

By: Senator(s) Parker, Blackwell

To: Medicaid

SENATE BILL NO. 2739
(As Sent to Governor)

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 SERVICES 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 SERVICES IN THE STATE WITHOUT HAVING A PERMIT FROM
19 THE DEPARTMENT; TO PROVIDE THAT ANY PUBLIC ENTITY OR PRIVATE
20 ENTITY IN THE BUSINESS OF PROVIDING NONEMERGENCY MEDICAL
21 TRANSPORTATION SERVICES MAY CONTINUE TO PROVIDE SUCH SERVICES
22 WITHOUT FIRST RECEIVING A PERMIT UNTIL JULY 1, 2023, PROVIDED THAT
23 IT COMPLIES WITH THE OTHER PROVISIONS OF THIS ACT AND THE RULES
24 SET BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

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

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

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



29 (b) "Nonemergency medical transportation provider" or
30 "NEMT provider" means any company in the business of providing
31 NEMT transportation services for compensation and any person,
32 group of persons or entity that provides NEMT transportation
33 services for compensation. Any company with a current
34 accreditation from the Nonemergency Medical Transportation
35 Accreditation Commission (NEMTAC) is deemed to be a NEMT provider.

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

45 (2) The department shall adopt rules providing for
46 applications for permits, issuance of permits, renewal of permits
47 and revocation of permits, and the department may provide for the
48 payment of fees for the issuance and renewal of permits.

49 (3) The department shall adopt by rule standards for the
50 operation of vehicles used to provide NEMT transportation service
51 that are reasonably necessary to protect the health and safety of
52 individuals using that service.



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

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

(i) Fingerprint background check;

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

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

(iv) Drug screens;

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

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

(b) Safety of vehicles and necessary safety equipment;

(c) General requirements concerning inspection and maintenance of vehicles, replacement vehicles, standard vehicle equipment, and specialized equipment necessary to ensure vehicle usability and safety for disabled persons; and

(d) Minimum insurance requirements.

(5) A NEMT provider must meet all the requirements and standards set by the department for providing NEMT transportation services. NEMT providers are required to have on hand at a location in the state and be able to produce upon request the



78 necessary documentation to prove compliance with the requirements
79 and standards set by the department as provided in this section.

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

84 (7) The department is authorized to bring actions for
85 injunctions in the name of the department to enjoin and prohibit
86 any person or entity from providing NEMT transportation service in
87 the state without having a current, valid permit from the
88 department except as otherwise provided in this act.

89 (8) Any public entity or private entity in the business of
90 providing nonemergency medical transportation services may
91 continue to provide such services without first receiving a permit
92 until July 1, 2023, provided that it complies with the other
93 provisions of this act and the rules set by the department.
94 After July 1, 2023, each nonemergency medical transportation
95 provider must have a NEMT permit from the department before it may
96 provide NEMT transportation services in Mississippi.

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

