

Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2739

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

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

53 (a) Qualifications of drivers and attendants, including
54 driver training requirements that must be met before a driver
55 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 necessary documentation to prove compliance with the requirements and standards set by the department as provided in this section.

(6) The department is authorized to revoke the permit of or impose fines on any NEMT provider that is found to be not in



80 compliance with the requirements and standards set by the
81 department for providing NEMT transportation services.

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

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

