

By: Representative Yancey

To: Public Health and Human
ServicesCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 610

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

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

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

9 41-55-71. (1) As used in this section, the following terms
10 shall be defined as provided in this subsection:

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

12 (b) "Nonemergency medical transportation" or "NEMT"
13 means transportation services provided to an individual who is not
14 experiencing an emergency or in need of an ambulance for
15 transportation or transfer but does have a transportation need
16 related to a covered health benefit.

17 (c) "Nonemergency medical transportation provider" or
18 "NEMT provider" means any company in the business of providing
19 NEMT transportation services for compensation and any person,



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

(* * * d) "NEMT transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed exclusively or primarily to serve individuals who are * * * physically or mentally unable to use regular means of transportation but do not require ambulance service. This term * * * includes nonemergency medical transportation services that are provided under the Medicaid nonemergency transportation program or by managed care providers that have contracted with the Division of Medicaid, except for those that are exempt from the permitting requirement of this section under subsection (8) or (9).

(2) The State Department of Health (department) shall adopt rules providing for applications for permits, issuance of permits, renewal of permits and revocation of permits for vehicles used to provide 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 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 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 NEMT transportation services. NEMT providers are required to have on hand at a location in the state and be able to produce upon



70 request the necessary documentation to prove compliance with the
71 requirements and standards set by the department as provided in
72 this section.

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

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

82 (8) An NEMT provider that is a Medicaid provider under
83 contract with an NEMT transportation broker providing NEMT
84 services for the Division of Medicaid shall not be required to
85 have a permit from the department to provide NEMT transportation
86 services if: (a) the broker periodically inspects the transport
87 drivers for the NEMT provider and the vehicles used by the
88 transport drivers for compliance with the standards prescribed in
89 subsection (4) of this section and any additional standards
90 adopted by the department under subsection (3) of this
91 section * * *; and (b) the NEMT broker determines that the drivers
92 and vehicles are in compliance with those standards and certifies
93 such compliance with the department. The department shall not
94 make its own inspection of any drivers and vehicles that have been



certified by an NEMT broker as provided in this subsection. Any NEMT provider that is exempt from the permitting requirement under this subsection shall be required to register with the department.

(9) * * * Regular transportation, meaning nonemergency transportation provided to individuals who qualify for NEMT transportation services under a plan but who are ambulatory and need minimal assistance, is exempt from the requirements in this section if the transportation is provided by a Transportation Network Company licensed under Section 77-8-5 or a contract carrier by motor vehicle permitted under Section 77-7-49 operating under a contract with a public or private entity, including Medicaid, for purposes of providing nonemergency transportation to ambulatory individuals.

(10) This section does not preclude an NEMT provider from using a permitted vehicle to provide services to ambulatory individuals.

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

