



CareOregon®

TRANSPORTATION PROVIDER MANUAL

Version 1.3

February 2024

Table of Contents

Introduction	4
Definitions.....	4
What is NEMT?.....	6
Member Rights & Responsibilities.....	6
Member Rights.....	6
Member Responsibilities	7
Legal Requirements	8
Licenses and Certifications.....	8
Safety Standards	8
Drug-Free Workplace Agreement.....	8
Drug and Alcohol Testing.....	9
Insurance.....	9
HIPAA & Confidentiality	10
Documentation Requirements	11
Fraud, Waste, and Abuse	11
Secure Transportation	12
Driver Training & Standards.....	13
Driver Performance Evaluation.....	15
Driver Code of Conduct.....	15
Vehicle Equipment & Standards	15
Vehicle Maintenance	17
Fire Extinguishers.....	17
Fragrances in Vehicles.....	17
Business Technology	17
Ride Assignment Expectations.....	18
Service Availability	18
Accepting & Reassigning Trips	18
Reassignment Remedies	19
Provider No Shows.....	19
Trip Changes.....	20
Timeliness & Wait Time	21

Adverse Weather, Business Continuity and Disaster Recovery	21
Assisting Passengers	22
Tasks Outside Driver Scope.....	23
Emergency Procedure.....	23
Attendants for Children & Special Needs Transports	24
Child Safety Seats.....	24
Exceptions to Attendant Requirements.....	25
Service Modifications.....	25
Grievances & Incidents.....	26
Grievances.....	26
Notification	27
Documentation & Response	27
Determination.....	28
Provider Code of Ethics.....	28
Theft, Violence, and Gross Negligence	28
Disclosure and Avoidance of Conflicts of Interest	29
Harassment.....	29
Quality Improvement.....	30
Auditing & Verification.....	30
Trip Data.....	30
Site Visits.....	31
Corrective Action Plans.....	31
Suspension & Termination.....	32
Driver Suspension & Disqualification.....	33
Intervention Training	34
Appeal Process.....	34
Appendix Index	35

Introduction

CareOregon administers non-emergent medical transportation benefits on behalf of three Coordinated Care Organizations (CCOs) in Oregon. In an effort to provide consistency and accountability across all service areas, this document serves as a template for NEMT transportation brokerages and entities to use to inform standards for their transportation providers. This document is not intended to be prescriptive and is instead a set of guidelines. The tone and language of this document is directed at transportation providers.

Definitions

- **Adverse Weather:** Weather that may limit transportation operations; including, but not limited to: extreme heat, extreme cold, flooding, tornado warnings, heavy snowfall, or icy roads.
- **After Hours:** Hours outside of the NEMT brokerage or manager's business hours. This usually includes overnight and weekend hours. Brokerages are required to offer NEMT services 24 hours a day, 7 days a week, so if the brokerage is not open all hours they must provide an after-hours option for medically urgent trip requests.
- **Attendant:** A person assisting the member during transportation to appointments. NEMT services include authorization of an attendant to ride with the member at no charge.
- **Brokerage:** An organization or entity that is fully delegated or has partially delegated responsibilities to provide non-emergent medical transportation (NEMT) to Medicaid eligible members within a designated service area.
- **Coordinated Care Organization (CCO):** A network of all types of health care providers (physical, behavioral, and dental care providers) who work together in their local communities to serve people who receive health care coverage under the Oregon Health Plan (Medicaid). CCOs focus on prevention and helping people manage chronic conditions, like diabetes. This helps reduce unnecessary emergency room visits and gives people support to be healthy.
- **Covered Services:** Medically appropriate/necessary services provided to eligible members.
- **Critical Medical Care:** Medical care that is life-sustaining, and may include, but is not limited to, renal dialysis and chemotherapy.
- **Customer:** A CareOregon member, a member's authorized representative, prospective enrollee, medical provider, or transportation provider.
- **Customer Service Representative:** Provides the initial point of contact for members, authorized representatives, and providers. These staff members handle telephonic and other types of requests for transportation, and enter trip requests into the scheduling software.
- **Member:** An Oregon Health Plan client assigned to CareOregon, enrolled in an affiliated coordinated care organization, dental care organizations, and/or behavioral health entity.
- **Member Representative:** A person who can make decisions for beneficiary, who is unable to make such decisions themselves. An OHP Representative may be, in the following order of priority, a person who is designated as the OHP Client's health care representative, a court-

appointed guardian, a spouse, or other family member as designated by the OHP Client, the Individual Service Plan Team (for developmentally disabled clients), a DHS case manager or other DHS designee or those that are verified via a valid, signed Appointment of Representative Form.

- **Non-Emergent Medical Transportation (NEMT):** Medicaid non-emergency medical transportation is a benefit for beneficiaries to get to and from Medicaid covered services.
- **NEMT CSR:** The customer service representative that is dedicated to the NEMT call center queues and is trained to manage questions specifically related to NEMT services. This could include a subcontracted vendor managing NEMT services on behalf of the CCO, or a CareOregon employee.
- **NEMT Provider:** An individual, corporate entity, or other organization that performs requested NEMT services.
- **No Show:** A situation during which a member is not at the pickup location as arranged in the scheduled ride.
- **Oregon Health Plan (OHP):** Oregon's Medicaid program. The Oregon Health Plan provides health care coverage for low-income Oregonians from all walks of life. This includes families, children, pregnant women, single adults, seniors, and more.
- **Partner Operations Team:** Staff who act as single point-of-contact to delegated entities and CCOs to review documents and additional supporting chart notes submitted to CCOs for authorization of NEMT services.
- **Personally Identifiable Information (PII):** Any information that can be used for the purpose of identifying, locating or contacting any specific individual, either combined with other easily accessible sources or by itself.
- **Protected Health Information (PHI):** Any information related to the health status, diagnosis, treatment, health care provider or other health related information that can further be linked to any specific individual.
- **Provider:** An individual, facility, institution, corporate entity, or other organization which supplies medical, dental, or mental health services or medical and dental items.
- **Reassigned:** A trip that is unable to be accommodated by the transportation provider, and is requested to be assigned to another provider.
- **Same Day or Next Day:** A trip that is requested within 48 hours of the appointment date. Members may request trips with short notice, but they will need to be evaluated for medical necessity to schedule.
- **Shared Ride:** A situation in which more than one member's trip is assigned to a transportation provider at once, to be transported at the same time.
- **Subscription:** Recurring trips scheduled for a member to the same location. Common examples include trips to alcohol & drug treatment centers, dialysis clinics, behavioral health appointments, physical/occupational/speech therapy.
- **Trip Number (or ID):** A unique identifier or confirmation number for each leg of the trip reservation for each date of service.
- **Will Call:** A trip that is assigned without a scheduled pickup time. The pickup time will be set based on a call from the member or other party notifying the NEMT brokerage that the member is ready to be picked up after an appointment.

What is NEMT?

Non-emergent medical transportation, or NEMT, is a Medicaid benefit offered for Oregon Health Plan (OHP) recipients that provides transportation services to Medicaid covered services. NEMT services are provided by what are commonly known as NEMT brokerages, entities that are contracted with either the State of Oregon or a CCO, or both.

CareOregon has been delegated the responsibility of managing NEMT services for three CCOs in Oregon. Those CCOs include Columbia Pacific CCO, Health Share of Oregon, and Jackson Care Connect. CareOregon has contracted with entities in each CCO service area to provide NEMT services. In Health Share's service area, NEMT responsibilities are managed by three entities instead of one, as these companies are experts in the functions they have been assigned. Each CCO has a specific program name for their NEMT services, which is the name that is most commonly used and known.

