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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: Senators Britto, F. Lombardi, Lawson, Ciccone, DiPalma, DiMario, and
Tikoian

Date Introduced: March 22, 2023

Referred To: Senate Health & Human Services

(Division of Public Utilities and Carriers)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-4.1-6 of the General Laws in Chapter 23-4.1 entitled "Emergency
2 Medical Transportation Services" is hereby amended to read as follows:

3 **23-4.1-6. Licensing of ambulances and ambulance service.**

4 (a) A person shall not engage in the business or service of the transportation of patients
5 upon any public way of the state unless that person holds a license by the director of health for
6 engaging in that business or service.

7 (b) A person shall not operate an ambulance on public ways in this state if the ambulance
8 is not licensed by the director of health under this chapter.

9 (c) The director of health shall not issue or renew a license for an ambulance under this
10 chapter unless the ambulance meets the minimum equipment standards established under this
11 chapter.

12 (d) If a major emergency occurs and the licensed ambulances in the state are not sufficient
13 to meet the needs to transport the injured or sick persons, the licensing provisions of this section
14 do not apply during the period of the emergency.

15 (e)(1) If an ambulance is owned by a nonresident and is licensed as a motor vehicle in
16 another state, it may be operated on the public ways of this state to transport patients who are picked
17 up out of state and brought to treatment centers in the state, without the ambulance, its owners, the
18 driver, the attendant, or the attendant drivers being licensed under this section.

1 (2) Also exempted are:

2 (i) Any motor vehicles or aircraft owned by or operated under the direct control of the
3 United States;

4 (ii) Those hospital-based and owned vehicles and their attendants which are used solely for
5 the transportation of non-emergency patients to and from other institutions for the purpose of
6 therapy and/or other medical treatment and services of a non-emergency nature; and

7 (iii) Those private ambulance and service companies and their attendants which are used
8 solely for the transportation of non-emergency patients; provided, however, that those private
9 ambulance and service companies annually attest to the ambulance service coordinating board the
10 fact that the ambulance or service companies are not engaged in the transportation of emergency
11 patients.

12 (f) Any change of ownership of a licensed ambulance or of a business or service engaged
13 in the transportation of patients ends the license concerned. Upon a change of ownership, the
14 director of health shall issue a ninety (90) day temporary license upon the application of the new
15 owner for a current license.

16 (g) All persons engaged in the business or service of the transportation of patients on any
17 public ways in the state, all person operating an ambulance for ambulance purposes on any public
18 way in the state, and all ambulances operated on public ways in this state shall conform to the
19 minimum standards set by regulations issued under the authority of this chapter.

20 (h) If there is a hardship imposed on any applicant for a license because of an unusual
21 circumstance, the applicant may apply to the director for a temporary waiver of the licensing
22 provisions of this section for good cause shown. The director has the power to waive licensing
23 provisions for a period not to exceed ninety (90) days.

24 (i) A person may not transport any patient by a stretcher, or in a supine position, in a vehicle
25 unless the person holds a license as an emergency medical services provider issued by the director
26 of health for engaging in that business or service. For the purposes of this section the definition of
27 a "person" means an individual, corporation, organization, government, governmental subdivision
28 or agency, business, trust, partnership, association, or any other legal entity, and an "emergency
29 medical provider" means the practitioners, ambulance vehicles, and ambulance services entities
30 licensed in accordance with chapter 4.1 of title 23 to provide emergency care, transportation, and
31 preventative care to mitigate loss of life, or exacerbation of illness and injury.

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

34 CHAPTER 14.3

1 NON-EMERGENCY MEDICAL TRANSPORTATION

2 **39-14.3-1. Definitions.**

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

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

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

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

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

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

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

16 (7)(i) "Non-emergency medical transportation" or "NEMT" means and includes
17 transportation services offered to patients and health care consumers who face extraordinary
18 barriers getting to their medical appointments. It is a key benefit of Medicaid defined under 42
19 C.F.R. 457.1206 and is frequently coordinated by state agencies, departments, and authorities,
20 including the executive office of health and human services and the RIDE program administered by
21 the Rhode Island public transit authority. NEMT is for people who are ambulatory curb-to curb and
22 door-to-door and provided in accordance with the following criteria:

23 (A) Ambulatory curb-to curb transportation is for patients who are capable of meeting their
24 driver on the curb, getting in and out of the car and walking into their appointment unassisted; and

25 (B) Ambulatory door-to-door transportation is for patients who need help getting from
26 their home or medical appointment to and from the car; and

27 (C) Wheelchair patients requiring NEMT transportation shall be transported using
28 wheelchair-accessible public motor vehicles, as defined in this chapter.

29 (ii) For the purposes of this chapter, the coordination of transportation by medical facilities
30 when discharging patients/clients shall not be deemed NEMT; and

31 (iii) NEMT shall not be utilized for people who require a gurney transport vehicle.

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

34 (9) "PASS" means the passenger assistance safety and sensitivity driver certification

1 training program devised and administered by the Community Transportation Association of
2 America.

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

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

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

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

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

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

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

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

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

22 **39-14.3-2. Powers of division.**

23 Every person owning or operating a motor vehicle engaged in providing non-emergency
24 medical transportation is declared a common carrier and subject to the jurisdiction of the division.
25 The division may prescribe any rules and regulations that it deems proper to ensure adequate,
26 economical, safe, and efficient service regulated under this chapter.

27 **39-14.3-3. Certificate required for NEMT operations.**

28 (a) No person shall operate a vehicle in the provision of non-emergency medical
29 transportation in this state until the person shall have obtained an NEMT certificate of operating
30 authority from the division certifying that the applicant is fit, willing, and able to provide such
31 service to passengers. The certificate shall be issued only after submission to the division of a
32 written application for it, accompanied by a fee of two hundred fifty dollars (\$250), and after a
33 public hearing has been conducted on the application. Certificates issued under this chapter shall
34 be renewed before the close of business on December 31 of each calendar year. The renewal fee

1 shall be one hundred dollars (\$100) and shall be submitted with the renewal form. All revenues
2 received under this section shall be deposited as general revenues.

