

Who Is Driving the Van?

A Look at Non-Emergency Medical Transport Accidents



BY ARRON MARKS

Non-emergency medical transport (NEMT) accidents involve a variety of unusual elements – including the broker relationship, state regulations and policies, and the special needs of many of the patients being transported. If you are representing a client (or the family of a client) hurt or killed in such an accident, you need to understand the law, industry, company or companies, and the driver responsible for the accident.

NEMT companies provide transportation for disabled people, seniors, and others who need assistance getting to and from their medical providers. While volunteer groups offer some transit assistance, most NEMT is provided by private, for-profit companies. Depending on the patient's needs, NEMT vehicles may be equipped to transport individuals who require stretchers or wheelchairs. Because these patients do not need *emergency* transportation, they do not need the special equipment (or high cost) associated with an ambulance. However, these patients are often medically fragile, unable to use other transportation options, or will undergo such intensive medical treatment as to make self-transportation, taxis, or public transit, unsafe.

There are literally millions of NEMT trips each year. In Georgia, with an increasing population of older residents and little public transit (outside of metro Atlanta), the use of NEMT continues to grow. Unfortunately, state law provides little in the way of safety regulation. Some companies employ drivers who are not properly trained and supervised and, as a result, vulnerable patients become injured by the very people who are supposed to be helping them get the medical attention they need.

In 1974, a federal court held that the state of Texas was required to provide transportation for Medicaid recipients so that they could obtain necessary medical treatment (*Smith v. Vowell*, 379 F. Supp. 139 (W.D. Tex. 1974)). Today, Medicaid recipients in all states,

including Georgia, are entitled to non-emergency medical transport services when they have no other means to obtain treatment. In 2012, there were over three and a half million NEMT trips made in Georgia just for Medicaid recipients.¹ Many Medicare Advantage plans cover non-emergency transport.² Transportation may also be a covered expense through some Flexible Spending Accounts and private insurance policies.³

According to a study by the Transit Cooperative Research Board, providing needed medical transportation to patients can actually lower healthcare costs by ensuring patients access to preventative and chronic medical care.⁴ However, the combination of insufficient regulation, poor supervision, and lax training can be harmful to patients. In addition to typical automobile accidents, patients being transported for medical care can suffer injuries when drivers or attendants:

- improperly secure patients in wheelchairs or stretchers;
- leave patients in vehicles for long periods of time in heat or cold;
- fail to properly use chair lifts, or;
- drop patients during loading or unloading.

Non-Emergency Medical Transport is Big Business

Today, NEMT is a big business. Nationally, there are more than 41 million Americans enrolled in Medicaid (before the current Medicaid expansion) and Medicaid spends approximately 1 percent of its budget, or \$1 to

1.5 billion, on NEMT.⁵ Georgia is at the center of it all. Logisticare LLC and Southeastrans, Inc., both based in Atlanta, are two major brokers (companies that contract with state and local governments to coordinate rides for patients) in the NEMT business world.⁶ Logisticare serves 17 million people in 43 states and Washington DC. Southeastrans coordinates more than three million trips annually in Georgia, Tennessee, Arkansas, and District of Columbia.⁷

A quick Google search reveals all sorts of websites dedicated to getting rich quick through NEMT. The gist of these sites is that anyone – with little training or specialized equipment – can make money offering non-emergency transportation because the elderly population is growing and will continue to grow, and reimbursement rates from insurance providers, including Medicaid, are so favorable to transportation providers.⁸