CCO	NEMT Manager	NEMT Program
Columbia Pacific CCO	Tillamook County Transportation District (TCTD)	NW Rides
Health Share of Oregon	Ride Connection (Network Manager) ComTrans of Oregon (Dispatch Manager) Transdev (Call Center Manager)	Ride to Care
Jackson Care Connect	Rogue Valley Transportation District (RVTD)	TransLink

Member Rights & Responsibilities

In accordance with OAR 410-141-3590, NEMT brokerages and transportation providers have an obligation to protect members' rights. Each member is free to exercise their rights, and the exercise of those rights will not adversely affect the way the brokerage, transportation providers, or OHA treat the member. NEMT Brokerages are responsible for monitoring transportation providers to ensure they meet these expectations and must report any findings or corrective action needed to CareOregon. CareOregon will also take part in monitoring compliance of the brokerage as needed and implement corrective action to brokerages when there are findings that need correction.

Member Rights

All Oregon Health Plan (OHP) members shall have the following rights as part of their non-emergent medical transportation benefit. This includes any additional rights outlined in [OAR 410-141-3590](#):

- Request NEMT services up to 90 days in advance and on a same-day basis;

- Receive safe and reliable transportation that meets their needs;
- Receive interpretation services for any call placed to or received from the NEMT Brokerage;
- Receive materials in the language or format that meets their needs;
- Not be discriminated against by transportation providers, call center representatives, or other NEMT passengers;
- Bring a service animal or personal care attendant (PCA) as needed, ensuring they notify the NEMT brokerage of any animals or attendants that will travel with them;
- Bring along a few items if needed, such as grocery bags, food, or other small items;
- Be transported in the mobility device of their choosing, providing it meets ADA requirements for a mobility device;
- Request help with seat belts or request a seat belt extender if needed;
- Get service in a timely manner;
- Share compliments or file grievances about their NEMT services or experience;
- Submit an appeal, ask for a hearing, or ask for both if they feel they have been denied a service unfairly;
- Receive a written notice when NEMT services are denied.

Member Responsibilities

Members also have the following responsibilities regarding their NEMT benefit, but this includes any additional responsibilities outlined in OAR 410-141-3590:

- Show respect and use respectful language with all NEMT Brokerage staff, transportation providers, and drivers;
- Keep track of their belongings during a ride, not leaving items in the vehicle between trips;
- Make changes to or cancel a trip in advance by contacting the NEMT Brokerage;
- Request additional stops in advance, including pharmacy stops. Members shall contact the NEMT Brokerage to authorize additional stops;
- Be ready for any vehicle-provided ride at the time or pickup window provided by the NEMT Brokerage;
- Agree not to be under the influence of or take drugs or alcohol in NEMT vehicles;
- Agree not to smoke or vape in or near NEMT vehicles, or near NEMT drivers;
- Agree not to engage in illegal activity in or near NEMT vehicles, or near drivers or other members;
- Agree to use a seat belt and any other required safety equipment (e.g. wheelchair securement restraints) during the trip as required by Oregon law;
- Agree to wear a face mask or other face covering over both their nose and mouth for the duration of the COVID-19 public health emergency;
- Never abuse or intimidate drivers or other passengers;
- Not engage in behavior that discriminates against drivers, other passengers, NEMT Brokerage staff or transportation providers;

- Provide the correct size child safety seat for any child traveling with them, including installing and securing the child in the safety seat;
- Keep food or drinks in closed containers, and not consume them inside NEMT vehicles, with exceptions for regulation of health conditions;
- Plan ahead and bring along food (for eating during stops) and medication as needed for long trips or unexpected delays;
- Provide accurate information to the NEMT Brokerage and transportation providers.

Legal Requirements

Licenses and Certifications

Transportation providers shall comply with and possess all applicable current local, state, and federal licenses and certifications as required by respective jurisdictions. Providers shall provide copies of such licenses and certifications to the NEMT brokerage prior to beginning services under the contracted agreement. Providers will also submit updated documents to the brokerage upon renewal of any licenses and certifications. Providers are required to notify the brokerage immediately in the event of any change in the status of any of the local, state, or federal licenses or certifications.

Safety Standards

Providers shall comply with all local, state, and federal transportation safety standards regarding passenger safety and comfort. This includes, but is not limited to, proper equipment, accessibility, maintenance, seat belts, and all equipment necessary to transport Members.

Drug-Free Workplace Agreement

Providers shall maintain a drug-free workplace for all employees and drivers. Transportation providers are responsible for establishing and maintaining an anti-drug policy and awareness program. A “drug-free workplace” refers to a work site at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (source: 49 CFR § 32.635). The provider is responsible for submitting documentation of their anti-drug policy to the brokerage as requested, and drivers may be required to sign an attestation confirming they understand and will adhere to the policy.

Drug and Alcohol Testing

Providers shall comply with all local, state, and federal drug and alcohol testing requirements as applicable.

Drivers shall not perform NEMT services while consuming or under the influence of alcohol, marijuana, illegal drugs, or medications that are not prescribed to the driver. Providers must immediately refer drivers suspected of being under the influence of alcohol or drugs for testing at the provider's expense. Refusal to test or positive test results shall disqualify a driver from performing NEMT services. See [Driver Suspension & Disqualification](#) for more information.

At times, the NEMT brokerage may receive reports of a driver that is suspected to be under the influence. In such cases, the brokerage cannot rely on third party allegations alone to require a driver to be tested for drugs or alcohol. When notified of a report that a driver is suspected to be under the influence, the brokerage must immediately notify the provider to conduct their own investigation, which may include drug and alcohol testing and/or a field sobriety test.

Some transportation providers follow Federal Transit Administration (FTA) guidelines for drug and alcohol testing, and as such, they must have a supervisor perform a reasonable suspicion assessment of the driver. Per the FTA, "Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that the driver is under the influence of drugs or alcohol." An assessment of the driver will include observations concerning the driver's appearance, behavior, speech, and smell that are commonly associated with drug or alcohol use.

For providers not required by the FTA to perform a reasonable suspicion assessment, they must follow the guidelines of the brokerage. In either case, brokerages may request that a driver be suspended from providing NEMT services pending the results of an investigation. The brokerage will, based on the seriousness of the allegations or initial investigation, determine if a drug and alcohol test is warranted, and may require the provider to send the driver for testing. When the provider receives a report or allegation that a driver may be under the influence of drugs and/or alcohol, the provider may take immediate action to investigate. The provider must notify the brokerage immediately.

Insurance

Provider shall meet and maintain all required local, state, and federal liability insurance standards and requirements, as well as the insurance requirements described in the contracted agreement. Failure to maintain insurance may result in suspension or termination of the provider agreement.

Transportation providers are required to submit proof of insurance to the brokerage before providing NEMT services, upon renewal of insurance policies, and for any changes to the policies. If a provider does not submit the appropriate documentation or there is a lapse in insurance, the brokerage may temporarily stop assigning trips to the provider. Any trips that were previously assigned during a time in which the provider does not have insurance coverage will be removed from the provider's schedule. Trips will only be reassigned once the provider has demonstrated that they have the appropriate insurance again.

If a provider is unable to resolve the insurance lapse, a brokerage may then move to suspension or termination of the contract.

HIPAA & Confidentiality

The Health Insurance Portability and Accountability Act (HIPAA) defines rules for organizations that handle PHI. Confidentiality regarding Members, their respective medical condition or diagnosis, and transportation services provided shall be maintained at all times according to HIPAA requirements. For more information, refer to the contract agreement regarding HIPAA.

Any emails or other correspondence that contains PHI need to be sent using a secure email portal to avoid a HIPAA breach. If a provider does not have a secure email, they may request an encrypted email be sent to them from the brokerage.

