

 <b>JOHNS HOPKINS</b> MEDICINE JOHNS HOPKINS HEALTH SYSTEM	Johns Hopkins Health System <b>JHM Corporate and Administrative Policy Manual</b> <b>Legal/Compliance</b>	<i>Policy Number</i>	CC0014
		<i>Effective Date</i>	10/01/2024
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	<b>Complimentary Local Transportation</b>	<i>Supersedes Date</i>	N/A

This document applies to the following Participating Organizations:

Johns Hopkins All Children's Hospital    Johns Hopkins Bayview Medical    Johns Hopkins Howard County Medical    Johns Hopkins Surgery Centers Series  
 Center, Inc.    Center

Sibley Memorial Hospital    Suburban Hospital, Inc.    The Johns Hopkins Hospital

**Keywords:** Bus, Complimentary, Taxi, Transportation

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## **I. PURPOSE**


The purpose of this policy is to ensure, through the implementation of prudent and reasonable controls, that Johns Hopkins Health System(JHHS) Entities provide complimentary local transportation in a manner that:

- A. Promotes greater access to medical care for patients living in the JHHS Entity's service area;
- B. Promotes patient safety and ease of care; and
- C. Complies with the Federal Health Care Program Anti-Kickback Law, the federal physician self-referral ("Stark") law, and the Beneficiary Inducement Law.

This policy does not replace or supersede any policies regarding patient safety or clinical services, including, without limitation, policies that address safe discharges or that necessitate an accompanying adult for procedures. This policy is limited to addressing the circumstances under which a JHHS Entity may pay for and/or provide complimentary non-emergency transportation within the JHHS Facility's service area, consistent with federal and state fraud and abuse laws.

## **II. POLICY**

- A. Complimentary local transportation may be made available to established patients and their Caregivers when:
  1. The purpose of transportation is to receive medically necessary items or services.
  2. Transportation is within the JHHS Entity's Permitted Transportation Area.
- B. Payment for complimentary local transportation is made directly to the transportation provider or with a voucher. Under no circumstances shall payment for complimentary local transportation be made in the form of cash (or its equivalent) to a patient or a patient's Caregiver.

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- C. The costs of the complimentary local transportation program shall not be included, directly or indirectly, in any Federal Health Care Program cost report or claim or otherwise shifted to any Federal Health Care Program. These costs shall be in a non-allowable cost center.
- D. The provision of complimentary transportation shall not be:
1. Publicly advertised or marketed
  2. Determined in a manner related to the volume or value of Federal Health Care Program business.
  3. Contingent on the patient choosing a particular provider.
- E. This Policy does not apply to complimentary transportation provided to patients or their Caregivers when any of the following are applicable:
1. The patient is unable to pay for such service in accordance with JHM's Financial Assistance Policy ([Policy No. PFS035](#));  
or
  2. There is a good faith individualized determination of financial need and the patient or the patient's Caregiver has no reasonable alternative means of transportation at the time the transportation is needed. NOTE: In those instances, the provision of complimentary transportation will be offered consistent with any determinations made under a documented financial needs analysis.  
or
  3. For JHACH, transportation provided consistent with [SWGEM004 Transportation Assistance for Families in Need](#).

### III. DEFINITIONS

Caregiver	<p>A person over the age of 18, who provides assistance, typically in the home environment to an:</p> <ol style="list-style-type: none"> <li>1. Aging relative (e.g. parent or spouse), a minor, or another (unrelated) person, or</li> <li>2. Ill or disabled person of any age.</li> </ol> <p>A Caregiver can be a family member, friend, volunteer, or paid professional.</p>
Eligible Patient	An established patient of the JHHS Entity, as evidenced by either a previous episode of care or a current appointment for services with the JHHS Entity, who is otherwise eligible to receive complimentary local transportation pursuant to the terms of this policy.
Eligible Entity	Any provider or supplier of health care services. Suppliers who primarily supply items (rather than medical services) do not qualify as an Eligible Entity (e.g. DME supplier, pharmaceutical companies).
Established Patient	An individual who has selected and initiated contact to schedule an appointment with the JHHS Entity.
Federal Health Care Program	Any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government, including, but not limited to, Medicare, Medicaid/ Medi-Cal, managed Medicare/ Medicaid/ Medi-Cal, TriCare/ VA/ CHAMPUS, SCHIP, Federal Employees Health Benefit Plan, Indian Health Services, Health Services for Peace Corp Volunteers, Railroad Retirement Benefits, Black Lung Program, Services Provided to Federal Prisoners, and Pre- Existing Condition Insurance Plans (PCIPs)
JHHS Entity(ies)	Any Eligible Entity that is owned and/or operated by a Participating Organization subject to this Policy.

