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CHAPTER 10: MEDICAL TRANSPORTATION

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## SECTION 10.3: NEMT - PROVIDER REQUIREMENTS

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## PROVIDER REQUIREMENTS

### Classification of Providers

Non-emergency medical transportation (NEMT) is provided to Medicaid beneficiaries through four classifications of NEMT providers. The transportation broker shall consider scheduling NEMT providers in the following order:

1. Public;
2. Gas reimbursement;
3. Non-profit; and
4. For-profit.

**Public providers** include city and parish intrastate mass transit systems (e.g., bus, train).

**Gas reimbursement providers** are individuals, including friends or family members. The provider may not reside at the same physical address as the beneficiary being transported and may not transport more than five beneficiaries across the FFS transportation broker and all contracted managed care organizations (MCOs), except where there are more than five beneficiaries in the same household.

**Non-profit providers** include those providers who are operated by or affiliated with a public organization such as state, federal, parish or city entities, community action agencies, or parish Councils on Aging. If a provider qualifies as a non-profit entity according to Internal Revenue Service (IRS) regulations, they may only enroll as non-profit providers.

**For-profit providers** include corporations, limited liability companies, partnerships, or sole proprietors. For-profit providers must comply with all state laws and the regulations of any governing state agency, commission, or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid program.

### General Requirements

The transportation broker shall ensure that the transportation provider agrees to cover the entire parish or parishes for which he or she provides NEMT services.

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The transportation broker shall ensure that the transportation provider performs door-to-door assistance to and from the main entrance of the pickup and/or drop off locations upon request of beneficiaries who may require additional assistance.

The transportation broker shall ensure that the NEMT provider does not touch any passenger, unless the passenger requests moderate assistance to, from, into, and out of the vehicle, including securing the seatbelt, and to and/or from the entrance of the pick-up and drop-off location, unless such assistance would present a direct threat to the driver, other passengers or individuals, or the vehicle.

### **Gas Reimbursement Provider Requirements**

The transportation broker shall ensure that gas reimbursement providers are 18 years of age or older and possess a valid and current Louisiana driver's license. The provider may not reside at the same address as the beneficiary.

In order to be eligible for reimbursement, the transportation broker must obtain the following from gas reimbursement providers:

1. An enrollment form that includes at a minimum:
  - a. Provider's full name;
  - b. Provider's physical address (P.O. Box is not valid);
  - c. Provider's mailing address;
  - d. Provider's phone number;
  - e. Provider's social security number; and
  - f. List of no more than five beneficiaries or all beneficiaries within one household, for whom the driver may be reimbursed. Beneficiary information must include the full name, date of birth, and Medicaid identification card (ID).
2. A clear and legible copy of the provider's valid driver's license and an attestation that a valid state inspection sticker will be maintained as part of the enrollment packet; and

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3. A copy of the vehicle's registration and insurance that meets or exceeds the minimum insurance required by the state of Louisiana.

Reimbursement to gas reimbursement providers is intended to cover all persons in the vehicle at the time of the trip (i.e., reimbursement shall be made for one trip regardless of the number of beneficiaries or additional passengers in the vehicle).

The transportation broker shall issue IRS Form 1099 to all gas reimbursement providers for income tax purposes.

**For-Profit and Non-Profit Provider Requirements**

The transportation broker shall obtain credentials from each for-profit and non-profit NEMT provider prior to and continually thereafter providing services under the NEMT program. The transportation broker may not assign any trips to for-profit and non-profit providers at any point who do not meet the requirements of this section. The transportation broker may not reimburse any provider in violation of these requirements on the date of service. These requirements are not applicable to public or gas reimbursement providers.

Each NEMT provider must meet all Medicaid program guidelines independently, regardless of whether more than one NEMT provider is owned by the same NEMT provider entity.

