related travel expenses determined to be necessary by the state agency to secure medical examinations and treatment for a recipient.² These expenses include³

- cost of transportation for the recipient by ambulance, taxicab, common carrier or other means,
- cost of meals and lodging to and from medical care, and
- cost of attendant to accompany the recipient and the cost of attendant's transportation, meals, and lodging, and salary, if the attendant is not a family member.

These related expenses are covered in situations where the EPSDT recipient requires a particular medical service which is only available in another city, county or State and the distance and travel time warrants staying in that place overnight.⁴ Thus, even if the state does not cover transportation as an optional service for adults, it must do so for children when it is medically necessary.

In their state Medicaid plans, states must also specify that they will ensure necessary transportation to and from medical care and describe the methods for doing so.⁵ Some courts have interpreted this provision to mandate state coverage of transportation services,⁶ while other courts have not deemed the regulation to require such steps.⁷ Because the freedom of choice provision applies only to providers of medical services and not for administrative expenses such as transportation, states can make arrangements on a contractual or pre-paid basis with transit companies.⁸ Such contractual arrangements can significantly limit Medicaid recipient's access to transportation to and from the provider. For this reason, EPSDT is crucial for providing necessary transportation services to children in need.

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EPSDT requires transportation to be offered “prior to each due date of a child’s periodic examination.”⁹ States participating in EPSDT can provide transportation services to EPSDT beneficiaries through Medicaid or cooperative agreements with public or volunteer organizations or with the beneficiary’s friends or family members.¹⁰

To obtain transportation services for a child receiving Medicaid, advocates should research their State plan and pertinent statutes and regulations. This information should outline what transportation services are covered by the State Medicaid program. Once that has been determined, the advocate should contact the State or local Medicaid office and EPSDT office to obtain necessary transportation and scheduling assistance and, if necessary, cite them to the EPSDT requirements for transportation and related expenses.

ENDNOTES

1 42 U.S.C. §§1396a(a)(10)(A), 1396d(a). These services include inpatient and outpatient hospital services, rural health clinic services, federal qualified health center services, laboratory and x-ray services, nursing facility services, EPSDT services for recipients under age 21, family planning services and supplies, physician services, services furnished by a nurse-midwife, and certified pediatric or family nurse practitioner services.

2 42 C.F.R. §440.170(a)(1).

3 42 C.F.R. §440.170(a)(3).

4 *HCFA, State Medicaid Manual* §5340.

5 42 C.F.R. §431.53.

6 *Morgan v. Cohen*, 665 F. Supp. 1164 (E.D.Pa 1987)(stating that Title XIX requires Pennsylvania Department of Public Welfare to assure a successful transportation system in practical terms).

7 *Daniels v. Tennessee Department of Health and Environment*, 1989 U.S. Dist. LEXIS 12145 (M.D.Tenn. 1985)(holding that states have an obligation to assure that transportation provided is absolutely necessary and is the least expensive, available mode of transportation).

8 *HCFA, State Medicaid Manual* §2113.

9 42 C.F.R. §441.62(a). Additionally, the state Medicaid agency must offer the family or recipient necessary assistance with scheduling appointments for services. 42 C.F.R. §441.62(b). The agency must provide information stating that necessary transportation and scheduling assistance are available to EPSDT-eligible individuals upon request. 42 C.F.R. §441.56(a)(2)(iv).

10 *HCFA, State Medicaid Manual* §5340.