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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- NON-EMERGENCY MEDICAL
TRANSPORTATION

Introduced By: Representatives Serpa, and Azzinaro

Date Introduced: March 01, 2023

Referred To: House Judiciary

(Division of Public Utilities and Carriers)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 14.3

4 NON-EMERGENCY MEDICAL TRANSPORTATION

5 **39-14.3-1. Definitions.**

6 Terms used in this chapter shall be construed as follows, unless another meaning is
7 expressed or is clearly apparent from the language or context:

8 (1) "Certificate" means a certificate of operating authority issued to a non-emergency
9 medical transportation service provider.

10 (2) "Common carrier," means any person engaging in the business of providing for-hire
11 non-emergency medical transportation services as defined in this chapter.

12 (3) "Division" means the division of public utilities and carriers.

13 (4) "Driver" means any person operating a motor vehicle used to provide non-emergency
14 medical transportation services that he or she owns or is operating with the expressed or implied
15 consent of the vehicle owner.

16 (5) "EOHHS" means the Rhode Island executive office of health and human services.

17 (6) "Gurney-transport vehicle" means a vehicle designed by the manufacturer to transport
18 non-ambulatory passengers on a gurney or stretcher.

1 (7) "Non-emergency medical transportation" or "NEMT" means and includes
2 transportation services offered to patients and health care consumers who face extraordinary
3 barriers getting to their medical appointments. It is a key benefit of Medicaid as defined under 42
4 C.F.R. 457.1206 and is frequently coordinated by state agencies, departments, and authorities,
5 including the executive office of health and human services and the RIde program administered by
6 the Rhode Island public transit authority. For the purposes of this chapter, the coordination of
7 transportation by medical facilities when discharging patients/clients shall not be deemed NEMT.

8 (8) "Passenger" means an individual being transported by a certificated carrier in
9 conformance with the provisions of this chapter.

10 (9) "PASS" means the passenger assistance safety and sensitivity driver certification
11 training program devised and administered by the Community Transportation Association of
12 America.

13 (10) "Person" means and includes any individual, partnership, corporation, or other
14 association of individuals.

15 (11) "Public motor vehicle" and "PMV" and "public motor vehicle certificate of operating
16 authority" means the type of vehicle and operating certification process as defined in § 39-14.1-1.

17 (12) "RIPTA" means the Rhode Island public transit authority.

18 (13) "Special license" means a license, commonly referred to as a "hackney operator's
19 license," issued by the division of public utilities and carriers authorizing drivers to transport
20 passengers for compensation.

21 (14) "Taxicab" means every motor vehicle identified as such in § 39-14-1.

22 (15) "Third-party scheduler" means a vendor engaged by a state agency, department or
23 authority to schedule and coordinate transportation services for clients of the agency, department
24 or authority.

25 (16) "Vehicle" means a motor vehicle used to provide non-emergency medical
26 transportation services as defined in this chapter.

27 (17) "Vehicle markings" means markings required to be affixed to the outside of vehicles
28 identifying the vehicle as providing NEMT service.

29 (18) "Wheelchair-accessible vehicle" means a vehicle designed and equipped to allow the
30 transportation of a passenger who uses a wheelchair without requiring that passenger to be removed
31 from the wheelchair.

32 **39-14.3-2. Powers of division.**

33 Every person owning or operating a motor vehicle engaged in providing non-emergency
34 medical transportation is declared a common carrier and subject to the jurisdiction of the division.

1 The division may prescribe any rules and regulations that it deems proper to ensure adequate,
2 economical, safe, and efficient service regulated under this chapter.

3 **39-14.3-3. Certificate required for NEMT operations.**

4 (a) No person shall operate a vehicle in the provision of non-emergency medical
5 transportation in this state until the person shall have obtained an NEMT certificate of operating
6 authority from the division certifying that the applicant is fit, willing, and able to provide such
7 service to passengers. The certificate shall be issued only after submission to the division of a
8 written application for it, accompanied by a fee of two hundred fifty dollars (\$250), and after a
9 public hearing has been conducted on the application. Certificates issued under this chapter shall
10 be renewed before the close of business on December 31 of each calendar year. The renewal fee
11 shall be one hundred dollars (\$100) and shall be submitted with the renewal form. All revenues
12 received under this section shall be deposited as general revenues.