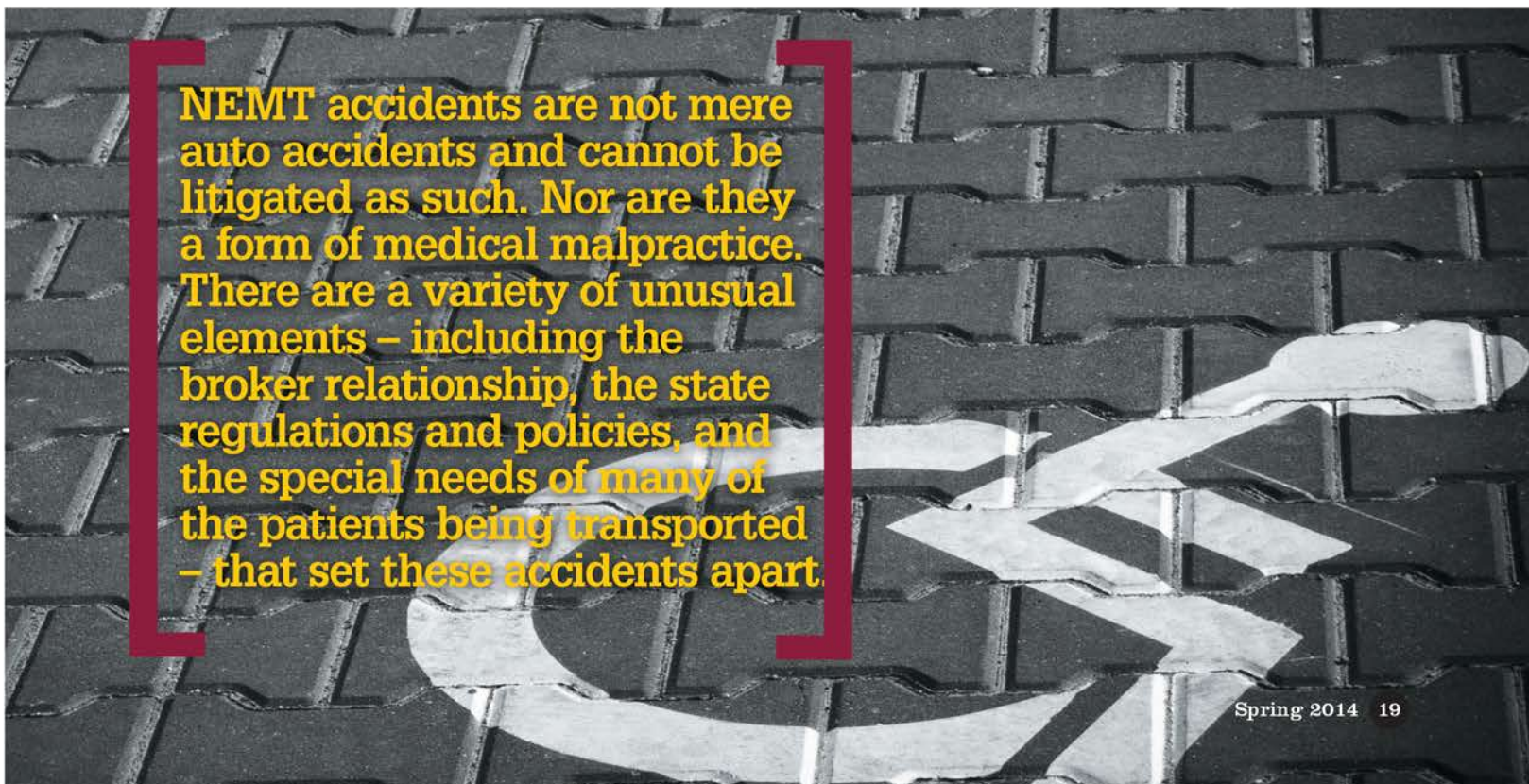
In Georgia alone, in fiscal year 2012, the state Department of Community Health (which manages Medicaid services, including medical transport for Medicaid recipients) oversaw 3.6 million NEMT trips.⁹ The state contracts with Southeastrans in Atlanta and Northern Georgia, and LogistiCare in the Southern metro area and the rest of the state, to broker NEMT for Georgia Medicaid recipients. Southeastrans and Logisticare do not own or operate their own vehicles, but sub-contract out to smaller companies that actually provide the transportation. These two companies act as quality-control brokers who train and supervise the actual NEMT providers.