Transportation providers and their drivers are required to treat every aspect of a transport as confidential, including the fact of Member's program eligibility and any or all information pertaining to a Member's physical or mental health status or condition.

Personally Identifiable Information (PII) as well as Protected Health information (PHI) must be handled in a secure manner. Any unauthorized access, use, or release of such information could result in severe consequences for both the person(s) who use or disclose the information and the individual(s) whose data has been compromised.

Transportation providers have a responsibility to safeguard this important information. At a minimum, you should ensure:

- Drivers leave no papers or electronic devices containing member information where others can see it.
- Drivers avoid viewing a member's information on paper or on electronic devices if the information may be visible to other passengers in the vehicle.
- Drivers do not talk about a member's information over the phone or radio in the presence of others.
- Drivers do not reveal a member's appointment information or diagnosis to individuals outside the member's care team or healthcare providers.
- Dispatchers or other provider staff do not disclose member or trip information to callers without appropriately verifying the caller's identity. Disclosure of information is limited to the member, the member's caregiver or representative, or a member's healthcare provider.

Types of PII and PHI include:

- Member names
- Every date linked directly to a person, such as date of birth, admission or enrollment date, discharge date, and date of death
- Fax and telephone numbers

- Email and street addresses (including geographic subdivisions such as county and zip codes)
- Medical records, health plan beneficiary, certificate, social security, and account numbers
- Vehicle, biometric, voice, and fingerprint identifiers
- Photographic images of recognizable features and the full face
- Any other unique number, code, or characteristic that may be helpful to recognize a person

Providers are required to report any suspicious activity or a breach of a member's protected information to the brokerage immediately, but no more than 24 hours later.

Documentation Requirements

Provider shall maintain all documentation as required in the Oregon Administrative Rules for transportation services. All trip data transmitted to the provider from the ride assignment software shall be stored by the brokerage and the provider. Minimum documentation shall include the following:

- Member name
- Pickup location
- Scheduled pick-up time
- Actual pick-up time
- Destination address
- Appointment time
- Drop-off time
- Mode of transport
- Transportation provider name
- Driver name
- Date of trip
- Authorization or trip number
- Trip cost
- Trip mileage
- Vehicle identification or license plate number

Documentation shall be retained and accessible for a minimum of six (6) years following provision of service. Documentation may include, but is not limited to, fiscal records, books, documents, papers, plans, and writings which are directly pertinent to the NEMT services provided. This may also include, beyond trip data, grievances that resulted from services, accidents, injuries, or other incidents related to transportation services.

Fraud, Waste, and Abuse

Non-emergent medical transportation is operated using Medicaid funds. It is essential that we act

responsibly in providing this essential service. We are dedicated to investigating and resolving any suspected instances of fraud, waste, and abuse.

- **Fraud** is any intentional misrepresentation or omission of information made by a person with the knowledge they or another party would receive a benefit they otherwise would not be entitled to. This includes but is not limited to billing for services that were not provided, providing false information about pickup/drop-off times or mileage, and billing for rides that were not provided for an eligible member.
- **Waste** is extravagant use of funds or additional spending that could be eliminated without impacting the quality of the service the member is receiving. Examples of waste may include, but are not limited to, intentionally driving a longer route than necessary.
- **Abuse** is any other intentional misuse or improper use of funds or services that does not qualify as fraud. This can include but is not limited to providing and billing for services that are unnecessary, misrepresenting the authority one has over a member's services, the acceptance of gifts from members or other involved parties.

Transportation providers may be required to reimburse a brokerage if they are suspected of or have committed fraud, waste, and/or abuse. See [Auditing & Verification](#) for more information. Providers who are providing NEMT services are required to report any instance of fraud, waste, and/or abuse. You may report to the following entities:

- Coordinated Care Organization Compliance:
 - Columbia Pacific CCO: 503-416-4760, or 1-855-722-8206
 - Health Share of Oregon: 503-416-1459
 - Jackson Care Connect: 503-416-4760, or 1-855-722-8208
- EthicsPoint, CareOregon's third-party anonymous reporting vendor:
 - 1-888-331-6524
 - www.ethicspoint.com
- State of Oregon Department of Human Services (DHS) Fraud Hotline: 888-372 -8301
- Centers for Medicaid & Medicare Services: 1-800-MEDICARE (1-800-633-4227)
- Office of the Inspector General: 1-800-HHS-TIPS (1-800-447-8477) or <https://oig.hhs.gov/fraud/report-fraud/index.asp>

The law provides protections for individuals who report fraud, waste, and abuse. You cannot be retaliated against, discriminated against, harassed, or lose your job because of reporting fraud, waste, and abuse. Reporting fraud, waste, and abuse also helps save taxpayer money while ensuring limited transportation resources are used for people who need access to health care services.

Secure Transportation

Secure transportation is defined by [OAR 410-141-3940](#) as "NEMT services for the involuntary transport of members who are in danger of harming themselves or others", specifically those members who are

“in crisis or at immediate risk of harming themselves or others due to mental or emotional problems or substance abuse”. Secure transport may only be provided by those transportation providers who have been appropriately licensed and trained, meeting the requirements of OAR 309-033-0200 through 309-033-0970.

Secure transport has traditionally only been provided to those members who are on a hold of some kind, such as a psychiatric or transportation hold—also known as civil commitment. When a member is on a hold, their right to consent to being transported has been temporarily suspended. However, members who are on a hold and/or being transported by a secure transport provider should still be treated with consideration and respect.

Secure transport providers have several key responsibilities regarding client, or member, rights as outlined in OAR 309-033-0435:

- Maintain written policies & procedures with regard to client rights
- Keep a record of any formal complaint or report made against an employee
- Report any client abuse
- Not conduct an internal investigation without prior authorization from the Health Systems Division in cases of alleged abuse or death of an individual, or after the Division’s investigation has been completed
- Obtain criminal offender information on all drivers

Additionally, while secure transport providers may use mechanical or other restraints, they may only do so in emergency situations to prevent a member from inflicting immediate and serious harm to themselves or others.

Secure transportation has not previously been permitted for the voluntary transport of members who are not under civil commitment. However, CareOregon has made the decision to allow secure transportation in what is considered to be a gray area: cases in which members appear to warrant secure transport due to a danger to themselves or others, but they are not on a hold of any kind. This exception may be authorized by CareOregon (acting as a CCO) or by the NEMT Brokerage, however, exceptions must include documentation to be supplied to the secure transport provider:

- Individual member’s informed consent to be transported via secure transport services, and
- Written documentation by the treating medical professional stating the circumstances requiring secure transport services

Secure transport providers may be asked to supply this documentation to the NEMT Brokerage and/or CCO upon request.

Driver Training & Standards

Transportation providers are required to verify drivers have and maintain the following items prior to hiring or contracting, per OAR 410-141-3925:

- **Valid driver license:** Each driver’s license must be the appropriate class and contain any required endorsements to operate the vehicle they will use
- **Not excluded from Medicaid services:** Drivers cannot be included on the exclusion list maintained by the Office of the Inspector General
- **Criminal background check:** The driver must pass a criminal background check that meets the requirements outlined in ORS 181A.195 and 181A.200, and OAR chapter 257, division 10
 - Drivers employed with a mass transit district must pass a criminal background check in accordance with ORS 267.237 as well as the mass transit district’s background check policies
 - If a driver has a criminal background, the NEMT brokerages may have an exception process to allow approval of a driver under certain circumstances, with approval by CareOregon

Transportation providers must ensure that drivers receive training on their job duties and responsibilities when providing NEMT services. Minimum training required by the Oregon Health Authority includes the following:

- Understanding NEMT services in general, reporting forms, vehicle operation, requirements for fraud and abuse reporting, and the geographic area in which drivers will provide service
- Completing the National Safety Council Defensive Driving course or equivalent within three months of the date of hire and at least every three years thereafter
- Completing and maintaining certification for Red Cross-approved First Aid, Cardiopulmonary Resuscitation, and blood spill procedures courses or equivalent prior to driving any members;
- Completing the Passenger Service and Safety course or equivalent course within three months of the date of hire and at least every three years thereafter
 - Drivers who will only operate a sedan may complete the ambulatory-only version of the course, however drivers operating a wheelchair van must complete the wheelchair securement portion
- Understanding the CCO’s established procedures for responding to a member’s needs for emergency care should they arise during the ride
- Understanding of and compliance with all state driving and transportation laws.