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Permitted Transportation Area	An area within twenty-five (25) miles of the JHHS Entity, or within seventy-five (75) miles of the JHHS Entity if the individual resides in a rural area.
Public Transportation	Publicly or privately owned, general or special transportation services that are offered to the public on a regular and continuous basis. Such services include transport by bus, rail, or other means of conveyance. Such services do not include transport by school bus or charter or livery/limousine or transport by air.
Shuttle Service	A vehicle that operates on a regular route according to a set schedule with the Permitted Transportation Area, including one or more JHHS entities. A Shuttle Service vehicle shall not be an aircraft, a luxury vehicle or an ambulance.

#### **IV. RESPONSIBILITY**

- A. Management (e.g. Supervisors, Managers, Directors)
  1. Ensure that all staff adhere to the requirements of this Policy.
- B. Staff
  1. Ensure that the requirements outlined in Section V. of this Policy are satisfied before coordinating complimentary transportation.
  2. Coordinate review by JHHS Compliance Department for transportation outside of the Permitted Transportation Area
- C. JHHS Compliance Department
  1. Review requests from JHHS Entity staff/management for transportation outside of the Permitted Transportation Area.
  2. Consult with the JHHS Legal Department, as necessary, to evaluate requests to provide transportation outside of the Permitted Transportation Area.
  3. Answer questions related to this Policy.

#### **V. PROCESS**

- A. **Determining Eligibility & Non-Discrimination**
  1. Eligibility
    - a. Except as set forth in Subsection V.B.3 or elsewhere in this policy, to be eligible for complimentary local transportation, an Eligible Patient must reside in or need transportation to/from a location in the JHHS Entity's Permitted Transportation Area.
    - b. JHM Shuttle Services may be provided to any person, including the general public.
  2. Non-Discrimination
    - a. Complimentary local transportation must be made available on equal terms to all Eligible Patients.
  3. Family and Caregivers
    - a. Complimentary local transportation may be made available to an immediate family member or Caregiver of an Eligible Patient, provided that the person is actually accompanying the Eligible Patient during the transport for purposes of receiving medical care at the relevant Entity ("Passenger").
- B. **Permissible Destinations and Points of Origin for the Provision of Complimentary Local Transportation**
  1. Points of Origin
    - a. Eligible Patients must be picked up from a location within the Permitted Transportation Area (the "Point of Origin"). The Point of Origin may include an Eligible Patient's primary residence, a Caregiver's residence, any other Johns Hopkins Facility located within the Permitted Transportation Area, or any health care provider within the Permitted Transportation Area at which the Eligible Patient is present to receive health care services.
  2. Destinations