**Administrative Requirements**

The transportation broker shall obtain the following administrative documents from the NEMT provider:

1. [Disclosure of Ownership Information Form for Entity and Business](#) as required by 42 C.F.R. §§455.104 - 455.106;
2. Provider's National Provider Identifier (NPI) number in their business entity name obtained from the National Plan and Provider Enumeration System (NPPES);
3. Copy of the IRS Form CP 575 showing the Employer Identification Number (EIN) and business entity name, which must match all other documentation including, but not limited to, vehicle signage. A copy of the IRS Form 147C is acceptable if the IRS Form CP 575 is not available;
4. IRS Form W-9 which matches the information on the IRS Form CP 575 or 147C;

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5. Certificate of Public Necessity and Convenience (CPNC) issued by the Orleans Parish Taxicab Service and Enforcement Bureau for each provider, driver, and vehicle that will operate in Orleans Parish; and
6. NEMT permit issued by the Jefferson Parish Emergency Management Office for each provider, driver, and vehicle that will operate in Jefferson Parish.

The transportation broker shall conduct a search of Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE), Louisiana Adverse Actions List Search, the System of Award Management (SAM), and other applicable sites as may be determined by the Louisiana Department of Health (LDH), monthly to capture exclusions and reinstatements that have occurred since the previous search. Any and all exclusion information discovered shall be reported to LDH within three business days. Any individual or entity that employs or contracts with an excluded NEMT provider/individual cannot claim reimbursement from Medicaid for any items or services furnished, authorized, or prescribed by the excluded provider or individual. This is a prohibited affiliation. This prohibition applies even when the Medicaid reimbursement itself is made to another provider who is not excluded.

The transportation broker is responsible for the return to the State of any money paid for services provided by an excluded NEMT provider within 30 days of discovery. Failure of the transportation broker to ensure compliance with requirements to prevent and return, as applicable, payments to excluded providers may also result in LDH assessing monetary penalties and/or other remedies.

**Insurance Requirements**

The transportation broker shall ensure that for-profit and non-profit NEMT providers have general liability coverage if required by a local ordinance in areas where the NEMT provider operates, in addition to automobile liability coverage of \$25,000 for bodily injury per person, \$50,000 per accident, and \$25,000 for property damages. Automobile liability coverage should include either of the following:

1. Symbols 7, 8, and 9; or
2. Symbols 2, 8, and 9.

The NEMT provider's certificate of insurance must state that this coverage is for a NEMT vehicle. The policy must have a 30-day cancellation clause issued to the transportation broker. LDH must be listed as an additional insured on the automobile liability and general liability policies. The transportation broker shall obtain a copy of the policy from the provider.

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If a transportation provider adds a vehicle, the transportation broker must obtain from the NEMT provider an updated copy of the policy, which shows that the additional vehicle is insured, prior to use of the vehicle.

The transportation broker shall ensure that all transportation companies carry worker's compensation insurance as required by Louisiana law.

Operation without the minimum insurance coverage is a violation of the NEMT provider requirements. LDH may recoup all payments for trips occurring during the period of violation.

**Driver Requirements**

Drivers shall meet the following minimum requirements in order to be eligible to transport Medicaid beneficiaries:

1. Be 21 years of age or older;
2. Possess a valid and current driver's license (class D or CDL);
3. Possess the appropriate municipal or parochial permits if operating in Orleans and Jefferson Parish;
4. Have an official driving record with neither three or more moving violations, nor any convictions for operating a vehicle while intoxicated, within the past three years;
5. Comply with La. R.S. 40:1203.1 - 40:1203.7. Transportation providers shall conduct an annual criminal history check on all NEMT drivers. The criminal history check must be performed by the Louisiana State Police, an agency authorized by the Louisiana State Police, or the FBI. The results of the criminal history check must be transmitted directly to the transportation broker by the authorizing agency. The driver must submit written consent allowing the authorized agency to release the background check results directly to the transportation broker. The driver must have a "clean" record, with no convictions for prohibited crimes, unless the person has received a pardon of the conviction or has had their conviction expunged; and
6. Have successfully passed a five-panel drug screen, at a minimum, which shall be performed annually and upon reasonable suspicion of drug use. The results of the drug screen must be transmitted directly to the transportation broker by the testing agency. Any driver, or prospective driver, who fails the drug screen may resume

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driver responsibilities after a substance abuse professional issues a final evaluation and a return to work clearance. The transportation broker shall confirm that the driver successfully completes three follow-up screens over the six-month period following their return to duty.