13 (b) Notwithstanding the provisions of subsection (a) of this section, the division shall have
14 the authority to automatically grant such a certificate to any applicant who has previously held a
15 certificate, issued under § 39-14.1-1 ("PMV certificate"), and has utilized that certificate solely to
16 provide non-emergency medical transportation prior to the establishment of this chapter. In such
17 instances, the division may administratively convert such a PMV certificate to an NEMT certificate
18 without the need for an additional application fee to be paid or an application hearing to be held;
19 provided, however, that the applicant for such a conversion shall have satisfied any additional
20 licensing/certification requirements established by this chapter. The division shall establish a
21 mechanism for all certificate conversion requests to be made no later than four o'clock (4:00) p.m.
22 on August 1, 2023. Nothing in this subsection shall be construed to mean that such converted
23 certificates are exempt from the annual renewal process listed in subsection (a) of this section.

24 (c) Non-emergency medical transportation services provided by RIPTA and by licensed
25 ambulance companies shall be exempt from this chapter.

26 (d) Taxicab companies certificated and authorized by the division shall be permitted to
27 provide non-emergency medical transportation services without the need to apply for an NEMT
28 certificate as required in subsection (a) of this section; provided, however, that all taxicab drivers
29 shall adhere to the special licensing provisions of § 39-14.3-8.

30 (e) No for-hire transportation services authorized by the division under chapters 13 or 14.2
31 of title 39 shall be authorized to provide non-emergency medical transportation services, without
32 first having obtained an NEMT certificate as required in subsection (a) of this section.

33 **39-14.3-4. Hearing on application.**

34 Upon receipt of an application for new authority, the division shall, within a reasonable

1 time, set the time and place for the required hearing. Notice of the hearing shall be given by first-
2 class mail to the applicant and shall be published in a newspaper of statewide distribution, and on
3 the division's agency website. Following the hearing, the administrator of the division shall issue a
4 decision granting or denying the application as soon as practicable.

5 **39-14.3-5. Safety and sanitary condition of vehicles - Inspection and suitability.**

6 The division of motor vehicles shall have jurisdiction over the lighting, equipment, safety
7 and sanitary condition of all vehicles utilized to provide non-emergency medical transportation and
8 shall cause an inspection of it to be made before registering it, and from time to time thereafter, as
9 it shall deem necessary for the convenience, protection, and safety of passengers and of the public.
10 A fee of twenty-five dollars (\$25.00) shall be paid to the division of motor vehicles for each annual
11 inspection. Moreover, the division of public utilities and carrier shall have additional responsibility,
12 under § 39-14.3-2, to ensure that the vehicles are of satisfactory condition, age, and mileage to be
13 used to transport NEMT passengers in a safe, sanitary, and acceptable manner.

14 **39-14.3-6. Registration and vehicle markings.**

15 (a) Every vehicle engaged in non-emergency medical transportation shall be appropriately
16 registered with the division of motor vehicles to be operated on the roadways of the state. Moreover,
17 before being used to transport passengers, certificate holders shall, on an annual basis, register each
18 vehicle with the division on a form that lists vehicle year, make, model, and license plate number.
19 The fee for filing the initial registration shall be twenty dollars (\$20.00). All subsequent annual
20 vehicle renewals shall be twenty dollars (\$20.00) and shall be filed and the fee remitted with the
21 annual certificate renewal as outlined in § 39-14.3-3(a).

22 (b) Every vehicle used to provide non-emergency medical transportation services shall bear
23 markings on the outside of the vehicle identifying it as authorized to provide such services. Such
24 markings shall make it clearly identifiable as an NEMT vehicle and shall list the NEMT certificate
25 number issued by the division. The division shall, in conjunction with EOHHS and all other state
26 agencies that contract for NEMT services on behalf of passengers, establish reasonable guidelines
27 for such vehicle markings.

28 **39-14.3-7. NEMT vehicles.**

29 (a) Vehicles used to transport passengers in non-emergency medical transportation shall
30 only be:

- 31 (1) 4-door sedans;
- 32 (2) Minivans;
- 33 (3) Multi-passenger transport vans, or;
- 34 (4) Wheelchair-accessible vehicles;

1 (5) Gurney-transport vehicles; provided, however, that transportation in such vehicles shall
2 require an additional attendant beyond the driver to safely effectuate the transportation.

3 (b) NEMT vehicles shall meet the same vehicle age/mileage standards as the division has
4 previously prescribed for taxicabs and limited public motor vehicles as defined in § 39-14-1.

5 **39-14.3-8. Drivers - General requirements.**

6 (a) No person shall operate an NEMT vehicle for compensation upon the public highways
7 until the person shall have first obtained an operator's license as provided for in chapter 10 of title
8 31. Provided, further, no person shall operate an NEMT vehicle upon the highways until the person
9 shall have first obtained a special license from the division under any rules and regulations that the
10 division shall require.

11 (b) In addition to the licensing requirements of the division referenced in subsection (a) of
12 this section, no such special license shall be issued or renewed until the license applicant shall have
13 presented to the division a valid certification demonstrating that the applicant has successfully
14 completed PASS driver safety and sensitivity training.

