

LEGISLATIVE SUMMARY SHEET

Tracking No. 0028-20

DATE: February 6, 2020

TITLE OF RESOLUTION: RELATING TO THE HEALTH EDUCATION AND HUMAN SERVICES COMMITTEE AND THE BUDGET AND FINANCE COMMITTEE; RECOMMENDING AND APPROVING THE NAVAJO NATION NON-EMERGENCY MEDICAL TRANSPORTATION FUND MANAGEMENT PLAN

PURPOSE: This resolution, if approved, will adopt the Non-Emergency Medical Transportation Fund Management Plan.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 288
Website Posting Time/Date: 3:47pm 02-07-20
Posting End Date: 02/12/2020
Eligible for Action: 02/13/2020

Health Education & Human Services Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020
INTRODUCED BY



(Sponsor)
TRACKING NO. 0028-20
AN ACTION

RELATING TO THE HEALTH EDUCATION AND HUMAN SERVICES
COMMITTEE AND THE BUDGET AND FINANCE COMMITTEE;
RECOMMENDING AND APPROVING THE NAVAJO NATION NON-
EMERGENCY MEDICAL TRANSPORTATION FUND MANAGEMENT PLAN

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Department of Health is authorized "to develop and ensure implementation of comprehensive health codes, regulations, policies and standards" and "to regulate health, human, and non-emergency medical transportation service providers." 2 N.N.C. §1604 (E) and (I).
- B. The Health Education and Human Services Committee is a standing committee of the Navajo Nation Council with oversight authority over the Navajo Nation Department of Health. 2 N.N.C. § 401 (C).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with oversight authority over budget, finance, and accounting, among other matters; and the enumerated power to approve Fund Management Plans pursuant to the recommendations of the appropriate oversight committee and affected Division or Branch. 2 N.N.C. §§ 300 (C) and 301 (14).

Section Two. Findings

- 1 A. There are currently numerous non-emergency medical transportation service
2 companies operating within the boundaries of the Navajo Nation.
- 3 B. To ensure the safe and efficient non-emergency medical transportation of
4 individuals on the Navajo Nation, the Health Education and Human Services
5 Committee, through Resolution No. HEHSCJN-12-18, concurred with the Non-
6 Emergency Medical Transportation Rules and Regulations ("Rules and
7 Regulations"), attached as **Exhibit A**, recommended by the Navajo Department of
8 Health ("NDOH").
- 9 C. The Non-Emergency Medical Transportation Program ("Program") was
10 established to be a self-sustaining program within the Navajo Department of
11 Health.
- 12 D. To maintain Program operations and compliance with the Rules and Regulations,
13 the Navajo Department of Health is recommending the adoption of the Non-
14 Emergency Medical Transportation Program Fund Management Plan ("NEMT
15 FMP"), attached as **Exhibit B**.
- 16 E. Funding through the NEMT FMP will allow NDOH to employ Program staff to
17 implement and administer and enforce the Rules and Regulations; without
18 enforcement, the purpose and intent of the Rules and Regulations will be
19 circumvented.
- 20 F. Funding through the NEMT FMP will also allow NDOH to timely review new
21 applicants and ensure all applications meet all the requirements of the Rules and
22 Regulations.
- 23 G. An Executive Official Review of the proposed NEMT FMP has been completed with
24 reviewers marking the NEMT FMP as legally sufficient. See Executive Official
25 Review Document No. 013461 attached hereto as **Exhibit C**.
- 26 H. The Health Education and Human Services Committee finds that adoption of the
27 NEMT FMP, **Exhibit B**, is in the best interest of the delivery of non-emergency
28 medical transportation services on the Navajo Nation; and recommends that the
29 Budget and Finance Committee grant final approval of the NEMT FMP.
- 30

1 **Section Three. Approval**

2 The Navajo Nation hereby approves the Non-Emergency Medical Transportation
3 Program Fund Management Plan as set forth in **Exhibit B**.