The transportation broker shall obtain documentation demonstrating compliance with these requirements.

**Training Requirements**

NEMT drivers shall complete the following training requirements prior to transporting any beneficiaries:

1. Defensive driving, utilizing an in-person or virtual course of no less than four hours, to be renewed every three years, at a minimum;
2. Cardiopulmonary resuscitation (CPR), utilizing an in-person course, culminating in an active certification issued by a licensed instructor;
3. Child passenger restraint systems, including installation and usage in compliance with La. R.S. 32:295;
4. Wheelchair securement and Passenger Assistance Safety and Sensitivity (PASS), to be renewed every two years, at a minimum as follows:
  - a. All drivers contracted with NEMT providers who do not have wheelchair-accessible vehicles within their fleet may take either in-person or virtual wheelchair securement training;
  - b. All drivers contracted with NEMT providers who have wheelchair accessible vehicles, regardless of whether they are lift vehicles or ramp vehicles, are required to take in-person wheelchair securement training; and
  - c. Any driver that has a valid Americans with Disabilities Act (ADA) exception, diagnosed by a healthcare provider, which excludes them from all wheelchair transports, may take either the in-person or virtual wheelchair securement training. The driver shall not drive any wheelchair accessible vehicles when transporting Medicaid beneficiaries.
5. Health Insurance Portability and Accountability Act (HIPAA) privacy and security.

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The transportation broker shall obtain supporting documentation and ensure compliance with driver training requirements.

**Vehicle Requirements**

The transportation broker shall ensure that each vehicle authorized to transport beneficiaries under the NEMT program attains compliance with all vehicle requirements prior to transporting any beneficiaries and maintains compliance thereafter.

**General Requirements**

The transportation provider shall own or lease its vehicles. The transportation broker shall obtain documentation that the vehicle is registered in the name of the company. The transportation broker must ensure each leased vehicle meets all Medicaid program requirements, including insurance requirements, set forth by LDH. The transportation broker must ensure each leased vehicle meets all insurance requirements set forth specifically for leased vehicles by the state of Louisiana and the Office of Motor Vehicles (OMV).

The transportation broker shall ensure that vehicles meet the following minimum requirements:

1. Windshield in good condition and free of vision impairments;
2. Active Louisiana inspection sticker or, if applicable, the inspection sticker for vehicles operating in Orleans and Jefferson Parish;
3. CPNC for each vehicle operating in New Orleans and NEMT permit for each vehicle operating in Jefferson Parish;
4. Signage on the appropriate sides of the vehicle (see Signage section of this section);
5. License plate, with a current registration sticker;
6. Vehicle Identification Number (VIN) on a portion of the vehicle;
7. Current vehicle registration and insurance card secured in the vehicle;
8. Functioning air conditioning and heating in the front and rear of the vehicle;
9. Functioning seatbelts;

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10. Seat belt cutter secured in the vehicle within the driver's reach;
11. Fire extinguisher, showing the pressure gauge is reading within the manufacturer's optimal setting, secured in the vehicle; and
12. Transportation broker's decal, displaying the date the vehicle passed inspection, attached to the vehicle.

NEMT providers may not share vehicles with other NEMT providers regardless of whether more than one NEMT provider is owned by the same NEMT provider entity.

The below are not allowable vehicles types:

1. Stretcher vans;
2. Two-door vehicles;
3. Pickup trucks; and
4. Salvage title vehicles.

If the vehicle is equipped to transport wheelchairs, the transportation broker must ensure that it complies with all applicable ADA requirements, including requirements for restraints, tie-downs, lifts, and ramps.