15 (c) The special license shall contain a recent photograph of the license holder, the licensee's
16 name, the license number and the license expiration date. The license shall be posted in the front
17 of the NEMT vehicle at all times while the license holder is operating the vehicle, in a conspicuous
18 place to afford the passenger the ability to see the photo and listed information.

19 **39-14.3-9. Drivers - Training requirements for operating accessible vehicles.**

20 No person shall operate wheelchair-accessible or gurney-transport vehicle, as defined in §
21 39-14.3-1, for compensation in non-emergency medical transportation of passengers without first
22 having satisfied the licensing requirements established in § 39-14.3-8. Moreover, any operator of
23 such an "accessible" vehicle shall also present to the division valid certification that the applicant
24 has successfully completed supplementary PASS training in loading, securing, transporting, and
25 unloading wheelchair-bound and non-ambulatory passengers. Upon presentation of such
26 certification, division personnel shall append the special license required in § 39-14.3-8 to authorize
27 the holder thereof to operate a wheelchair-accessible NEMT or gurney-transport vehicle for the
28 purpose of transporting such non-ambulatory passengers.

29 It shall be unlawful both for any driver to operate, and for any certificate holder to allow
30 any driver in its employ to operate, a wheelchair-accessible NEMT vehicle or a gurney-transport
31 NEMT vehicle without the driver holding a valid annotated special license issued by the division
32 confirming the driver has been sufficiently trained in transporting non-ambulatory passengers.

33 **39-14.3-10. Proof of financial responsibility.**

34 The owner of any NEMT vehicle operating under this chapter shall file with the division a

1 certificate of insurance issued by an insurance company authorized to transact business in this state,
2 showing that the owner has a policy insuring the NEMT certificate holder against liability for injury
3 to person and damage to property that may be caused by the operation of the NEMT vehicle, which
4 policy shall provide for the indemnity in the sum of not less than one million five hundred thousand
5 dollars (\$1,500,000) for personal injury and indemnity of not less than one hundred thousand
6 dollars (\$100,000) for damage to property.

7 **39-14.3-11. Penalty for violations - General.**

8 (a) Any person, firm, or corporation, subject to the provisions of this chapter and/or any
9 rules and regulations promulgated under it, who shall knowingly or willfully cause to be done any
10 act prohibited by this chapter, or who shall be guilty of any violation of this chapter or the rules
11 and regulations shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to
12 a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not exceeding one
13 year, or both for each offense.

14 (b) The administrator may, in his or her discretion, in lieu of seeking criminal sanctions,
15 and/or in lieu of revoking or suspending the carrier's operating authority as conferred under this
16 chapter, impose upon its regulated common carriers an administrative civil penalty ("fine"). This
17 fine shall not exceed one thousand dollars (\$1,000) per violation under this chapter or the division's
18 rules and regulations promulgated under this chapter.

19 **39-14.3-12. Penalty for failure to comply with training requirements for operation of**
20 **accessible vehicles.**

21 (a) Any driver who operates a wheelchair-accessible vehicle or a gurney-transport vehicle
22 without having successfully completed the additional training requirements mandated by § 39-14.3-
23 9 or without having in the driver's possession the special license required by § 39-14.3-8 may be
24 imprisoned for a term not to exceed two (2) years and fined not more than ten thousand dollars
25 (\$10,000). If any driver shall cause death or serious injury to any person while operating an NEMT
26 vehicle in violation of § 39-14.3-8 or 39-14.3-9, the driver may be imprisoned for a term not to
27 exceed five (5) years and fined not more than fifty thousand dollars (\$50,000).

28 (b) Every person involved in providing NEMT services, including any person holding an
29 NEMT certificate of operating authority issued under this chapter by the division, or managing or
30 operating a NEMT service provider, who shall aid, assist, abet, counsel, hire, command, or procure
31 another to drive a wheelchair-accessible vehicle to transport passengers in violation of § 39-14.3-8
32 or § 39-14.3-9, may be imprisoned for a term not to exceed four (4) years and fined not more than
33 twenty thousand dollars (\$20,000), except that if a death or serious injury occurs during the
34 violative transportation, the term of imprisonment shall not exceed ten (10) years and the fine shall

1 [not exceed one hundred thousand dollars \(\\$100,000\).](#)

2 SECTION 2. This act shall take effect on September 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS -- NON-EMERGENCY MEDICAL
TRANSPORTATION

1 This act would establish a safe and reasonable regulatory framework for companies and
2 drivers providing non-emergency medical transportation services to a population of vulnerable
3 passengers through coordination with the state's health and human service agencies.

4 This act would take effect on September 1, 2023.

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