CareOregon requires that NEMT brokerages pass through the following requirements to transportation providers:

- Vehicle orientation and road testing with the type of vehicle and equipment the driver will be operating prior to transporting members and other passengers
- Briefings to inform drivers of any relevant updates or changes to NEMT services, the program overall, forms and documents, or modifications to operational procedures
- [Cultural Responsiveness & Competency training](#)

Providers must submit all credentialing documents and copies of training certificates to the brokerage per the brokerage’s requirements. Brokerages will have processes in place to ensure that providers are notified in advance of missing or outdated credentialing documents and will only withhold payment if

items are not submitted by the requested date, with advance notice.

This does not apply to ambulance providers or personnel that are licensed and regulated by ORS Chapter 682 and OAR chapter 333, divisions 250, 255, 260 and 265, whether providing ambulance or stretcher transports. Exceptions to this exemption may apply according to local transit regulatory agencies.

Driver Performance Evaluation

Transportation providers are required to create a plan to complete regular performance evaluations for all volunteers and paid employees.

Providers are encouraged to establish a schedule whereby all volunteers and drivers receive consistent evaluations for road performance, performing vehicle operations and customer service. The performance evaluation and discussion should be documented, signed and become a permanent part of the driver personnel file. Positive documentation should also be included in the driver personnel file. If needed, a plan of correction should be developed, and additional training provided.

Performance evaluations provide an excellent opportunity for transportation providers to give feedback to drivers about their performance and also receive feedback from drivers about the program. Evaluations are essential in identifying drivers who should no longer transport members or may need additional training. They also help secure equitable insurance rates.

Driver Code of Conduct

Drivers are responsible for adhering to a code of conduct in performing NEMT services for OHP members. Transportation providers shall communicate conduct expectations to all drivers upon hiring and throughout each driver's employment or contract as needed, and shall require each driver to sign acknowledgement of the code of conduct as outlined by the NEMT brokerage.

Drivers who do not follow the code of conduct may be subject to suspension or termination from the NEMT program. See the [Driver Disqualification](#) section for more information.

Vehicle Equipment & Standards

Transportation providers are required to verify vehicles have the appropriate equipment and are in a condition to meet the comfort and cleanliness standards for all members prior to using for NEMT services, per OAR 410-141-3925:

- Clean & free from debris impeding a member's ability to ride comfortably

- Smoking, aerosolizing, or vaporizing of inhalants is prohibited in the vehicle at all times, including times when no member or passenger is in the vehicle
- Safety equipment:
 - Each vehicle must include seat belts for all passengers
 - First aid kit
 - Fire extinguisher
 - Roadside reflective or warning devices
 - Flashlight
 - Tire traction devices when appropriate
 - Disposable gloves
 - All equipment necessary to securely transport members using wheelchairs or stretchers

Additional items that CareOregon requires for each vehicle include the following:

- Seat belt extender
- Bloodborne pathogens spill kit
- Spare tire or tire repair kit
- Jack
- Seat belt cutter
- Non-latex gloves
- Any seasonally appropriate equipment

CareOregon also strongly recommends that contracted transportation providers install and use dash cameras that provide an inward and outward facing view of the vehicle. Footage from dash cams can be supplied to the NEMT brokerage as evidence in the case of complaints and other incidents to help the brokerage make a determination regarding whether a claim can be substantiated. Brokerages may have specific requirements related to dash cams in their contracted agreements with providers.

In addition to the equipment required for each vehicle, providers must ensure that vehicles have the required documentation per any state or local regulations. These items will include:

- Valid vehicle registration
- Certificate of a safety inspection performed by an ASE-certified mechanic within the last year
- Certification of ADA compliance for all wheelchair accessible vehicles within the last year
- Valid insurance card or Acorid certificate
- Incident reporting forms

Providers must submit all credentialing documents and copies of inspections to the brokerage per the brokerage's requirements. Brokerages will have processes in place to ensure that providers are notified in advance of missing or outdated credentialing documents, and will only withhold payment if items are not submitted by the requested date, with advance notice.

This does not apply to ambulance vehicles that are licensed and regulated by ORS Chapter 682 and OAR chapter 333, divisions 250, 255, 260 and 265, whether providing ambulance or stretcher transports. Exceptions to this exemption may apply according to local transit regulatory agencies.

Vehicle Maintenance

Transportation providers must follow a preventative maintenance schedule for each vehicle. The schedule must incorporate, at minimum, all of the maintenance recommended by the vehicle manufacturer.

Following an accident or other incident causing damage to the vehicle, the provider must have the vehicle assessed by an ASE-certified mechanic prior to returning it to service. Damaged vehicles may not continue to perform NEMT services.

Fire Extinguishers

Transportation providers must ensure that all vehicles are equipped with the correct fire extinguisher for the size and type of fire that could occur within the vehicle. All fire extinguishers should be readily accessible to drivers, and drivers should be trained how to use the fire extinguisher in any vehicles they regularly use. Fire extinguishers are recommended to be visually inspected on a monthly basis, but no less frequently than annually, to ensure they are fully charged and operable. NEMT Brokerages will inspect fire extinguishers as part of any vehicle inspection process, including during on-site audits and/or pop-up inspections.

Fragrances in Vehicles

Members may have allergies or other sensitivities to scents, fragrances, and other chemical products. These may include scents from cigarettes, cologne and perfumes, lotions, hair products, air fresheners, cleaning products, and more. NEMT Brokerages may implement fragrance-free policies to accommodate members who are impacted by such products. While no vehicle can be 100% scent- or chemical-free, providers are recommended to work with their drivers to ensure vehicles are maintained with scent-free products where possible, and caution drivers against wearing fragrant products.

Business Technology

Providers are expected to use the most appropriate technology related to the service they provide. At minimum, providers must possess the following:

- Internet connection and computer equipment capable of receiving ride assignments, email and email attachments, or web-based shared file storage service (such as Google Drive)
- Capacity to run a current version of a standards-compliant browser such as Chrome, Firefox, Safari, IE 10 or newer

- “Standards-compliant” refers to the ability to adhere to published web standards to deliver a consistent web experience across web browsers
- Runs a supported operating system and is receiving vendor security updates
- Requires user authentication to use or is physically secured to prevent unauthorized access to member information
- Software capable of handling electronic billing
- Drivers shall also have access to a mobile device, including a mobile phone or tablet, to receive ride assignments

Ride Assignment Expectations

NEMT brokerages will assign trips to transportation providers based on stated availability by service area and hours of operation, vehicle types, level of service provided, rates, and performance. Contracted providers are not guaranteed a specific volume of trips. The sections below will be revised six months from the contract start date, as we better understand and gather learnings about the ride assignment process.