According to the 2010 census, there are over 1,000,000 people living in Georgia who are age 65 and older, and between 2000 and 2010, the number of older Georgians grew at a much faster rate (31 percent) than the overall increase in population in Georgia (18 percent).¹⁰ Georgia will almost certainly continue to see an

increase in its aging population and an attendant increase in the number of people in Georgia who need NEMT.

While Logisticare and Southeastrans are multimillion dollar concerns, most NEMT providers are smaller businesses. NEMT providers may have anywhere from a handful to hundreds of employees (mostly drivers employed part-time). These businesses can be very profitable. Medicaid reimbursement rates can vary greatly. According to an audit prepared for the state of West Virginia, which is considering whether to contract with a broker to provide transit services for Medicaid patients, “costs for a 30-mile round trip for a doctor’s appointment can vary from \$14.10 – the cost of mileage reimbursement if the patient has a friend or family member drive them to the appointment – to as much as \$72.80 for round-trip fare with a taxi service.”¹¹ Costs for rides in specialized vehicles, like wheelchair or stretcher vans, can be even higher.¹² Some NEMT providers “moonlight” as private car services, offering rides to and from airports and hotels. According to Joel Davis, author of [How to Build a Million Dollar Medical Transportation Company](#), offering private car services allows NEMT providers to make more money by using their existing vehicles during off-hours.

NEMT providers, particularly those who do not work through brokers, market themselves directly to patients, healthcare providers, and the general public. In one instance my client was a patient at a dialysis center and took MARTA to her appointments. Eventually, the dialysis center (undoubtedly aware of their own potential liability if she were to collapse or fall while leaving the clinic) informed her she could no longer ride MARTA home, and that she should contact an NEMT company. The dialysis employee gave her the contact information for a local, private NEMT company. She called and arranged for transport – the entire



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transport was paid by her private health insurance. Oftentimes, in return for referrals like these, NEMT managers offer gift cards to dialysis center employees and other healthcare administrators as a “thank you.”

Duty of Care

For legal purposes, most Georgia NEMT companies would prefer to be treated as ambulance services. In Georgia, ambulance employees who provide emergency medical services have qualified immunity (O.C.G.A. § 31-11-8). By definition, NEMT vehicles are not ambulances because ambulances are specially constructed vehicles used for *emergency* transport (O.C.G.A. § 31-11-2). Moreover, some NEMT companies market themselves to consumers as taxi cabs, offering to take clients to the beauty salon, DMV, or family reunion. Vehicles that transport people for hire, including those that exclusively transport elderly and disabled individuals in non-emergency vehicles, are considered intrastate motor carriers.

All common carriers in Georgia owe passengers extraordinary diligence (O.C.G.A. § 46-9-1), and under O.C.G.A. § 46-9-132: “A carrier of passengers must exercise extraordinary diligence to protect the lives and persons of his passengers but is not liable for injuries to them after having used such diligence.”¹³ For common carriers, extraordinary diligence is defined as “that extreme care and caution which very prudent and thoughtful persons exercise under the same or similar circumstances” (O.C.G.A. § 51-1-3; Southern Stages, Inc. v. Stringer, 437 S.E.2d 315, 263 Ga. 641 (1993); Laidlaw Transit Services, Inc. v. Young, 683 S.E.2d 872, 873, 299 Ga. App. 785 (2009)).¹⁴

While state tort law imposes basic requirements of care on NEMTs, the state does not impose any *substantive* requirements on NEMTs. For example, there are no state laws that require drivers to ensure that patients are properly seat-belted or otherwise restrained. The Department of Community Health has its own, internal broker requirements that govern driver qualifications and conduct, and set forth standards for vehicles used to transport Medicaid recipients. However, these requirements do not apply to all NEMT companies.