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- a. Transportation to/from the JHHS Entity for medically necessary services.
    - i. Eligible Patients may be transported to the JHHS Entity for the purpose of receiving medically necessary services, or, after receiving medically necessary services, to Eligible Patients primary residence, or a Caregiver's residence, within JHHS's Permitted Transportation Area.
  - b. Discharge from the JHHS Entity after Inpatient or Observation Stay
    1. If an Eligible Patient is discharged from JHHS following an inpatient admission or released from JHHS after being placed in observation status for at least 24 hours, transportation may be provided outside the JHHS Permitted Transportation Area if necessary to effectuate a safe discharge. The patient must be transported to the patient's residence or another residence of the patient's choice.
  - c. Transportation to/from other Eligible Entity
    - i. The JHHS Entity may furnish complimentary local transportation to or from the office of the Eligible Patient's treating physician or other Eligible Entity provided that all of the following requirements are met:
      - The purpose of the transportation is for the furnishing of medically necessary items or services;
      - Transportation is not contingent on the Eligible Patient choosing a particular provider/supplier;
      - The transportation is only provided within JHHS's Permitted Transportation Area;
      - Transportation is provided on equal terms for Eligible Patients or insurance status; and
      - The Eligible patient is an Established Patient of the provider.
    3. Except to effectuate a discharge of a patient from JHHS after an inpatient or observation stay of 24 hours or more, prior approval is required from JHHS Compliance Department for any Complimentary Transportation to an Eligible Patient outside the Permitted Transportation Area.
- C. Types of Transportation**
1. General
    - a. Permissible complimentary transportation furnished under this policy is limited to ground transportation furnished in a van, common Public Transportation vehicle, taxi, ride-sharing, or similar Owned or Contracted Vehicle. Under no circumstances shall transportation be provided by a JHHS employee or contractor in his or her personal vehicle.
  2. Exclusions
    - a. Absent approval by the JHHS Compliance Department for a particular program, this Policy prohibits complimentary ambulance transportation, air transportation, luxury transportation or transportation other than ground transportation described in Subsection V.C.1., above.
  3. Disabled Patients
    - a. Owned or contracted vehicles used to transport disabled persons must be appropriately adapted to accommodate physical disabilities.
  4. Medical or Other Services for Disabled Patients
    - a. Except as set forth in Subsection V.C.3., Eligible Patients shall be advised that vehicles used to transport patients will not be equipped or staffed to provide medical or other services.
- D. Informing Eligible Patients and Others of the Availability of Complimentary Local Transportation**
1. JHHS Entities shall only publicize complimentary local transportation as follows:
    - a. JHHS Entity staff may ask Eligible Patients if transportation is needed after an appointment is scheduled at the JHHS Entity. The availability of transportation shall not target individuals diagnosed with certain conditions, requiring specific types of medical care, or covered by a particular insurance program or plan.
    - b. JHHS Entities may provide information to Eligible Patients, potential referral sources and the public regarding routes and schedules for Shuttle Services. Shuttle route maps and schedules may not include advertising content in addition to shuttle information.
  2. The JHHS Entity and its credentialed medical staff shall not:

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- a. Market or otherwise promote health care services available from JHHS Entities or other providers to any person during transportation provided in accordance with this policy.
- b. Advertise the availability of complimentary local transportation to the public or to potential Referral Sources through printed materials, websites and any other public communication channels.

## **VI. DISSEMINATION**

This policy will be communicated and disseminated as follows:

- A. The policy will be communicated to the JHM Corporate and Administrative Policy Committee and the JHM Corporate Staff Committee.
- B. Substantive updates and revisions will be communicated at the JHM Corporate and Administrative Policy Committee meeting.
- C. The policy will be published to the [JHHS Corporate and Administrative HPO manual](#).

## **VII. SUPPORTIVE INFORMATION**

**See Also:**

1. JHM: [Financial Assistance \(PFS035\)](#)
2. JHACH : [SWGEM004 Transportation Assistance for Families in Need](#).

**References:**

1. Anti-Kickback Law, 42 U.S.C. § 1320a-7b (b)
2. Safe Harbor Regulation 42 CFR 1001.962(bb)
3. Beneficiary Inducement Law, 42 U.S.C. § 1320a-7a (A)(5)
4. Stark Law, 42 U.S.C. § 1395nn, and implementing regulations
5. OIG Advisory Opinion 09-01 (March 6, 2009)

**Review Cycle:** Three (3) years

**Sponsor:**

- JHM Corporate and Administrative Policy Committee


**Developer:**

- JHHS Compliance Department

<b>Committee Approval</b>	<b>Date</b>
JHM Corporate and Administrative Policy Committee	9/12/24
JHM Corporate Staff Committee via consent agenda	9/17/24

## **VIII. SIGNATURES**

<b>Electronic Signature(s)</b>	<b>Date</b>

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Lisa Ishii President, Johns Hopkins Surgery Centers; Senior Vice President, Operations, Johns Hopkins Health System	09/17/2024
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