Service Availability

Providers are required to have adequate driver, vehicle, and dispatch resources available to perform the volume of NEMT services assigned by the brokerage in the service area designated in the contract agreement. If the provider is unable to accommodate the volume of trips assigned, or there are changes to the hours of operation or service area in which they can provide trips, the provider is responsible for notifying the brokerage immediately to make adjustments as needed.

Accepting & Reassigning Trips

Transportation providers are expected to accept or reject rides in a timely manner after receiving assignments from the NEMT dispatch team. Brokerages may request providers accept additional trips, such as next-day or same-day requests, within a much shorter timeframe. Brokerages will establish clear parameters around the timeframe within which a provider must either accept additional trips or return them to be reassigned to another transportation provider.

Providers shall request trips be reassigned with as much advanced notice as possible. Acceptable reasons for reassignment may include, but are not limited to, the following:

- Outside the provider’s service area
- Outside the provider’s hours of operation
- Provider does not supply vehicle type required for trip
- Vehicle capacity limitations (e.g., a vehicle out for maintenance)

- Driver schedule limitations (e.g., drivers on scheduled break, out sick or on vacation, shift ended before trip would end, etc.)
- Adverse weather or disaster event limitations
- Safety concern or risk
- Pending or previous lawsuits by member against provider
- Cultural or religious holidays

Unacceptable reasons to request trip reassignment may include, but are not limited to, the following:

- Reasons that are discriminatory or otherwise biased
- “Cherry-picking” or a demonstrated pattern of only accepting certain trip types that will result in the highest payment
- Demonstrated pattern of reassigning a high number of trips last-minute
- Same-day assignments that the brokerage has identified are critical or urgent to cover, that the provider has previously agreed to accept

Reassignment Remedies

If providers have demonstrated a pattern of reassigning too many trips the brokerage may take steps to remedy the situation. Brokerages will work with the transportation provider to determine whether there is a flaw in the ride assignment process or provider capacity information prior to assessing potential penalties.

If it is identified that the reassignment trend is related to something that is outside the provider’s control, such as assignments to a company outside their service area or operational hours, the provider will not be penalized. Providers are responsible for notifying the brokerage if they identify a recurring issue with the trips they are assigned.

In cases in which the brokerage has determined that the provider has a demonstrated pattern of reassigning too many trips, reassigning too many trips last-minute, cherry-picking, or any other reason the brokerage may deem unacceptable, the brokerage may implement a Corrective Action Plan to remedy the situation. Please review the [Corrective Action Plans](#) section for more information. Potential plans may include a reduction of rides offered to the provider, or modifying the provider’s hours of operation or service area if the provider is reassigning trips during times or areas they had previously agreed to serve.

Provider No Shows

Providers are expected to ensure that every member makes it to their appointment or destination in a timely manner. A provider no show is considered to be a verified report from a member, caregiver, facility staff, or others stating that the provider failed to arrive at the pickup location to perform the trip.

Providers must supply any requested information to the NEMT brokerage about incidents related to reports of a driver no show. The brokerage requires providers to submit a complete incident report to identify whether the member suffered any harm as a result of the failure to provide a ride, whether the member was required to reschedule their appointment (if known), and whether any corrective action or retraining with the driver was conducted as a result of the incident.

Provider no shows may be excused if there is a case of an accident or unforeseen vehicle issue, or others as determined by the brokerage on a case-by-case basis. Unusual weather or unusual traffic conditions affecting all vehicular traffic which prevent providers from meeting the scheduled pickup time also will not constitute non-compliance. Providers are responsible for reporting to dispatch immediately if they are unable to perform a trip for any reason, so the brokerage may attempt to reassign the trip to another transportation provider.

If the brokerage determines that a provider has demonstrated a repeated pattern of no shows, the brokerage may implement a [corrective action plan](#).

Please note: NEMT brokerages are responsible for differentiating member no shows from provider no shows and will address member no shows in a separate process. Providers will not be held accountable for member no shows.

Trip Changes

Provider shall provide transportation service as assigned. If the provider is unable to provide the agreed upon transportation service assigned, providers are responsible for notifying dispatch immediately. The NEMT brokerage will review the ride and reassign it, if appropriate.

Provider shall not make any changes to assigned rides unless authorized by the brokerage. Changes that require approval from the brokerage include changes to pickup times, appointment times, and pickup or destination addresses. Changes to the vehicle type also require authorization, unless the vehicle offered can meet the member's needs (for example, a wheelchair van that has ambulatory seats, for a member who needs a regular sedan).

Trips not provided as authorized shall not be reimbursed. If the provider is found to make repeated changes to trips without authorization, the brokerage may implement corrective action, up to and including suspension or termination of the contract.

At times, brokerages may request that a provider perform a same-day trip that is already late, potentially due to a ride assignment issue. In such cases, the pickup time may not be changed, however the provider will not be penalized for late pickup. The brokerage will ensure that the trip is documented to indicate that it was assigned to the provider late, and the provider will be appropriately notified.

Timeliness & Wait Time

All trips must allow adequate travel time for members to arrive on time to scheduled appointments. Drivers must make their presence known to members and wait until at least 15 minutes after the scheduled pickup time. If the member is not present or ready to go within 15 minutes after the scheduled pickup time, the driver must notify the dispatcher before departing from the pick-up location. This 15-minute waiting period should take place at the pickup location during the member's expected pick-up window. Drivers are expected to make reasonable efforts to contact the member and should contact their dispatch to request additional information as needed. Drivers are not permitted to depart a pickup location without notifying their dispatch of a no show, and providers are required to notify the brokerage for every no show in the manner in which the brokerage determines is appropriate.

Drivers may not pick members up before the scheduled pickup time or pickup window. If the member is ready to go early, they may go with the driver if they choose, but drivers cannot require the member to leave earlier than scheduled. Drivers may not drop members off at destination facilities more than 15 minutes before the facility opens, unless specifically requested by the member.

Transportation providers must wait for a member during any trip in which wait time is indicated as needed. For example, members with scheduled trips to a clinic that offers substance abuse treatment, or a pharmacy stop, typically include wait time. Drivers must notify members that the wait time at that stop cannot exceed 15 minutes. In any case in which a member's wait time has or will exceed 15 minutes, the provider must notify the brokerage. The brokerage may either authorize additional wait time if the driver has time to wait longer or confirm the member no show if the driver cannot wait.

Providers should notify dispatch immediately if there is any incident or event that will affect the member's ability to arrive on time to their destination.

When providing a return ride, drivers should endeavor to pick members up within 15 minutes of the pick-up facility closing.

Adverse Weather, Business Continuity and Disaster Recovery

NEMT services are required to be provided for members who need critical medical care, to the extent that it is possible, during adverse weather conditions and disaster events. Brokerages will define and establish levels of severity, depending on the event and conditions, to determine what types of transportation can continue to be provided during such events. They will also define categories of trips, to include at minimum those that are life-sustaining, to make determinations of which types of transportation may be limited as the severity level of an event increases. Providers are expected to understand these categorizations of severity levels and trip types. Brokerages will include information on their telephonic system about the current severity level, and what types of transportation can and cannot be provided during that time. They will also be responsible for communicating the severity level to providers when event procedures begin, and as they change.

Brokerages and their contracted transportation providers are required to have policies and procedures for adverse weather and disaster events, business continuity, and disaster recovery. Policies and procedures shall include, at a minimum, staff training, methods of notification, and member education. Providers must supply copies of their policies and procedures as requested.

Providers are expected to include in their procedures a plan to continue operating and performing trips, when possible, during adverse weather, disaster events and recovery activities. Providers will also be required to have a contingency and back-up plan to provide coverage for members who may be picked up excessively late. During events, the provider must communicate with the brokerage to determine when it is appropriate to implement their procedures.