Insurance and Registration Requirements

Lawmakers recently enacted the Georgia Motor Carrier Act of 2012 (O.C.G.A. § 40-1-50 et seq). In enacting the law, the Assembly found that “for-hire transportation of persons and property are a privilege that require close regulation and control to protect public welfare...and provide for consumer protection” (O.C.G.A. § 40-1-51). The Motor Carrier Act is to be liberally construed. (*Id.*) Under Ga. Code Ann. § 40-1-112, all motor carriers that transport passengers must have liability insurance or self-insure to protect passengers and the public from injuries cause by the motor carrier’s negligence.¹⁵

The Insurance Commission determined the minimum liability insurance coverage for bodily injury to or death of one person at a mere \$100,000, with total liability for all injury or death caused in one loss at \$300,000 for a vehicle that carries less than 12 people, and \$500,000 for a vehicle that carries more than 12 people. The

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minimum liability insurance for property damage is \$50,000 (Ga Comp. R. & Regs. 515-16-11-.03). Contracts to limit the liability of motor carriers for acts of negligence or intentional acts are void and unenforceable (O.C.G.A. § 40-1-113).

When NEMTs do not carry adequate insurance, or when an NEMT company uses a personal auto liability insurance policy that excludes coverage when the vehicle is used for hire, the injured patient may have no recourse. In one instance a Mississippi based NEMT company and driver, traveling under an automobile insurance policy that excluded coverage of use of the vehicle for hire, caused an accident allegedly resulting in a patient’s death. The court concluded that the insurance coverage excluded the NEMT use of the vehicle and therefore the insurance company was not required to defend or indemnify the driver (or the broker) (State Farm Mut. Auto. Ins. Co. v. Mosley, Civil Action No. 1:12-CV-75-SA-DAS, 2013 WL 1294089 (N.D. Miss. March 26, 2013)).

Motor carrier requirements, such as insurance minimums, do not apply to a motor vehicle “operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly and disabled passengers...[E]lderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected” (O.C.G.A. § 40-1-100). Because the exception requires that the vehicle be (1) operated not-for-profit and (2) exclusively transport elderly and disabled passengers, this exception will not apply to most NEMTs which are operated for profit and which transport other individuals.

Under Georgia law, Federal Motor Carrier Safety Rules apply to all motor carriers (Ga Comp. R. & Regs. 515-16-4-.01). These rules mandate, among other requirements, drug and alcohol testing, accident reporting, and hours of service limits on drivers. In theory, NEMTs are motor carriers and are therefore covered by the federal

rules under Georgia law, but it is not clear if the Department of Public Safety (or any other public agency) is enforcing these rules against NEMTs.

The Georgia Department of Public Safety does regulate the registration of NEMTs. If you intend to exclusively transport elderly and disabled individuals in non-emergency vehicles, all you need is a Georgia UCR (Unified Carrier Registration) from the Department of Revenue.¹⁶ This is merely a document filed with the Department of Revenue that indicates the number of vehicles a person owns and proves that the company has paid the applicable fee.¹⁷

Who is Driving the Van?

What standards apply to NEMT drivers, owners, operators and brokers? These companies transport our elderly, infirm, and medically-fragile friends and family who are unable to use public transit or other transportation options. In Georgia, there are no state laws that govern who may serve as an NEMT driver. While some companies have their own, internal regulations, not all do. The Georgia Department of Community Health's Non-Emergency Transportation Broker Services Program Requirements ("Broker Requirements") impose fairly rigorous training and supervision standards on drivers and attendants.¹⁸ However, these standards only operate for companies that sub-contract with Southeastrans or Logisticare to drive Medicaid patients. For other companies, there may be almost no standards in place.

According to the Broker Requirements, the broker is responsible for assuring that "transportation providers [subcontractors] meet health and safety standards for vehicle maintenance, operation, and inspection; driver qualifications and training; member problem/complaint resolution; and the delivery of courteous, safe, and timely transportation services" (Broker Requirements, section 100.5).

