

By: Representative Yancey

To: Public Health and Human
Services

HOUSE BILL NO. 610

1 AN ACT TO AMEND SECTION 41-55-71, MISSISSIPPI CODE OF 1972,
2 TO DEFINE THE TERMS "NONEMERGENCY MEDICAL TRANSPORTATION (NEMT)"
3 AND "NON-AMBULATORY NEMT TRANSPORTATION SERVICE" AS USED IN THE
4 STATUTE REQUIRING VEHICLE PERMITS AND ESTABLISHING STANDARDS FOR
5 NONEMERGENCY MEDICAL TRANSPORTATION SERVICES; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 41-55-71, Mississippi Code of 1972, is
9 amended as follows:

10 41-55-71. (1) As used in this section, the following terms
11 shall be defined as provided in this subsection:

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

13 (b) "Nonemergency medical transportation" or "NEMT"
14 means transportation services provided to an individual who is not
15 experiencing an emergency or in need of an ambulance but does have
16 a transportation need related to a covered health benefit. These
17 services may be provided through regular means of transportation
18 or through specialized transportation capable of accommodating
19 wheelchairs, stretchers or other special equipment needs.



20 (c) "Nonemergency medical transportation provider" or
21 "NEMT provider" means any company in the business of providing
22 NEMT transportation services for compensation and any person,
23 group of persons or entity that provides NEMT transportation
24 services for compensation. Any company with a current
25 accreditation from the Nonemergency Medical Transportation
26 Accreditation Commission (NEMTAC) is deemed to be * * * an NEMT
27 provider.

28 (* * * d) "Non-ambulatory NEMT transportation service"
29 means motor vehicle transportation provided on a regular basis by
30 a public or private entity or person that is designed exclusively
31 or primarily to serve the specific needs of individuals who
32 are * * * physically or mentally unable to use regular means of
33 transportation but do not require ambulance service. This
34 term * * * includes nonemergency medical transportation services
35 that are provided for Medicaid beneficiaries who are
36 non-ambulatory under the Medicaid nonemergency transportation
37 program or by managed care providers that have contracted with the
38 Division of Medicaid, except for those that are exempt from the
39 permitting requirement of this section under subsection (8).

40 (2) The State Department of Health (department) shall adopt
41 rules providing for applications for permits, issuance of permits,
42 renewal of permits and revocation of permits for vehicles used to
43 provide non-ambulatory NEMT services, and the department may



provide for the payment of fees for the issuance and renewal of permits.

(3) The department shall adopt by rule standards for the operation of vehicles used to provide non-ambulatory NEMT transportation services that are reasonably necessary to protect the health and safety of 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 non-ambulatory 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) * * * An NEMT provider must meet all the requirements and standards set by the department * * * if providing non-ambulatory 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 compliance with the requirements and standards set by the department for providing non-ambulatory NEMT transportation services.

(7) The department is authorized to bring actions for injunctions in the name of the department to enjoin and prohibit any person or entity from providing non-ambulatory NEMT transportation services in the state without having a current, valid permit from the department except as otherwise provided in this section.

(8) An NEMT provider that is a Medicaid provider under contract with an NEMT transportation broker providing non-ambulatory NEMT services for the Division of Medicaid shall not be required to have a permit from the department to provide



94 NEMT transportation services if: (a) the broker periodically
95 inspects the transport drivers for the NEMT provider and the
96 vehicles used by the transport drivers for compliance with the
97 standards prescribed in subsection (4) of this section and any
98 additional standards adopted by the department under subsection
99 (3) of this section * * *; and (b) the NEMT broker determines that
100 the drivers and vehicles are in compliance with those standards
101 and certifies such compliance with the department. The department
102 shall not make its own inspection of any drivers and vehicles that
103 have been certified by an NEMT broker as provided in this
104 subsection. Any NEMT provider that is exempt from the permitting
105 requirement under this subsection shall be required to register
106 with the department.

107 (9) * * * Ambulatory NEMT services for individuals who need
108 minimal assistance but cannot drive themselves do not require
109 special permitting by the department.

110 (10) This section does not preclude an NEMT provider from
111 using a permitted vehicle to provide services to ambulatory
112 individuals, nor does it exclude the use of a Transportation
113 Network Company licensed under Section 77-8-5 or a contract
114 carrier by motor vehicle permitted under Section 77-7-49 from
115 being utilized by a public or private entity, including Medicaid,
116 for purposes of providing nonemergency medical transportation to
117 ambulatory individuals.



118 **SECTION 2.** This act shall take effect and be in force from
119 and after July 1, 2025.