If providers have identified that operations cannot safely continue or must be limited due to the nature of the event or conditions, they must communicate with the brokerage to advise of any reduction in capacity. If the capacity reduction requires providers to request trips be reassigned, they must notify the brokerage immediately to allow time for reassignment, if possible.

During any weather or disaster events, providers and drivers must communicate any delays related to conditions to members in advance when possible. Communication to members should include an estimated time of arrival, where known and possible, or if the trip cannot be accommodated.

Assisting Passengers

NEMT drivers are expected to assist members whenever appropriate assistance is requested by a passenger in a trip request. Drivers are responsible for understanding and following the expectations outlined in trip requests. Assistance requests may include the following:

- **Curb to Curb** – A request that includes minimal driver assistance. This type of service is for members who do not need assistance from the driver and can navigate from the vehicle to their appointment themselves. Drivers should park their vehicles at the curb closest to their pick-up location, but the member will not need an escort to or from the vehicle. If the member is not at the curb, drivers should call the member or the brokerage for further instructions.
- **Door to Door** – A request that includes escorting the member from the door of their residence or facility. This type of service expects the driver to escort the member to the vehicle from the door or front desk of their pickup location, and then escort the member to the waiting area for their appointment at the destination address. The driver does not need to check the member in or escort them to a specific person. If the member is not at the door or desk, drivers should call the member or the brokerage for further instructions.
- **Hand to Hand** – A request that includes a full escort and does not permit the driver to leave the member unattended. Such requests include ensuring the member is “handed” to a specific person at the destination, checking the member in at the appointment and at the destination after each appointment. If the member is not at the door or desk, drivers should call the member or the brokerage for further instructions.

All NEMT drivers are expected to assist members with mobility devices. Devices must be appropriately secured, whether the member is using the device during transport or the device is stored. Drivers shall also assist members with navigating stairs if needed or requested, though drivers may not physically assist or carry a member up or down stairs. Drivers must notify the NEMT manager if that is the case.

Hospital discharges often include an elevated level of assistance, as the driver is expected to go to the nurse's station at the unit where the member has been hospitalized. Drivers must provide a full escort and ensure that they have the appropriate equipment (such as providing a wheelchair, stretcher, etc.) prior to arrival at the hospital.

Tasks Outside Driver Scope

Transportation providers and drivers are, at times, asked to perform services or tasks that are beyond the scope of what is expected. The below listed items are things that providers and drivers should never do to assist a member:

- Provide personal care services such as dressing or feeding the member
- Transfer a member into or out of a wheelchair or bed or provide full-weight support while walking. Drivers may only perform this task if they are licensed, trained, and authorized by the NEMT brokerage to do so.
- Go inside a member's personal residence, if a private home, or into their room in a care facility (unless they are licensed, trained, and authorized by the NEMT brokerage to do so)
- Go inside an exam room and attend the medical appointment with a member
- Approve state and federal safety exceptions without the proper documentation, for example: seat belt exemptions

Emergency Procedure

If a provider arrives to provide transportation and an emergency exists requiring transportation by an ambulance, providers must call Emergency Medical Services (EMS) by calling 911 for the member if necessary. Providers are required to notify the NEMT brokerage dispatch department immediately, with a written incident report to follow within 24 hours.

Provider shall establish written procedures for drivers to follow regarding situations in which emergency care is needed for members that they have been assigned to transport. Provider shall have a written collision/incident investigation procedure and shall follow that procedure to respond to and review all collisions/incidents.

Attendants for Children & Special Needs Transports

In some cases, a member will have an attendant accompany them on a trip. When a provider receives a trip assignment, it should include information indicating if a member will have an attendant.

Per OAR 410-141-3935, members aged 12 years old and younger must have an attendant provided for them during transport by the parent or guardian. Providers should be aware that an attendant is required to be provided by the parent or guardian in all cases except the following:

- The driver is a Department of Human Services (DHS) volunteer or employee or an OHA employee
- The member requires secured transport
- An ambulance provider transports the member for non-emergent services

Attendants may be the member's mother, father, stepmother, stepfather, grandparent, or guardian. The attendant may also be any adult 18 years or older authorized by the member's parent or guardian. Providers are not permitted to bill any charges for the member's attendant accompanying them on a trip.

Drivers may not transport a member without a required attendant, and the attendant must accompany the member from the pick-up location to the destination and for any additional trip legs. Members aged 12 or under cannot be transported without an attendant. Drivers should notify their dispatch if they have a safety concern about a member with special needs traveling alone.

Drivers are not responsible for providing or installing child safety seats for a member, nor may they transport a member who does not have a safety seat that requires one. Providers are required to notify the brokerage if they cannot perform a trip because the appropriate child safety seat has not been provided for a trip.

Child Safety Seats

- Providers must be familiar with child safety seat requirements per Oregon State Law (ORS 811.210): Children under 4'9" or weighing less than 40 pounds are required to use a child safety seat, which may be a car seat or booster seat.
- Children under the age of two (2) years old require rear-facing car seats.
- Children who weigh 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 (Rules establishing standards for safety belts, harnesses and child safety systems).
- A person who weighs more than 40 pounds and who is 4'9" inches or shorter must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. As used in this paragraph, "properly fits" means the lap belt of

the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the department under ORS 815.055.

Exceptions to Attendant Requirements

Members are not required to have an attendant in the following cases:

- The member requires secure transport
- An ambulance provider transports the member for non-emergent ambulance services, and the ambulance has an attendant in the vehicle in addition to the driver

Service Modifications

Transportation providers have an obligation to notify the NEMT brokerage of any incidents related to safety and security, while maintaining the rights of each member. In some cases, a member may pose a direct threat to the health or safety of others, including the driver or any other passengers in the vehicle. Per OAR 410-141-3955, a direct threat is one that:

- Cannot be eliminated or reduced to an acceptable level through the provision of auxiliary aids and services or through reasonably modifying policies, practices, or processes; and
- Is identified through an individual assessment that relies on current medical evidence or the best available objective evidence that shows
 - The nature, duration, and severity of the risk,
 - The probability that a potential injury will actually occur, and
 - Whether reasonable modification of policies, practices, or processes will lower or eliminate the risk

Transportation providers will not modify services for members, but they may assist in the implementation of service modifications. In some cases, a member's service is modified due to a direct or potential threat to the driver or others in the vehicle, recurring no shows or late cancellations, or other behavioral issues. Brokerages may make reasonable modifications to the member's service that may include the use of a specific transportation provider, traveling with an attendant, confirming their trip on the date of service, or others as needed. Transportation providers are responsible for assisting the brokerage in adhering to the modification, if known, and will work with the brokerage to identify any continued issues related to the modification of service.

Modifications may not include denial of service. While a member may pose a health or safety risk to the driver or others, it is the right of each member to be provided with NEMT services. Transportation providers need to work with the brokerage if they are unable to provide services to a member to avoid infringing upon a member's right to services.

Grievances & Incidents

Grievances

A grievance is defined as any expression of dissatisfaction. Transportation providers are responsible for communicating members' rights and responsibilities when a member or member representative expresses dissatisfaction with NEMT services. If a member or their representative expresses dissatisfaction with the service, the provider shall follow these steps:

- Advise the member of their rights to file a grievance or complaint
- Provide the member with information on how to submit their grievance
- Report the member dissatisfaction to the brokerage

Providers will assist with the investigation of any member grievance, which may include a request for dash cam footage, personal testimony, or other data. Providers may not, under any circumstances, retaliate against a member or anyone reporting a grievance or complaint.

Specific grievances may result in a driver's suspension or termination pending the results of the investigation. See [Driver Suspension & Disqualification](#) for more information.

