

By: Senator(s) Parker, Blackwell

To: Medicaid

SENATE BILL NO. 2739

1 AN ACT TO DEFINE NONEMERGENCY MEDICAL TRANSPORTATION PROVIDER
2 AND SERVICES; TO PROVIDE THAT THE DEPARTMENT OF HEALTH MAY ISSUE A
3 PERMIT TO NONEMERGENCY MEDICAL TRANSPORTATION PROVIDERS IF THE
4 PROVIDER MEETS ALL REQUIREMENTS OF THE ACT AND THE RULES AND
5 REGULATIONS SET BY THE DEPARTMENT; TO SET THE MODES OF
6 TRANSPORTATION ALLOWED BY PROVIDERS; TO REQUIRE THE DEPARTMENT OF
7 HEALTH TO ADOPT CERTAIN RULES AND REGULATIONS FOR THE OPERATION OF
8 NONEMERGENCY MEDICAL TRANSPORTATION PROVIDERS; TO SET THE MINIMUM
9 QUALIFICATIONS REQUIRED; TO REQUIRE ENTITIES THAT ARE APPLYING FOR
10 A PERMIT TO PROVIDE THE DEPARTMENT OF HEALTH WITH THE NECESSARY
11 DOCUMENTATION REQUIRED BY THE ACT AND THE DEPARTMENT; TO REQUIRE
12 ALL LONG-TERM CARE FACILITIES, HOSPITALS AND OTHER MEDICAL
13 FACILITIES IN THIS STATE TO ONLY CONTRACT FOR NONEMERGENCY MEDICAL
14 TRANSPORTATION SERVICES WITH NONEMERGENCY MEDICAL TRANSPORTATION
15 PROVIDERS THAT HAVE BEEN ISSUED A PERMIT BY THE DEPARTMENT OF
16 HEALTH; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) For purposes of this act, unless the context
19 requires otherwise, the following terms shall have the meanings
20 ascribed herein:

21 (a) "Nonemergency medical transportation provider"
22 means any public entity or private entity in the business of
23 providing nonemergency medical transportation services.

24 (b) "Nonemergency medical transportation services"
25 means motor vehicle transportation services provided on a regular



basis by a public entity, private entity or person that is designed exclusively or primarily to serve individuals who are elderly, disabled or otherwise unable to use regular means of transportation but who do not require ambulance service. Nonemergency medical transportation services shall also include those services provided to beneficiaries of Medicaid in accordance with Section 43-13-117(36).

(2) A nonemergency medical transportation provider shall meet all of the requirements and standards set by the Department of Health for providing nonemergency medical transportation services. Any business entity or non-profit entity with a current accreditation from the Nonemergency Medical Transportation Accreditation Commission (NEMTAC) may be issued a permit by the Department of Health to be a nonemergency medical transportation provider if they meet the requirements of this act and the rules and regulations set by the department.

(3) Nonemergency medical transportation providers may transport individuals by specially equipped buses, vans, taxis and other motor vehicles. Volunteer drivers who are using their private automobiles may register with the Department of Health as nonemergency medical transportation providers.

(4) The Department of Health, in consultation with the Department of Transportation, shall adopt rules and regulations for nonemergency medical transportation providers and the operation of motor vehicles used to provide nonemergency medical



51 transportation services which are reasonably necessary to protect
52 the health and safety of individuals using such service. The
53 Department of Health shall not adopt rules or regulations that
54 unduly restrict any public or private entity from providing
55 nonemergency medical transportation services because of the
56 administrative cost or other costs of compliance.

57 (5) The rules and regulations adopted by the Department of
58 Health shall include, at a minimum, the following:

59 (a) Qualifications and training requirements of drivers
60 and attendants, including, but not limited to:

61 (i) Fingerprint background check;

62 (ii) Annual criminal background check, including a
63 sex offender registry check;

64 (iii) Annual MVR check from the Department of
65 Public Safety;

66 (iv) Drug screen;

67 (v) Regular confirmation that the driver does not
68 appear on the OIG exclusion lists; and

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

71 (b) General requirements concerning inspection and
72 maintenance of vehicles, replacement vehicles, standard vehicle
73 equipment and specialized equipment necessary to ensure safety of
74 passengers; and

75 (c) Minimum insurance requirements.



76 (6) An entity that is applying for a permit as a
77 nonemergency medical transportation provider shall provide the
78 Department of Health the necessary documentation required in this
79 act before the Department may issue the provider a permit.

80 (7) A permitted nonemergency medical transportation provider
81 shall have physical proof of the permit issued by the department
82 in all motor vehicles that it operates within the state.

83 (8) All long-term care facilities, hospitals and other
84 medical facilities in this state shall only contract for
85 nonemergency medical transportation services with nonemergency
86 medical transportation providers that have been issued a permit by
87 the Department of Health.

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

