

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.



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

34 (* * * c) "Nonemergency medical transportation
35 provider" or "NEMT provider" means any company in the business of
36 providing NEMT transportation services for compensation and any
37 person, group of persons or entity that provides NEMT
38 transportation services for compensation. Any company with a
39 current accreditation from the Nonemergency Medical Transportation
40 Accreditation Commission (NEMTAC) is deemed to be a NEMT provider.

41 (* * * d) "Nonambulatory NEMT transportation service"
42 means motor vehicle transportation provided on a regular basis by
43 a public or private entity or person that is designed exclusively
44 or primarily to serve the specific needs of individuals who
45 are * * * physically or mentally unable to use regular means of
46 transportation but do not require ambulance service. This
47 term * * * includes nonemergency medical transportation services
48 that are provided for Medicaid beneficiaries who are nonambulatory
49 under the Medicaid nonemergency transportation program or by
50 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).

(2) The department shall adopt rules providing for applications for permits, issuance of permits, renewal of permits and revocation of permits for vehicles used to provide nonambulatory 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 nonambulatory 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 nonambulatory 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 * * * if providing nonambulatory 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 nonambulatory 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 nonambulatory NEMT transportation service 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 nonambulatory NEMT services for the Division of Medicaid shall not be required to have a permit from the department to provide NEMT transportation services if (a) the broker periodically inspects the transport drivers for the NEMT provider and the vehicles used by the transport drivers for compliance with the standards prescribed in subsection (4) of this section and any additional standards adopted by the department under subsection (3) of this section, and (b) the NEMT broker determines that the drivers and vehicles are in compliance with those standards and certifies such compliance with the department. The department shall not make its own inspection of any drivers and vehicles that have been certified by an NEMT broker as provided in this subsection.

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

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

(11) Nothing in this section shall preclude an NEMT provider 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.