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

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

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

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

23 **39-14.3-4. Hearing on application.**

24 Upon receipt of an application for new authority, the division shall, within a reasonable
25 time, set the time and place for the required hearing. Notice of the hearing shall be given by first-
26 class mail to the applicant and shall be published in a newspaper of statewide distribution, and on
27 the division's agency website. Following the hearing, the administrator of the division shall issue a
28 decision granting or denying the application as soon as practicable.

29 **39-14.3-5. Safety and sanitary condition of vehicles - Inspection and suitability.**

30 The division of motor vehicles shall have jurisdiction over the lighting, equipment, safety
31 and sanitary condition of all vehicles utilized to provide non-emergency medical transportation and
32 shall cause an inspection of it to be made before registering it, and from time to time thereafter, as
33 it shall deem necessary for the convenience, protection, and safety of passengers and of the public.
34 A fee of twenty-five dollars (\$25.00) shall be paid to the division of motor vehicles for each annual

1 inspection. Moreover, the division of public utilities and carrier shall have additional responsibility,
2 under § 39-14.3-2, to ensure that the vehicles are of satisfactory condition, age, and mileage to be
3 used to transport NEMT passengers in a safe, sanitary, and acceptable manner.

4 **39-14.3-6. Registration and vehicle markings.**

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

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

18 **39-14.3-7. NEMT vehicles.**

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

- 21 (1) 4-door sedans;
- 22 (2) Minivans;
- 23 (3) Multi-passenger transport vans, or;
- 24 (4) Wheelchair-accessible vehicles;

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

27 **39-14.3-8. Drivers - General requirements.**

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

33 (b) In addition to the licensing requirements of the division referenced in subsection (a) of
34 this section, no such special license shall be issued or renewed until the license applicant shall have

1 presented to the division a valid certification demonstrating that the applicant has successfully
2 completed PASS driver safety and sensitivity training.

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

7 **39-14.3-9. Drivers - Training requirements for operating accessible vehicles.**

8 No person shall operate wheelchair-accessible vehicle, as defined in § 39-14.3-1, for
9 compensation in non-emergency medical transportation of passengers without first having satisfied
10 the licensing requirements established in § 39-14.3-8. Moreover, any operator of such an
11 "accessible" vehicle shall also present to the division valid certification that the applicant has
12 successfully completed supplementary PASS training in loading, securing, transporting, and
13 unloading wheelchair-bound passengers. Upon presentation of such certification, division
14 personnel shall append the special license required in § 39-14.3-8 to authorize the holder thereof to
15 operate a wheelchair-accessible NEMT for the purpose of transporting such non-ambulatory
16 passengers.

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

21 **39-14.3-10. Proof of financial responsibility.**

22 The owner of any NEMT vehicle operating under this chapter shall file with the division a
23 certificate of insurance issued by an insurance company authorized to transact business in this state,
24 showing that the owner has a policy insuring the NEMT certificate holder against liability for injury
25 to person and damage to property that may be caused by the operation of the NEMT vehicle, which
26 policy shall provide for the indemnity in the sum of not less than one million five hundred thousand
27 dollars (\$1,500,000) for personal injury and indemnity of not less than one hundred thousand
28 dollars (\$100,000) for damage to property.

29 **39-14.3-11. Penalty for violations - General.**

30 (a) Any person, firm, or corporation, subject to the provisions of this chapter and/or any
31 rules and regulations promulgated under it, who shall knowingly or willfully cause to be done any
32 act prohibited by this chapter, or who shall be guilty of any violation of this chapter or the rules
33 and regulations shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to
34 a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not exceeding one

1 year, or both for each offense.

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

7 **39-14.3-12. Penalty for failure to comply with training requirements for operation of**
8 **accessible vehicles.**

9 (a) Any driver who operates a wheelchair-accessible vehicle without having successfully
10 completed the additional training requirements mandated by § 39-14.3-9 or without having in the
11 driver's possession the special license required by § 39-14.3-8 may be imprisoned for a term not to
12 exceed two (2) years and fined not more than ten thousand dollars (\$10,000). If any driver shall
13 cause death or serious injury to any person while operating an NEMT vehicle in violation of § 39-
14 14.3-8 or 39-14.3-9, the driver may be imprisoned for a term not to exceed five (5) years and fined
15 not more than fifty thousand dollars (\$50,000).

16 (b) Every person involved in providing NEMT services, including any person holding an
17 NEMT certificate of operating authority issued under this chapter by the division, or managing or
18 operating a NEMT service provider, who shall aid, assist, abet, counsel, hire, command, or procure
19 another to drive a wheelchair-accessible vehicle to transport passengers in violation of § 39-14.3-8
20 or § 39-14.3-9, may be imprisoned for a term not to exceed four (4) years and fined not more than
21 twenty thousand dollars (\$20,000), except that if a death or serious injury occurs during the
22 violative transportation, the term of imprisonment shall not exceed ten (10) years and the fine shall
23 not exceed one hundred thousand dollars (\$100,000).

24 SECTION 3. This act shall take effect upon passage.

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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 require any person who transports a patient by a stretcher or in a supine
2 position in a vehicle be licensed as an emergency medical service provider through the director of
3 health and would establish a safe and reasonable regulatory framework for companies and drivers
4 providing non-emergency medical transportation services to a population of vulnerable passengers
5 through coordination with the state's health and human service agencies.

6 This act would take effect upon passage.

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