

By: Senator(s) Parker

To: Medicaid

SENATE BILL NO. 2613  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-55-71, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE BY WHICH AN ENTITY PROVIDING NONEMERGENCY  
3 TRANSPORTATION SERVICES MAY CONTINUE TO PROVIDE SUCH SERVICES  
4 WITHOUT FIRST RECEIVING A PERMIT FROM THE DEPARTMENT OF HEALTH; TO  
5 PROVIDE THAT NEMT PROVIDERS THAT ARE MEDICAID PROVIDERS UNDER  
6 CONTRACT WITH AN NEMT TRANSPORTATION BROKER PROVIDING SERVICES FOR  
7 THE DIVISION OF MEDICAID SHALL NOT BE REQUIRED TO HAVE A PERMIT  
8 FROM THE DEPARTMENT TO PROVIDE NEMT TRANSPORTATION SERVICES UNDER  
9 CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

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

13 41-55-71. (1) As used in this section, the following terms  
14 shall be defined as provided in this subsection:

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

16 (b) "Nonemergency medical transportation provider" or  
17 "NEMT provider" means any company in the business of providing  
18 NEMT transportation services for compensation and any person,  
19 group of persons or entity that provides NEMT transportation  
20 services for compensation. Any company with a current



21 accreditation from the Nonemergency Medical Transportation  
22 Accreditation Commission (NEMTAC) is deemed to be a NEMT provider.

23 (c) "NEMT transportation service" means motor vehicle  
24 transportation provided on a regular basis by a public or private  
25 entity or person that is designed exclusively or primarily to  
26 serve individuals who are elderly or disabled and who are unable  
27 to use regular means of transportation but do not require  
28 ambulance service. This term also means those nonemergency  
29 medical transportation services that are provided under the  
30 Medicaid nonemergency transportation program or by managed care  
31 providers that have contracted with the Division of Medicaid,  
32 except for those that are exempt from the permitting requirement  
33 of this section under subsection (8).

34 (2) The department shall adopt rules providing for  
35 applications for permits, issuance of permits, renewal of permits  
36 and revocation of permits, and the department may provide for the  
37 payment of fees for the issuance and renewal of permits.

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

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



44 (a) Qualifications of drivers and attendants, including  
45 driver training requirements that must be met before a driver  
46 provides special transportation, including, but not limited to:

47 (i) Fingerprint background check;

48 (ii) Annual criminal background checks, including  
49 sex offender registry;

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

52 (iv) Drug screens;

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

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

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

58 (c) General requirements concerning inspection and  
59 maintenance of vehicles, replacement vehicles, standard vehicle  
60 equipment, and specialized equipment necessary to ensure vehicle  
61 usability and safety for disabled persons; and

62 (d) Minimum insurance requirements.

63 (5) A NEMT provider must meet all the requirements and  
64 standards set by the department for providing NEMT transportation  
65 services. NEMT providers are required to have on hand at a  
66 location in the state and be able to produce upon request the  
67 necessary documentation to prove compliance with the requirements  
68 and standards set by the department as provided in this section.



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

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

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



94 ( \* \* \*9) Any public entity or private entity in the  
95 business of providing nonemergency medical transportation services  
96 may continue to provide such services without first receiving a  
97 permit until July 1, \* \* \* 2024, provided that it complies with  
98 the other provisions of this section and the rules set by the  
99 department.

100 After July 1, \* \* \* 2024, each nonemergency medical  
101 transportation provider must have a NEMT permit from the  
102 department before it may provide NEMT transportation services in  
103 Mississippi.

104 **SECTION 2.** This act shall take effect and be in force from  
105 and after July 1, 2023.