Drivers must:

- be over age 21
- have no convictions for drug crimes, sex crimes, or crimes of violence
- have no felony conviction in the past five years (unless the driver has been given a satisfactory review the Department of Community Health)
- have not had their drivers license suspended in the past five years, and
- not abuse drugs or alcohol.¹⁹

Drivers who are ticketed and convicted of two moving violations or accidents while on the job must be removed (Broker Requirements, section 300.12). Drivers and attendants must undergo first aid and safety training. Brokers must all maintain driver records, including the results of criminal background checks, Georgia State Patrol driving record, and first aid training records (Broker Requirements, section 300.13 & 400.6).

The state broker requirements also govern driver behavior while on the job. For example, drivers and attendants may not be under the influence of drugs or alcohol while driving. They may not smoke, eat or drink anything while in the vehicle, while assisting a patient, or while with a patient. Drivers may not write, send, or read text

messages while driving or use their cell phones except to talk to dispatch or in an emergency. Drivers must assist patients in getting out of the vehicle and make certain that they arrive at their destination, and are also responsible for ensuring that patients are properly secured in the vehicle (Broker Requirements, section 300.5).

However, outside of the companies with broker agreements, there is little in the way of policies regarding supervision and training and, even when policies are in effect, they may not be followed. A prominent Georgia NEMT company with over 300 employees admitted, under oath, that (1) there were no written safety policies that applied to employees and (2) no policies in place regarding wheelchair use. One of the company drivers had criminal convictions for domestic violence and check fraud. Although company policy required post-accident drug testing, none was done.

Many non-emergency medical transport companies prefer to hire emergency medical technicians (EMTs). What are the standards for EMTs? In Georgia, Basic EMT certification requires a training course, criminal background check, processing fee, and proof that the applicant is a legal US resident. One cannot have been convicted of a felony, a violent crime, or a crime of moral turpitude. The Department can also deny an EMT license to any person who has been convicted of driving under the influence or possession of a controlled substance (Ga. Comp. R. & Regs. r. 511-9-2-.12).

Ultimately, with only the slightest bit of effort, practically anyone with a driver's license can operate a NEMT as long as they can pass a drug test and have a clean criminal record. Even some people with criminal records are hired as drivers, and drug testing does not always occur. Most jobs are part-time and pay slightly above the minimum wage. Training and supervision varies widely, despite the special needs of the patients being served.

There are associations that provide "certifications" in NEMT, but it is unclear if the certification standards require any training or rigor beyond paying fees. For example, the United Medical Transportation Providers Group offers "certifications" in safety training and letters of endorsement. However, certification is available to any NEMT provider who has attended a seminar or studied a DVD series.²⁰

Insurance Companies and Brokers

Under Georgia's direct action statute, motor carriers are required to maintain insurance, and both the motor carrier and its insurance company can named as defendants (O.C.G.A. § 40-1-112, former § 46-7-12). However, when the NEMT company is underinsured, liability may include the broker who contracted with the NEMT company originally. This issue, regarding NEMT broker liability, is not yet resolved in Georgia (or elsewhere). However, because brokers manage and oversee subcontractors, they may be considered as sharing liability for the NEMT negligent actions. There are no cases on point that consider NEMT broker liability.

Broker arrangements in *other* industries have been considered by the courts. For example, courts considering whether transportation brokers are liable for damages caused by drivers with whom they have contracted to deliver goods have looked at whether the relationship between the brokers and the drivers is one of

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independent contractors or master-agent (*Tartaglione v. Shaw's Exp., Inc.*, 790 F.Supp. 438 (S.D.N.Y. 1992); *W.D. King v. Young*, 107 So.2d 751, 753 (Fla.App.1958)).

Under Georgia law, “[a]n employer generally is not responsible for torts committed by his employee when the employee exercises an independent business and in it is not subject to the immediate direction and control of the employer” (O.C.G.A. § 51-2-4).