HEHSCJN-12-18

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; CONCURRING
WITH THE REGULATIONS FOR NON-EMERGENCY TRANSPORT SERVICES WITHIN
THE NAVAJO NATION

BE IT ENACTED:

Section One. Authority

- A. The Health, Education and Human Services Committee ("HEHSC") is a standing committee of the Navajo Nation Council. It has oversight authority over the Navajo Nation Department of Health. 2 N.N.C. § 401(C).
- B. The Navajo Nation Department of Health is authorized "to develop and ensure implementation of comprehensive health codes, regulations, policies and standards" and "to regulate health, human, and non-emergency medical transportation service provider." 2 N.N.C. §1604 (E) and (I). See also CO-50-14 attached hereto as Exhibit C.

Section Two. Findings

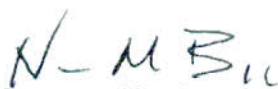
- A. There are currently numerous companies operating within the boundaries of the Navajo Nation providing non-emergency medical transportation services.
- B. The purpose of regulations is to ensure the safe and efficient non-emergency medical transportation of individuals. See generally Exhibit A.
- C. The Navajo Department of Health has developed regulations governing non-emergency medical transportation services and is attached hereto as Exhibit A.
- D. An Executive Official Review of the proposed regulations has been completed with reviewers marking the regulations as legally sufficient. See Executive Official Review Document No. 010082 attached hereto as Exhibit B.

**Section Three. Concurring with the Non-Emergency Medical
Transportation Services Rules and Regulations**

The Navajo Nation hereby concurs with the Non-Emergency Medical Transportation Regulations, attached hereto as Exhibit A.

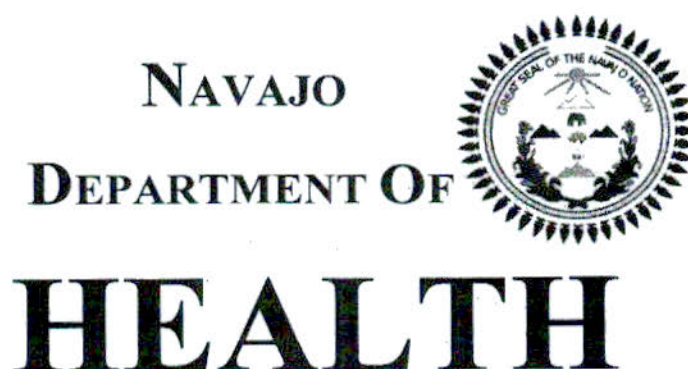
CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 23rd Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 25th day of June, 2018.


Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee
23rd Navajo Nation Council

Motion: Honorable Nathaniel Brown
Second: Honorable Jonathan L. Hale

Non-Emergency Medical Transportation Regulations



Prepared by:
Dr. Glorinda Segay, Executive Director

TITLE 13 NAVAJO DEPARTMENT OF HEALTH REGULATIONS

13.1.100 NON-EMERGENCY MEDICAL TRANSPORTATION (NEMT) REGULATIONS

ARTICLE 1

13.1.101 Authority

The Department is authorized by Navajo Nation Council Resolution No. CO-50-14 to regulate NEMT providers.

13.1.102 Purpose

The purpose of these regulations is to ensure the safe and efficient transportation of individuals from their homes to their medical appointments and back home, by qualified NEMT companies.

13.1.103 Definitions.

- A. "AHCCCS" means Arizona Health Care Cost Containment System, who is the payor for NEMT services in Arizona.
- B. "Application" means the documents required to obtain a NEMT permit.
- C. "Business days" means the days during the work week, Monday to Friday, excluding Saturday, Sunday and holidays.
- D. "Business License" means a license issued by the Navajo Division of Economic Development authorizing a company to operate a business on the Navajo Nation.
- E. "Calendar days" means every day on the calendar, Monday to Sunday, including holidays.
- F. "Class C CDL" means a Class C Commercial Driver's License, which is required when transporting at least 16 passengers, including the driver.
- G. "Clients" means citizens of the Navajo Nation who are qualified for NEMT services.
- H. "Department" means the Navajo Nation Department of Health and its internal Regulatory Program that regulates Non-Emergency Medical Transportation companies.
- I. "Health Director" means the top-level administrator within the Department.
- J. "HIPAA" means Health Insurance Portability and Accountability Act, which is a United States law that provides privacy standards to protect patients' medical records and other health information provided to health care providers.
- K. "Meeting" is an administrative appeal before the Regulatory Program Manager in which an NEMT company may present evidence in an informal setting to remove a fine, obtain, or reinstate an NEMT permit.