Transportation providers are required to report all accidents, collisions, injuries, safety risks, or other related incidents. These will be collectively known as incidents in this section. All grievances and incidents notification and documentation requirements are detailed in the sections below.

Other related events might be those that demonstrates significant risk to people and property. Examples can include but are not limited to:

- Potential harm (physical or psychological) to people (employees, members, transportation provider staff or drivers) possible examples: Injuries sustained in an accident or during transport, sexual abuse or harassment, assault, etc.
- Violation of member safety-related contractual obligations (background checks, drug testing, exclusions, etc.). Possible examples: Driver falsifying or not completing a background check as required, or being on a Medicaid exclusions list
- Damage to or destruction of property. Possible examples: Damage to a member's mobility device during loading and/or securement
- Identifying a potentially lost member. On rare occasions, a member may not make it to their appointment, or may become lost during or after a trip has occurred. If a transportation provider is made aware, provider should assist in every possible way to locate the member.
- Any other event or series of events deemed significant by Oregon Health Authority, Health Share of Oregon and/or CareOregon

Providers should be expected to complete rides unless the vehicle is not operable due to an accident, or if member is threatening the driver, or jeopardizing the safety of the driver, themselves, or others. While we do not condone negative or abusive member behavior such as verbal abuse or bullying of drivers, all drivers must complete scheduled trips unless they have a credible fear that they cannot safely transport the member. Drivers may not force a member to exit their vehicle, fail to complete a started ride, or threaten the member that they will not complete the ride purely on the basis of verbal, non-threatening behavior. If a member is verbally abusive, you may request not to transport that member moving forward by contacting the brokerage. The brokerage will honor such requests if they are reasonable.

Notification

Provider shall inform the brokerage within 24 hours of any and all accidents or incidents related to transporting a member, including date, time, location of the incident, vehicle, driver, description of the incident, and names of all parties involved. The incident description must include a description of any injuries that resulted to the driver, member, and any other passengers, and whether the driver or any passengers required treatment at a hospital.

Provider will inform the NEMT brokerage dispatch team of any collision or incident which affects the member's arrival time, destination, health or well-being or relates in any way to a member complaint.

Written notification must be provided to the NEMT brokerage immediately for any accident or incident involving a driver or passenger injury, fatality, or allegations of abuse by the driver. Non-injury accidents or incidents must be reported to the brokerage within 24 hours. Providers may be penalized for failure to report or provide written notification of any serious incident.

The brokerage is required to submit formal notification to CareOregon, and incident reporting to OHA must occur within 2 business days of that notification.

Documentation & Response

When documenting incidents, providers should use “objective documentation”. This refers to documentation that is written, and refers to what was seen, heard, or can be measured. Objective documentation is not something that was “felt” or “sensed”, which is more subjective and potentially biased. Objective documentation of incidents should be used for all grievances and complaints, as well as for accidents and other incidents.

Transportation providers are required to submit documentation in all cases defined by a brokerage. Adequate documentation of incidents includes an unbiased third-party account of the incident that clearly demonstrates that the driver involved did everything in their power to avoid the incident or grievance. A written report or response may be required for grievances and complaints.

Such documentation may include a police statement or a record of the other party's insurance paying for the damages, and a narrative description signed by the driver. Any and all copies of motor vehicle and law enforcement reports must be provided to the brokerage. Providers are required to submit an incident report with all details outlined as necessary by the brokerage.

For non-urgent or general grievances, brokerage will require responses to be submitted within 3 business days. Depending on the severity of the grievance or incident, the brokerage may require documentation and responses within one business day instead. Providers must submit documentation and a response in the timeline required for each grievance or incident and will notify the brokerage if the response or any documentation will be delayed, with the reason for the delay.

Determination

NEMT brokerages will develop a process to determine whether grievances, accidents, or other incidents were preventable, and if there was fault by the provider or driver. Brokerages understand that determination is often difficult because there may be many contributing factors, however providers and their drivers may contribute to incidents in some way or to some degree. All grievances and incidents are viewed by the brokerage as potentially valid and preventable until or unless documentation proves otherwise.

During the course of the investigation of any grievances or incidents, the brokerage will make a determination about the potential cause(s). Brokerages will record and track determinations to identify patterns and trends related to individual providers or drivers. Any identified trends may lead to [Driver Suspension & Disqualification](#) for individual drivers, or a [corrective action plan](#) if related to the provider overall.

Provider Code of Ethics

Theft, Violence, and Gross Negligence

Transportation providers must have policies in place to prevent theft, violence, and gross negligence. The purpose of these policies is not only to protect the customer and service partner, but also to protect the driver from false accusations of misconduct.

The following are examples of offenses that are grounds for immediate termination:

- Theft of funds, equipment, or services;
- Gross negligence with regard to the safety and well-being of self, customers, general public or program equipment;

- Engaging in physical or verbal confrontations while on duty; and
- Failure to provide high quality customer service or positively represent the service partner or NEMT program.

See the [Corrective Action Plans](#) and [Suspension & Termination](#) sections for more information.

Disclosure and Avoidance of Conflicts of Interest

A conflict of interest is a situation in which a person is able to derive personal benefit through actions or decisions made in their professional capacity. Examples of conflict of interest in NEMT include but are not limited to:

- Personal relationships with a member or passenger
- Providing NEMT services to someone you're already engaged in a personal relationship with
- Exchange of funds or gifts between driver/transportation provider and member/passenger
- Engaging in personal business transactions of any kind during provision of NEMT services
- Advertising products or services that will result in personal gain.

All transportation providers shall avoid conflicts of interest when at all possible and are required to report real or perceived conflicts of interest to NEMT management. Transportation providers shall communicate expectations of appropriate conduct to all drivers upon date of hire and as needed throughout their employment or contract.

Harassment

NEMT services are conducted in an environment in which all members, drivers, transportation company owners, employees, and other affiliated parties feel safe and free from harassment. Harassment includes any behavior (physical, sexual, or verbal) that negatively impacts another person and creates an environment that is intimidating, offensive, or hostile. This includes but is not limited to bullying, gossip, direct insults, and derogatory comments. All parties are expected to treat each other with dignity and respect.

Transportation providers shall develop policies and procedures related to prevention of harassment, including sexual harassment, sexual assault, and discrimination against members of a protected class. All policies and procedures shall be clearly communicated to drivers.

Allegations of harassment will be taken seriously and thoroughly investigated by the NEMT brokerage. Harassment will not be tolerated and may be grounds for dismissal from the NEMT program. If a driver is suspected of engaging in harassment of a member, the driver will be immediately suspended from performing NEMT trips, pending the results of the investigation. See [Driver Suspension & Disqualification](#) for more information.

Quality Improvement

Transportation providers have a responsibility to adhere to brokerage and CCO standards of quality, which includes a review of any activities related to performing or handling trips or trip information. Brokerage staff may, at times, conduct a review of individual providers' operations to ensure that specific companies are meeting contract expectations.

Auditing & Verification

Coordinated Care Organizations, and by extension CareOregon, are required by the Oregon Health Authority to audit a percentage of all daily NEMT trips. Brokerages may audit and verify trips in a number of ways, but CareOregon requires that verification must be done both pre-trip and post-trip for 5% of all NEMT trips. A sample of each provider's trips will be included in regular audits, with the audit frequency to be determined by the brokerage. Brokerages may need additional information or assistance from providers during the audit process, and transportation providers are required to comply with any requests in a pre-determined method defined by the brokerage. Auditing will include a review of claims data, pick-up and drop off times, appropriate level of transport, and any information related to member satisfaction, among any other factors as needed.