In determining whether the relationship of parties under a contract for performance of labor is that of employer and servant or that of employer and independent contractor, the chief test lies in whether the contract gives, or the employer assumes, the right to control the time, manner, and method of executing the work as distinguished from the right merely to require certain definite results in conformity to the contract. Where the contract of employment clearly denominates the other party as an independent contractor, that [description of the] relationship is presumed to be true unless the evidence shows that the employer assumed such control. On the other hand, where the contract specifies that the employee’s status shall be that of independent contractor but at the same time provides that he shall be subject to any rules or policies of the employer which may be adopted in the future, no such presumption arises.

(*Ross v. Ninety-Two West, Ltd.*, 201 Ga.App. 887, 891-892(3), 412 S.E.2d 876 (1991) (citations and punctuation omitted). Georgia courts have generally concluded that truck drivers are not employees of transportation brokers and, therefore, brokers are not liable for damages caused by a driver’s negligence (See, e.g., *McLaine v. McLeod*, 291 Ga.App. 335, 661 S.E.2d 695 (2008)).

However, even where no agency relationship exists, brokers may be liable for damages when a broker negligently hires a company who has previously engaged in unsafe driving and the broker is, or should have been, aware of the company’s record (*McLaine, supra*, 291 Ga.App. at p. 341-342). In Georgia, NEMT companies provide transportation through broker agreements which are governed by the Georgia Department of Community Health. Brokers are required to ensure that drivers meet certain substantive safety standards, and are required to maintain the driver’s driving records. Under these circumstances, broker liability – either due to an agency relationship, or due to negligent hiring and training – may be easier to establish than in the commercial trucking arena, where brokers are typically more hands-off. For example, in *McLaine*, a truck driver, who was drunk, killed two people while transporting cargo under a broker agreement, and the court concluded that the driver and the broker were independent contractors. The driver had four

previous convictions for driving under the influence. In rejecting the plaintiffs negligent hiring claim, the court noted that the driver had not had any incidents while hauling cargo under the brokerage contract and that – unlike the trucking company that employed the driver – the broker had no access to the truck driver’s driving records. (*Id.*) In contrast, under the Georgia Broker Requirements, brokers are required to maintain the results of driver’s criminal background and driving record checks.

In *Berry v. State Through Dept. of Health and Human Resources*, 637 So.2d 412 (La. 1994), the Supreme Court of Louisiana held the state, which oversaw the provision of non-emergency medical transportation services to Medicaid recipients, not liable when a patient became injured due to driver negligence and failed to maintain the minimum insurance required by the state.

Under O.C.G.A. § 40-1-100 (former § 46-1-1), a “motor carrier” is any person “owning, controlling, operating, or managing any motor vehicle...used in the business of transporting for hire persons...over any public highway in this state.” Read liberally, this definition describes both the broker (who controls and manages) and the subcontractor (who operates and owns) the NEMT vehicle. Motor carriers are held to the higher standard of a “common carrier” because they are in the business of transporting people for profit, and that higher standard should apply to both brokers and subcontractors. According to Southeastrans’ own promotional materials, “Southeastrans’ Compliance Department is responsible for ensuring that all subcontracted transportation providers meet our driver, vehicle, and insurance requirements.”²¹

Seat Belt Use and Wheelchairs

In many NEMT cases, patients suffer catastrophic injuries in minor accidents because they are not properly belted. Plaintiffs have successfully argued that NEMT companies, at least those that have broker agreements with the Georgia Department of Community Health, are ultimately responsible for properly seat-belted patients, based on the Broker Requirements. Under section 300.5 of the Broker Requirements, drivers and attendants must assist patients in getting seated, “including the fastening of the seat belts and securing of infants and children under age 5 in properly-installed child safety seats. Drivers shall confirm, prior to allowing any vehicle to proceed that wheelchairs and wheelchair passengers are properly secured and that all passengers are properly belted in their seat belts.”

Even if there is evidence that the client was somehow responsible for not wearing a seatbelt, under Georgia law, this is not to

be considered evidence of negligence and cannot be used to reduce damages (O.C.G.A. § 40-8-76.1).

