



STATE OF RHODE ISLAND
OFFICE OF GOVERNOR DANIEL J. MCKEE

May 7, 2024

The Honorable Joseph J. Solomon, Jr.
Chairman, House Committee on Corporations
Room 101, State House
Providence, R.I. 02903

RE: H-8217 – An Act Relating to Public Utilities and Carriers – Motor Passenger Carriers – Non-Emergency Medical Transportation

Dear Chairman Solomon:

I write to offer my full support of House Bill 8217 which creates a new regulatory chapter crafted to govern Non-Emergency Medical Transportation (“NEMT”) services in a proper, effective, and efficient manner. This bill cures a longstanding regulatory disconnect the State has faced in overseeing this critical transportation service. It also provides the Executive Office of Health and Human Services (“EOHHS”) with more flexibility in providing service to qualified passengers, while streamlining the process for new small-business service providers to get up and running.

NEMT services emerged as a critical transportation service just a few years ago. To accommodate this service under existing statutory and regulatory provisions, the State categorized the for-hire passenger service as a Public Motor Vehicle (“PMV”) under the regulatory oversight of the Division of Public Utilities and Carriers (“Division”) through Chapter 14.1 of Title 39. Unfortunately, the PMV statutes were specifically crafted in 2001 to lightly regulate a high-end luxury sedan, limousine, and trolley industry, which by its very nature is discretionary – and certainly not an indispensable “lifeline” type of service.

NEMT service, on the other hand, is quite literally a “lifeline” for a very vulnerable portion of our state’s population. The non-discretionary transportation is frequently provided in wheelchair-accessible vehicles and stretcher/gurney vans never envisioned or contemplated in the PMV statutes or the Division’s rules. It is clear that NEMT services must be adequately regulated, but it is equally clear that the oversight structure must be appropriate to the nature of the service.

This bill does just that. It creates a standalone regulatory chapter aimed solely at the unique service while maintaining all the public-protection processes already in place for for-hire transportation companies. Indeed, the Division will continue to vet new companies in accordance with its existing

Chair Solomon
May 7, 2024
Page 2

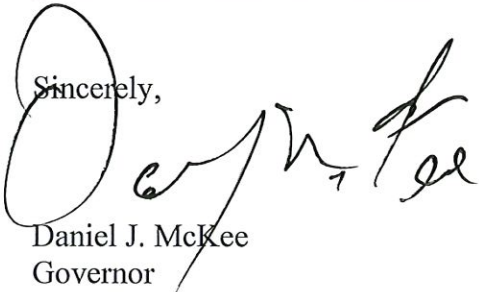
hearing review standard and will continue to license NEMT drivers in accordance with the same standard applicable to taxi and PMV drivers. Additionally, it will require the same level of liability coverage on all NEMT vehicles and, the Division of Motor Vehicles will retain the same jurisdiction over the roadworthiness of NEMT vehicles as with every other for-hire passenger vehicle.

The proposed new statutory chapter provides EOHHS with jurisdiction regarding the “acceptability” of the vehicles used in NEMT; that provision allows EOHHS to establish its own standards for vehicle age, mileage, cleanliness, etc., rather than be obligated to continue to adhere to high-mileage vehicle standards the Division established for discretionary PMV services offered in luxury town cars, limousines, and trolleys.

Finally, the bill also streamlines the process for the timely issuance of NEMT Certificates of Operating Authority while not sacrificing any public protections in the vetting process. By its very nature, NEMT service is unpredictable relative to the number of rides on any given day or in any given month. Reducing the length of time for a NEMT company to obtain its operating certificate allows such companies to better manage their business costs, primarily their insurance premiums, and to be ready when EOHHS (through its scheduler/broker) needs additional carriers.

The current statutory framework is not properly suited to address the unique realities of NEMT service. By clearly differentiating NEMT service from other types of for-hire passenger service, the language proposed in H8217 provides flexibilities and efficiencies while retaining critical public-safety protections. I ask the Committee to recommend passage of this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. McKee". The signature is written in a cursive style with a large, looping initial "D".

Daniel J. McKee
Governor

CC: The Honorable Members of the House Committee on Corporations
The Honorable Patricia A. Serpa
Nicole McCarty Esq., Chief Legal Counsel, Speaker of the House