Audits may include a review of trip information to ensure that providers billed the contracted or negotiated amount. Negotiated rates will only be approved if the brokerage authorized the rate before the trip. Brokerages may adjust payment amounts in cases where providers have billed in excess of the contracted rates. Providers may only bill trips using the most cost-effective and reasonably direct route from point of origin to the destination.

Payment may not be withheld during the audit, however if the brokerage or NEMT manager identifies in any audit or billing review that the transportation provider has been overpaid or billed excessive charges, the transportation provider will be required to reimburse the brokerage in a manner that is determined by the brokerage. The brokerage will develop reimbursement methods and advise providers in advance of the method(s) they have selected to allow transparency into the process. Possible reimbursement methods may include a deduction of funds from a future invoice.

Transportation providers who have fraudulently or intentionally billed incorrectly may be subject to penalties, up to and including suspension or termination of the contract. See [Fraud, Waste, and Abuse](#) for more information.

Trip Data

All brokerages need to collect and maintain documentation of NEMT services provided, including at minimum the following items for each trip:

- Trip ID
- Member ID
- Destination address
- Reason for trip request (service reason)
- Incidents of driver or member no shows

Brokerages may determine and require additional data points that will be collected as needed.

Site Visits

Transportation providers will accommodate annual visits by NEMT management. Site visits will include a review of the provider's records, facilities, and equipment and ensure proper program management. All transportation program records will be reviewed at this time. This is also an opportunity for NEMT management to become better acquainted with the transportation provider and program.

Annual visits will be arranged in advance at a mutually agreed upon time and date. At times, NEMT managers may also request a random site visit to audit the provider's records.

Upon completion of the annual site-visit, a copy of the findings and recommendations with timelines for corrections, if appropriate, will be completed and sent to the service partner. A timeline for follow-up, if necessary, will be included.

Corrective Action Plans

Transportation providers may, at times, be subject to a Corrective Action Plan (CAP), if the provider is found not to be adhering to contract or service standard requirements. Such plans are used prior to moving forward with suspending or terminating a provider's contract for NEMT services, though in some cases a plan may be bypassed if the infraction is severe enough.

The NEMT brokerage or management team will work with a transportation provider to identify what item(s) are in need of improvement and will develop a plan collaboratively with the provider to determine next steps. NEMT managers may limit the volume of trips assigned to a transportation provider in order to allow the provider to focus on correcting or improving deficiencies.

Providers who are unwilling or unable to follow the plan outlined by the NEMT manager will proceed to suspension of services, up to and including termination of the contract.

Any Corrective Action or Performance Improvement Plan shall include the following basic components:

- A description of the factors contributing to the issues
- Designation of a person or persons who are charged with implementing the CAP
- A detailed description of the specific actions the provider will take to remedy the issues
- A timeline that identifies specific actions and a deadline by which the issues must be resolved
- Identification of any resulting issues related to member access to care
- A description of activities and evaluation criteria the brokerage will take to monitor provider performance and compliance to prevent recurrence

Transportation providers are required to provide the brokerage with status updates in writing regarding the progress of the CAP, as well as when it has been completed and any breaches or other issues have been resolved.

Suspension & Termination

Violations of contracted service quality standards may result in suspension or termination of the provider's contract. Violations may include, but are not limited to the following:

- Chronic and/or unexcused lateness in picking up customers for appointments or for return trips.
- Chronic and unexcused lateness resulting in the Member missing an appointment due to Provider lateness or Provider missing the pick-up, or member complaints where Provider arrived more than thirty (30) minutes after the request for a return trip or more than thirty (30) minutes after the scheduled time for a return trip, or any combination of the above.
- Vehicle mechanical condition resulting in a violation of local, state, and/or federal rules, regulations, and/or laws.
- Vehicle mechanical or maintenance conditions resulting in threats to the health, safety, or welfare of members.
- Customer complaints where driver behavior resulted in customer being injured or placed a customer at substantial risk of being injured.
- Customer complaints where the driver used profane language or inappropriate behavior.
- Customer complaints where Provider, without excuse:
 - Failed to provide rides as ordered
 - Changed origin and/or destination addresses without prior authorization
 - Changed Member appointment times
 - Changed scheduled pick-up and/or drop off times without prior authorization
- Provider fails to investigate reported safety or performance issues and report back to the brokerage in a timely manner when specifically requested to do so
- Provider knowingly employs a driver with one or more felony convictions, or misdemeanor convictions involving sex-related criminal offenses.
- Provider fails to provide the level of service required for members.
- Provider fails to disclose a conflict of interest. See [Disclosure and Avoidance of Conflicts of Interest](#) for more information.
- Provider fails to secure or maintain appropriate insurance coverage at any time while contracted with the Brokerage. See [Insurance](#) for more information.

NEMT brokerages or managers must provide appropriate notice to transportation providers, as outlined in the provider contract agreement, prior to suspending services or terminating the contract. NEMT brokerage management have discretion to make a determination regarding suspension and/or termination of the transportation provider contract, including in cases in which there is no substantiated proof or evidence, based on the likelihood that the incident or violation took place. Brokerages may make such determination with or without notice to the transportation provider, depending on the severity of the incident and whether public or member safety is at risk.

Driver Suspension & Disqualification

A driver must be suspended or disqualified from performing NEMT services, or be required to complete intervention training as a result of policy violations or customer complaints. Brokerages will develop a process that includes graduated steps depending on the issue, but may bypass suspension and immediately disqualify a driver from the NEMT program if the issue or incident is severe enough.

Brokerages may immediately suspend a driver from performing or accepting additional trips in the following circumstances:

- Suspension of a driver's license
- During brokerage investigation into allegations of improper conduct or harassment
- Lapse in required credentialing
- Failure to demonstrate an understanding of or the ability to follow required training standards

Grounds for immediate disqualification include, but are not limited to:

- Criminal history conviction including, but not limited to, any crimes committed against a person
- Reporting to work or training under the influence of alcohol or illegal drugs
- Claims of improper conduct or harassment
- Violence or theft
- Violation of program confidentiality policies, including protection of member protected health information (PHI)
- Violation of the conflict of interest policies
- Repeated collisions or a single serious collision (i.e., reckless driving)
- False documentation of program records
- Failure to disclose a conflict of interest. See [Disclosure and Avoidance of Conflicts of Interest](#) for more information.

A suspension may be temporary, or may lead to disqualification from the program, pending the results of an investigation. If a driver is alleged to have engaged in improper behavior, for example, the driver will be immediately suspended while the brokerage investigates. If the allegations are proven, the driver will be disqualified and no longer be eligible to perform NEMT trips.

Intervention Training

Brokerages may require a driver to undergo intervention training. Reasons for intervention training include, but are not limited to:

- Moving violations
- A preventable collision or a series of collisions (preventable or non-preventable)
- Customer complaint about driving performance or customer relations abilities
- Staff or driver observation of changes in mental condition, general health or stamina which affect the ability to perform job responsibilities
- Improper program documentation

Appeal Process

In the event a driver is suspended or requested to be disqualified, the transportation provider will be notified. Providers may challenge the suspension or disqualification by submitting a written appeal to be reviewed by the brokerage, which will then review the driver's record and appeal information to make a final determination on the driver's eligibility.

Appendix Index

CareOregon has committed to providing key member-facing NEMT Program materials as an appendix to the Provider Manual. These materials are sent to members enrolled with the CCO, regardless of whether they have engaged with the NEMT Brokerage in the past. These materials are supplied to Transportation Providers with the intent to provide additional context from the member's perspective, and to allow providers to have a more well-rounded view of the NEMT Program.

Member-facing materials include the following:

1. Rider's Guide
2. Reimbursement Guide
3. Member Rights & Responsibilities