Oftentimes patients are injured when they are not properly secured in their wheelchairs, whether in or out of the vehicle. Under the Broker Requirements, drivers are responsible for properly securing patients in their wheelchairs (See section 300.5 of the Broker Requirements). Drivers who fail more than once to properly secure a patient in his or her wheelchair must be removed from service until retrained on the issue. Drivers must also provide support and oral directions to patients who need to use the wheelchair lift to enter and exit the vehicle. (*Id.*) It seems clear from the Broker Requirements that NEMT drivers, rather than patients, are responsible for ensuring that wheelchairs are properly secured.

Conclusion

NEMT accidents are not mere auto accidents and cannot be litigated as such. Nor are they a form of medical malpractice. There are a variety of unusual elements – including the broker relationship, the state regulations and policies, and the special needs of many of the patients being transported – that set these accidents apart. Unfortunately, given the rapid growth of the NEMT industry and the lax regulatory environment in place, we will continue to see preventable, catastrophic injuries, including wrongful deaths, involving non-emergency transport vehicles in Georgia. If you are representing a client (or the family of a client) hurt or killed in such an accident, you need to understand the law, industry, company or companies, and the driver responsible for the accident. I urge you to find out more about the NEMT and the risk it can pose to the elderly and infirm Georgians who depend on non-emergency transportation to get the medical care they need. ●

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Endnotes

- 1 Georgia Department of Community Health, Annual Report July 2011-June 2012, p. 8, available online at http://dch.georgia.gov/sites/dch.georgia.gov/files/DCH_AnnualReport_12.pdf (visited Dec. 16, 2013).
- 2 A variety of private insurance providers, such as Amerigroup and Care Improvement Plus, offer Medicare Advantage Plans for Georgia residents that include transportation. Insurance information available online at <http://www.amerigroup.com/our-services/medicare-advantage> and <https://www.careimprovementplus.com/prospectmember/georgia-medicare-health-plan-benefits.aspx> (visited Jan. 17, 2014).
- 3 For example, Flexible Spending Accounts offered through Aetna cover some transportation expenses, available online at <http://www.aetna.com/members/fsa/eligibleExpenses/limitedFSA/limitedFSAexpensesT.html> (visited Jan. 17, 2014).
- 4 Transportation Research Board, Cost-Benefit Analysis of Providing Non-Emergency Medical Transportation, Oct. 2005, available online at http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_webdoc_29.pdf (visited Dec. 16, 2013).
- 5 Community Transportation Association of America, Medical Transportation Toolkit and Best Practices (3rd ed. 2005) p. 62, available online at <http://www.ctaa.org/webmodules/webarticles/articlefiles/medtoolkit.pdf> (visited on Dec. 16, 2013).

