

By: Representative McGee

To: Public Health and Human Services

HOUSE BILL NO. 1100

1 AN ACT TO REQUIRE NONEMERGENCY MEDICAL TRANSPORTATION (NEMT)
 2 PROVIDERS TO HAVE A PERMIT FROM THE STATE DEPARTMENT OF HEALTH
 3 BEFORE THEY MAY PROVIDE NEMT TRANSPORTATION SERVICE IN
 4 MISSISSIPPI; TO REQUIRE THE DEPARTMENT TO ADOPT RULES PROVIDING
 5 FOR APPLICATIONS FOR PERMITS, ISSUANCE OF PERMITS, RENEWAL OF
 6 PERMITS AND REVOCATION OF PERMITS, AND AUTHORIZE THE DEPARTMENT TO
 7 PROVIDE FOR THE PAYMENT OF FEES FOR THE ISSUANCE AND RENEWAL OF
 8 PERMITS; TO REQUIRE THE DEPARTMENT TO ADOPT STANDARDS FOR THE
 9 OPERATION OF VEHICLES USED TO PROVIDE NEMT TRANSPORTATION SERVICE,
 10 AND SPECIFY THE MINIMUM STANDARDS THAT MUST BE ADOPTED; TO PROVIDE
 11 THAT NEMT PROVIDERS MUST MEET ALL THE REQUIREMENTS AND STANDARDS
 12 SET BY THE DEPARTMENT FOR PROVIDING NEMT TRANSPORTATION SERVICES;
 13 TO AUTHORIZE THE DEPARTMENT TO REVOKE THE PERMIT OF OR IMPOSE
 14 FINES ON ANY NEMT PROVIDER THAT IS FOUND TO BE NOT IN COMPLIANCE
 15 WITH THE REQUIREMENTS AND STANDARDS SET BY THE DEPARTMENT; TO
 16 AUTHORIZE THE DEPARTMENT TO BRING ACTIONS FOR INJUNCTIONS TO
 17 ENJOIN AND PROHIBIT ANY PERSON OR ENTITY FROM PROVIDING NEMT
 18 TRANSPORTATION SERVICE IN THE STATE WITHOUT HAVING A PERMIT FROM
 19 THE DEPARTMENT; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** (1) As used in this section, the following terms
 22 shall be defined as provided in this subsection:

23 (a) "Department" means the State Department of Health.

24 (b) "Nonemergency medical transportation provider" or
 25 "NEMT provider" means any company in the business of providing
 26 NEMT transportation services for compensation and any person,



27 group of persons or entity that provides NEMT transportation
28 services for compensation. Any company with a current
29 accreditation from the Nonemergency Medical Transportation
30 Accreditation Commission (NEMTAC) is deemed to be a NEMT provider.

31 (c) "NEMT transportation service" means motor vehicle
32 transportation provided on a regular basis by a public or private
33 entity or person that is designed exclusively or primarily to
34 serve individuals who are elderly or disabled and who are unable
35 to use regular means of transportation but do not require
36 ambulance service. This term also means those nonemergency
37 medical transportation services that are provided under the
38 Medicaid nonemergency transportation program or by managed care
39 providers that have contracted with the Division of Medicaid.

40 (d) "Special transportation service" includes, but is
41 not limited to, service provided by specially equipped buses,
42 vans, taxis and volunteer drivers using private automobiles.

43 (2) Each nonemergency medical transportation provider must
44 have an NEMT permit from the department before it may provide NEMT
45 transportation service in Mississippi. The department shall adopt
46 rules providing for applications for permits, issuance of permits,
47 renewal of permits and revocation of permits, and the department
48 may provide for the payment of fees for the issuance and renewal
49 of permits.

50 (3) The department shall adopt by rule standards for the
51 operation of vehicles used to provide NEMT transportation service



52 that are reasonably necessary to protect the health and safety of
53 individuals using that service. The department, as far as
54 practicable and consistent with the purpose of the standards,
55 shall avoid adoption of standards that unduly restrict any public
56 or private entity or person from providing special transportation
57 service because of the administrative or other cost of compliance.

58 (4) Standards adopted under this section must include, but
59 are not limited to:

60 (a) Qualifications of drivers and attendants, including
61 driver training requirements that must be met before a driver
62 provides special transportation, including, but not limited to:

63 (i) Fingerprint background check;

64 (ii) Annual criminal background checks, including
65 sex offender registry;

66 (iii) Annual motor vehicle records (MVR) checks
67 from the Department of Public Safety;

68 (iv) Drug screens;

69 (v) Regular confirmation that the driver does not
70 appear on the Office of Inspector General (OIG) exclusion lists;

71 (vi) For drivers, appropriate training for the
72 mode of transportation being provided;

73 (b) Safety of vehicles and necessary safety equipment;

74 (c) General requirements concerning inspection and
75 maintenance of vehicles, replacement vehicles, standard vehicle



76 equipment, and specialized equipment necessary to ensure vehicle
77 usability and safety for disabled persons; and

78 (d) Minimum insurance requirements.

79 (5) A NEMT provider must meet all the requirements and
80 standards set by the department for providing NEMT transportation
81 services. NEMT providers are required to have on hand at a
82 location in the state and be able to produce upon request the
83 necessary documentation to prove compliance with the requirements
84 and standards set by the department as provided in this section.

85 (6) The department is authorized to revoke the permit of or
86 impose fines on any NEMT provider that is found to be not in
87 compliance with the requirements and standards set by the
88 department for providing NEMT transportation services.

89 (7) The department is authorized to bring actions for
90 injunctions in the name of the department to enjoin and prohibit
91 any person or entity from providing NEMT transportation service in
92 the state without having a current, valid permit from the
93 department.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after July 1, 2022.

