

By: Senator(s) Blackwell, Parker

To: Public Health and  
Welfare

## SENATE BILL NO. 2873

1       AN ACT TO AMEND SECTION 41-55-71, MISSISSIPPI CODE OF 1972,  
2 TO DEFINE AND CLARIFY TERMS; TO PROVIDE THAT THE STATE DEPARTMENT  
3 OF HEALTH SHALL ADOPT RULES, STANDARDS AND REQUIREMENTS FOR  
4 VEHICLES USED TO PROVIDE NONAMBULATORY NONEMERGENCY MEDICAL  
5 TRANSPORTATION (NEMT) SERVICES; TO REQUIRE NEMT PROVIDERS TO MEET  
6 ALL SUCH REQUIREMENTS AND STANDARDS IF PROVIDING NONAMBULATORY  
7 NEMT TRANSPORTATION SERVICES; TO CLARIFY PROVISIONS APPLICABLE TO  
8 NONAMBULATORY NEMT SERVICES; TO DELETE THE REQUIREMENT THAT AFTER  
9 JULY 1, 2024, EACH NEMT PROVIDER MUST HAVE A NEMT PERMIT FROM THE  
10 DEPARTMENT OF HEALTH BEFORE IT MAY PROVIDE NEMT TRANSPORTATION  
11 SERVICES; TO PROVIDE THAT AMBULATORY NEMT SERVICES FOR INDIVIDUALS  
12 WHO NEED MINIMAL ASSISTANCE BUT CANNOT DRIVE THEMSELVES DO NOT  
13 REQUIRE SPECIAL PERMITTING BY THE DEPARTMENT; TO CLARIFY THAT AN  
14 NEMT PROVIDER IS NOT PRECLUDED FROM USING A PERMITTED VEHICLE TO  
15 PROVIDE SERVICES TO AMBULATORY INDIVIDUALS AND THAT A PUBLIC OR  
16 PRIVATE ENTITY, INCLUDING MEDICAID, IS NOT PRECLUDED FROM USING A  
17 TRANSPORTATION NETWORK COMPANY LICENSED UNDER SECTION 77-8-5, OR A  
18 CONTRACT CARRIER BY MOTOR VEHICLE PERMITTED UNDER SECTION 77-7-49,  
19 FOR PURPOSES OF PROVIDING NONEMERGENCY MEDICAL TRANSPORTATION TO  
20 AMBULATORY INDIVIDUALS; AND FOR RELATED PURPOSES.

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

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

24       41-55-71. (1) As used in this section, the following terms  
25 shall be defined as provided in this subsection:

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

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

( \* \* \*c) "Nonemergency medical transportation provider" or "NEMT provider" means any company in the business of providing 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 a NEMT provider.

( \* \* \*d) "Nonambulatory 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 the specific needs of 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 for Medicaid beneficiaries who are nonambulatory  
under the Medicaid nonemergency transportation program or by  
managed care providers that have contracted with the Division of



51 Medicaid, except for those that are exempt from the permitting  
52 requirement of this section under subsection (8).

53 (2) The department shall adopt rules providing for  
54 applications for permits, issuance of permits, renewal of permits  
55 and revocation of permits for vehicles used to provide  
56 nonambulatory NEMT services, and the department may provide for  
57 the payment of fees for the issuance and renewal of permits.

58 (3) The department shall adopt by rule standards for the  
59 operation of vehicles used to provide nonambulatory NEMT  
60 transportation services that are reasonably necessary to protect  
61 the health and safety of individuals using that service.

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

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

68 (i) Fingerprint background check;  
69 (ii) Annual criminal background checks, including  
70 sex offender registry;

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

73 (iv) Drug screens;

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



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

78 (b) Safety of vehicles and necessary safety equipment;

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

83 (d) Minimum insurance requirements.

84 (5) A NEMT provider must meet all the requirements and  
85 standards set by the department \* \* \* if providing nonambulatory  
86 NEMT transportation services. NEMT providers are required to have  
87 on hand at a location in the state and be able to produce upon  
88 request the necessary documentation to prove compliance with the  
89 requirements and standards set by the department as provided in  
90 this section.

91 (6) The department is authorized to revoke the permit of, or  
92 impose fines on, any NEMT provider that is found to be not in  
93 compliance with the requirements and standards set by the  
94 department for providing nonambulatory NEMT transportation  
95 services.

96 (7) The department is authorized to bring actions for  
97 injunctions in the name of the department to enjoin and prohibit  
98 any person or entity from providing nonambulatory NEMT  
99 transportation service in the state without having a current,



100 valid permit from the department except as otherwise provided in  
101 this section.

102 (8) An NEMT provider that is a Medicaid provider under  
103 contract with an NEMT transportation broker providing  
104 nonambulatory NEMT services for the Division of Medicaid shall not  
105 be required to have a permit from the department to provide NEMT  
106 transportation services if (a) the broker periodically inspects  
107 the transport drivers for the NEMT provider and the vehicles used  
108 by the transport drivers for compliance with the standards  
109 prescribed in subsection (4) of this section and any additional  
110 standards adopted by the department under subsection (3) of this  
111 section, and (b) the NEMT broker determines that the drivers and  
112 vehicles are in compliance with those standards and certifies such  
113 compliance with the department. The department shall not make its  
114 own inspection of any drivers and vehicles that have been  
115 certified by an NEMT broker as provided in this subsection.

116 (9) Any NEMT provider that is exempt from the permitting  
117 requirement under \* \* \* subsection (8) of this section shall be  
118 required to register with the department.

119 \* \* \*

120 (10) Ambulatory NEMT services for individuals who need  
121 minimal assistance but cannot drive themselves do not require  
122 special permitting by the department.

123 (11) Nothing in this section shall preclude an NEMT provider  
124 from using a permitted vehicle to provide services to ambulatory



125 individuals, nor shall it exclude the use of a Transportation  
126 Network Company licensed under Section 77-8-5, or a contract  
127 carrier by motor vehicle permitted under Section 77-7-49, from  
128 being utilized by a public or private entity, including Medicaid,  
129 for purposes of providing nonemergency medical transportation to  
130 ambulatory individuals.

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