- 6 Logisticare has had some problems. According to the Milwaukee Journal-Sentinel, the company terminated a contract with the state of Wisconsin, citing unprofitability, but there were complaints from patients and medical providers about the service. (Gitte Laasby, *Despite LogistiCare's Problems, State Hasn't Assessed Penalties*, Milwaukee Journal-Sentinel, Jan. 4, 2013, available online at <http://www.jsonline.com/watchdog/pi/despite-logisticare-problems-state-hasnt-assessed-penalties-mo88jfk-185715011.html> (visited Jan. 17, 2014); Gitte Laasby, *Complaints Spike for LogistiCare Transit Service*, Milwaukee Journal-Sentinel (Jan. 4, 2013) available online at <http://www.jsonline.com/news/wisconsin/complaints-spike-for-logisticare-transit-service-776q8qs-169700206.html> (visited Jan. 17, 2014).
- 7 These numbers were obtained from Logisticare and Southeastrans press releases, available online at <http://www.logisticare.com/pdf/LogistiCare-UT-MO-Release.pdf> and <http://www.southeastrans.com/news/Arkansas%20Contract%20Announcement.pdf> (visited Dec. 18, 2013).
- 8 See, for example, <http://www.milliondollartransportation.com/> (visited Jan. 14, 2014) and <http://www.transporting1.com/> (visited Jan. 14, 2014).
- 9 Georgia Department of Community Health, Annual Report July 2011-June 2012, p. 8, available online at http://dch.georgia.gov/sites/dch.georgia.gov/files/DCH_AnnualReport_12.pdf (visited Dec. 16, 2013).
- 10 U.S. Census Bureau, The Older Population: 2010 (Nov. 2011) p. 9, available online at <http://www.census.gov/prod/cen2010/briefs/c2010br-09.pdf> (visited Dec. 16, 2013).
- 11 Phil Kabler, *Armstead Wants to Know Impact of Medical Transport Bids on Locals*, The Charleston Gazette, Dec. 11, 2013, available online at <http://www.wvgazette.com/News/201312110182> (visited Jan. 17, 2014).
- 12 According to one NEMT owner I deposed, they can make upward from \$192 per van trip.
- 13 Under O.C.G.A. § 40-1-100(1), a “carrier” is anyone who transports goods or passengers for compensation.
- 14 From *Laidlaw, supra*, 683 S.E.2d at p 873: Under Georgia law, however, “a common carrier of passengers is not an absolute and unqualified insurer of the safety of its passengers.” Instead, “[a] carrier of passengers must exercise extraordinary diligence to protect the lives and persons of his passengers but is not liable for injuries to them after having used such diligence.” We note that the “extraordinary diligence” standard for common carriers of passengers, while a stricter standard than ordinary negligence, is not as strict as the standard for common carriers of goods, as provided in OCGA § 46-9-1.
- 15 Under O.C.G.A. § 40-1-100(10), a “motor carrier” is any person “owning, controlling, operating, or managing any motor vehicle...used in the business of transporting for hire persons...over any public highway in this state.”
- 16 Georgia Department of Public Safety, What Do I Need...?, available online at <http://www.gamccd.net/LPCWhatDoINeed.aspx> (visited Jan. 21, 2014).
- 17 The form is available online at http://motor.etax.dor.ga.gov/forms/pdf/motor/MV-IUCR_-_2013.pdf (visited Dec. 19, 2013).
- 18 The Broker Requirements are available online at http://dch.georgia.gov/sites/dch.georgia.gov/files/imported/vgn/images/portal/cit_1210/23/13/169687251revNETBrokerServicesRequirements5-3-11.pdf (visited Dec. 19, 2013).
- 19 Of course, companies that contract with Southeastrans and Logisticare must comply with the Department of Community Health’s rules (at least in theory). In order to contract as a driver with Southeastrans, according to their Transportation Provider Contracting Requirements, available online at <http://www.southeastrans.com/provider-resources/provider-requirements.html> (visited Jan. 21, 2014), NEMT companies must have:
 - current business licenses
 - verification of liability insurance coverage
 - driver credentials
 - criminal background checks, and
 - current drug screens for all owners and drivers.Southeastrans also requires safety inspection for vehicles and drivers trained in “First Aid, CPR, Defensive Driving, Passenger Sensitivity and Customer Service Training, Spill Kit Training, Proper Lifting Techniques, Wheelchair Securement, and Driver Orientation.”
- 20 Logisticare has similar Transportation Provider Requirement for its sub-contractors, available online at <http://www.logisticare.com/provider-requirements.php> (visited Jan. 21, 2014).
- 21 The United Medical Transportation Providers Group is an advocacy and educational organization for NEMT providers. Information about the group’s certification process can be found on the group’s website, <http://www.umtpg.org/umtpg-benefits/umtpg-certification/> (visited Jan. 14, 2014).
- 22 Southeastrans, Regulatory Compliance, available online at <http://www.southeastrans.com/transportation-management-solutions/regulatory-compliance.html> (visited Jan. 21, 2014).