NEMT providers must notify their transportation broker(s) of any newly added vehicles in order for the transportation broker to properly inspect and credential the vehicle prior to use within the NEMT program. Providers must submit copies of vehicle registration and Certificate of Insurance (COI) for all newly added vehicles. Providers operating in New Orleans or Jefferson Parish must also submit copies of their appropriate municipal or parochial permits.

The transportation broker shall require NEMT providers to follow all LDH-approved transportation policies, including those established by a transportation broker. The transportation broker shall include in its policies a protocol for handling and documenting beneficiary "no shows" (i.e., when the beneficiary is not present for pick-up at the specified location).

### **Signage**

Each vehicle must have signage that displays the name and the telephone number of the enrolled provider and the vehicle number. The signage must be located on the driver side, passenger side,



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and, if a van, on the rear of the vehicle. Signs must not be affixed to the windows where they would interfere with the vision of the driver.

Vehicles funded by the Louisiana Department of Transportation and Development (DOTD) are required to have the DOTD transit logo displayed on them. This logo will be accepted as appropriate signage for enrollment in the NEMT program.

Vehicles operating in Orleans Parish must use their Orleans Parish CPNC number as their vehicle number. The CPNC number must meet Orleans Parish regulations for size, contrast of color, and location.

**License Plates**

Each NEMT vehicle must have a “for hire”, “public”, or “public handicapped” license plate, in accordance with La. R.S. 45:181 and 49:121. The vehicle must be licensed in the provider’s business name when obtaining the license plate.

**Vehicle Inspections**

The transportation broker must perform an inspection prior to the vehicle being placed into the NEMT Program and annually thereafter.

The inspection must ensure that the vehicle meets all items covered under the Louisiana Highway Regulatory Act and functions as intended by the manufacturer.

Vehicle inspections shall be documented electronically and include digitized photographs evidencing that requirements have been met, including, but not limited to the following:

1. Each side of the vehicle and appropriate signage;
2. LA inspection sticker which should also include the vehicle VIN;
3. Clear and legible license plate, registration sticker, VIN, and registration and insurance cards;
4. Location of the seat belt cutter and fire extinguisher, including a pressure gauge reading;
5. Active use of a temperature gun directed at a vent measuring the temperature of the air conditioning/heating of the front vent and rear vent, when one is present, of the vehicle. The reading should be no hotter than 52 degrees Fahrenheit when

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measuring the air conditioning nor cooler than 100 degrees Fahrenheit when measuring the heater;

6. Interior of the vehicle showing all seat belts secured properly; and
7. Transportation broker's decal, displaying the date the vehicle passed inspection, attached to the vehicle.

If the vehicle is equipped to transport wheelchairs, the inspector shall ensure that the wheelchair lift and all backup mechanisms are in working order. Digital photographs of the following are also required:

1. Wheelchair secured showing proper application of the securements to the base; and
2. Wheelchair shoulder and lap belt properly secured with the wheelchair in frame for reference.

All vehicle identifying information must be captured during the inspection to include:

1. VIN;
2. Year;
3. Make;
4. Model;
5. Vehicle color;
6. License plate number;
7. Date of inspection;
8. Name and signature of inspector; and
9. Inspection results.

**Unannounced Compliance Reviews**

In an ongoing effort to identify and remedy non-compliant behavior, LDH and its transportation broker may perform unannounced vehicle compliance reviews. During these reviews, NEMT

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providers may be monitored for driver, vehicle, and program compliance which includes, but is not limited to:

10. Examination of all provider manifests;
11. Signature pages;
12. Drivers' licenses;
13. Vehicle registration;
14. Insurance cards; and
15. Vehicle safety checks, etc.

Non-compliance with any of the aforementioned may result in sanctions, suspension, and/or exclusion from the Louisiana Medicaid program. Providers do **NOT** have the right to refuse an unannounced compliance review.