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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 transportation providers in the following order:

1. Public
2. Gas reimbursement
3. Non-profit
4. Profit

Public providers include city and parish intrastate ~~public conveyance~~ 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.

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.

Profit providers include corporations, limited liability companies, partnerships, or sole proprietors. 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.

Gas Reimbursement Provider Requirements

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

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

- An enrollment form that includes at a minimum:
 - Provider's full name;
 - Provider's physical address (P.O. Box is not valid);
 - Provider's mailing address;
 - Provider's phone number;
 - Provider's social security number; and
 - 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 ID;
- A clear and legible copy of the valid driver's license as part of the enrollment packet; and
- A copy of the vehicle's registration and insurance that meets or exceeds the minimum insurance required by the State of Louisiana.

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

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

Profit and Non-Profit Provider Requirements

The transportation broker shall properly obtain credentials from each 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 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.

Administrative Requirements

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

- A disclosure of ownership as required by 42 C.F.R. §§455.104-455.106;
- The provider's National Provider Identifier (NPI) number in his or her business entity name if the provider has obtained one from the National Plan and Provider Enumeration System (NPPES);

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- A 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;
- An IRS Form W-9 which matches the information on the IRS Form CP 575;
- A criminal background check, which includes a sex offender registry search, on the owner(s) and employees, to be transmitted directly to the transportation broker from the Louisiana State Police or LSP-authorized background vendor. Each owner and employee must have a “clean” record, with no convictions regardless of expungement;
- A Certificate of Public Necessity (CPNC) issued by the Orleans Parish Taxicab Service and Enforcement Bureau for each provider, driver, and vehicle that will operate in Orleans Parish; and
- An 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 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 one business day. 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 payment 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 provider within 30 days of discovery. Failure by 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 profit and non-profit NEMT providers have, at a minimum, general liability coverage of \$100,000 on the business entity, in addition to automobile liability coverage of \$25,000 for bodily injury per person, \$50,000 per accident, and \$25,000 for property damages. Any NEMT provider authorized to transport a beneficiary out of state must carry automobile liability of \$1,500,000, at a minimum, in accordance with federal transportation regulations. Automobile liability coverage should include either:

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

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The NEMT provider's certificate of insurance must state that this coverage is for a Non-Emergency Medical Transportation Vehicle. The policy must have a 30-day cancellation clause issued to the transportation broker and LDH (ATTN: Medicaid Program Operations and Compliance). 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.

If a transportation provider adds a vehicle, the transportation broker shall 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 transport Medicaid beneficiaries:

- Be 25 years of age or older;
- Possess a current driver's license (class D or CDL);
- Possess the appropriate municipal or parochial permits if operating in Orleans and Jefferson Parish;
- 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;
- 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 have a "clean" record, with no convictions for prohibited crimes, regardless of expungement; and
- Have successfully passed a five-panel drug screen, at a minimum, which shall be performed annually and upon reasonable suspicion. 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 driver responsibilities after a substance abuse professional issues a final evaluation and return to work clearance. The transportation

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broker shall confirm that the driver successfully completes three follow-up screens over the six-month period following 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:

- Defensive driving, utilizing an in-person course (online courses are not acceptable) of no less than four hours, to be renewed every three years, at a minimum;
- Cardiopulmonary resuscitation (CPR), culminating in an active certification issued by a licensed instructor;
- Child passenger restraint systems, including installation and usage in compliance with La. R.S. 32:295;
- Wheelchair securement and Passenger Assistance Safety and Sensitivity (PASS), utilizing an in-person course, to be renewed every two years, at a minimum; and
- Health Insurance Portability and Accountability Act (HIPAA) privacy and security.

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 ~~continually meets~~ 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 shall ensure that vehicles meet the following minimum requirements:

- Windshield in good condition and free of vision impairments;
- Active LA inspection sticker or, if applicable, the inspection sticker for vehicles operating in Orleans and Jefferson Parish;

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- Certificate of Public Necessity and Convenience (CPNC) for each vehicle operating in New Orleans and NEMT permit for each vehicle operating in Jefferson Parish;
- Signage on the appropriate sides of the vehicle (see Signage section);
- License plate, with an active registration sticker;
- Vehicle Identification Number (VIN) on a portion of the vehicle;
- Registration and insurance card secured in the vehicle;
- Functioning air conditioning and heating in the front and rear of the vehicle;
- Functioning seatbelts;
- Seat belt cutter secured in the vehicle within the driver's reach;
- Fire extinguisher, showing the pressure gauge is reading within the manufacturer's optimal setting, secured in the vehicle; and
- Transportation broker's decal, displaying the date the vehicle passed inspection, attached to the vehicle.

Stretcher vans, two-door vehicles, and pickup trucks are not allowable vehicle types. Taxis and salvage title vehicles are also not allowed.

If the vehicle is equipped to transport wheelchairs, the transportation broker must ensure that it complies with all applicable Americans with Disabilities Act (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.

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, 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.

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

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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 digital photographs evidencing that requirements have been met, including, but not limited to:

- Each side of the vehicle and appropriate signage;
- LA inspection sticker which should also include the vehicle VIN;
- Clear and legible license plate, registration sticker, VIN, and registration and insurance cards;
- Location of the seat belt cutter and fire extinguisher, including a pressure gauge reading;
- Active use of a temperature gun directed at a vent measuring the temperature of the air conditioning/heating in the front and rear of the vehicle. The reading should be no hotter than 52 degrees Fahrenheit when measuring the air conditioning nor cooler than 100 degrees Fahrenheit when measuring the heater;
- Interior of the vehicle showing all seat belts secured properly; and
- 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:

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

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All vehicle identifying information must be captured during the inspection to include VIN, year, make, model, vehicle color, license plate number, date of inspection, name and signature of inspector, and 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, providers may be monitored for driver, vehicle, and program compliance which includes, but is not limited to, the examination of all provider manifests, signature pages, driver's licenses, vehicle registration, insurance cards, vehicle safety checks, etc. Non-compliance with any of the aforementioned may result in sanctions, suspension, and/or exclusion from the LA Medicaid Program. Providers do NOT have the right to refuse an unannounced compliance review.