- L. "Navajo Nation" means all lands contained within the exterior boundaries of the Navajo Nation, pursuant to Navajo Nation Code 7 § 254. Territorial jurisdiction.
- M. "NEMT" means Non-Emergency Medical Transportation companies.
- N. "NEMT Permit" means authorization by the Navajo Department of Health for a NEMT to provide services on the Navajo Nation.
- O. "New Mexico Medicaid" means the payor for NEMT services in New Mexico
- P. "Regulatory Program" means the program established within the Navajo Department of Health to regulate Non-Emergency Medical Transportation companies.
- Q. "Regulatory Program Manager" means the employee who serves as a supervisor or director or manager of the Regulatory Program.
- R. "Utah Medicaid" means the payor for NEMT services in Utah.

13.1.104 Powers and authorities of the Department

- A. To grant, suspend or revoke NEMT permits.
- B. To enforce fines on NEMTs.
- C. To request and access NEMT business documentation for the purposes of investigation to ensure the safe and efficient transportation of clients.
- D. To monitor and evaluate business activities of NEMTs, ensuring complete and accurate records of operational and administrative costs and records that validate company billing and patient utilization of services.
- E. To monitor and evaluate the maintenance of NEMT vehicle license plate, driver's license, business license, all state and/or local required insurance coverage for protection of its vehicles, clients, and personnel.
- F. To examine and/or audit transportation documentation for client, insurance, licensure, and certification records.
- G. To investigate any fraudulent activities.
- H. To randomly inspect NEMT vehicles and driver credentials.
- I. To enforce reporting of any changes to Federal Employment Identification Number, Social Security Numbers, any changes of application information or invoice documentation.
- J. To ensure NEMT vehicles are annually inspected by a state-qualified inspector.
- K. To collaborate with the Navajo Nation Business Regulatory Department and state Medicaid agencies to enforce NEMT regulations.
- L. To establish a Funds Management Plan Policy to oversee the funds accumulated by the NEMT regulations.
- M. To request the suspension of an NEMT Navajo Nation Business License and report the suspension to the appropriate state Medicaid agency if an NEMT is operating on the

Navajo Nation without an NEMT permit or has not applied for an NEMT permit within thirty (30) of the effective date herein to Article 7, 13.7.706 Effective Date.

- N. To request the suspension of an NEMT Navajo Nation Business License and report the suspension to the appropriate state Medicaid agency if an NEMT is found to be fraudulently claiming Indian-Preference.

ARTICLE 2 NEMT PERMIT APPLICATIONS

13.2.200 NEMT Permits Required

- A. All NEMTs providing services to clients residing on the Navajo Nation must apply for a permit from the Department and the Department shall be the only Navajo Nation office to issue such permits.
- B. TERM. Permits shall be active from the date of issuance and valid for one (1) year, unless otherwise revoked pursuant to Article 7, herein.
- C. NONTRANSFERABLE. Permits may not be transferred or sold to any other NEMT.
- D. RENEWAL. Permits must be renewed thirty (30) calendar days in advance of expiration.

NONRENEWAL. The Department, in its discretion, may refuse to renew an NEMT permit. Appeals may be filed pursuant to Article 7 Section 13.7.703.

13.2.201 Application Fee

- A. All completed applications for a permit shall be submitted with the application fee of \$2,000.00. For Non-Indian Preference NEMTs, the fee is set at \$6,000.00. **NON-REFUNDABLE.**
- B. The annual renewal license fee is \$1,000.00. For Non-Indian Preference NEMTs, the fee is \$3,000.00. **NON-REFUNDABLE.**
- C. Money orders or Cashier Checks can be made to the Navajo Nation Department of Health P.O. Box 1390 Window Rock, Arizona 86515. No cash, credit cards, debit card, or personal checks will be accepted.

13.2.202 Application

NEMTs shall complete and submit a permit application to the Department. Applications shall be signed before a notary attesting that all of the information is true and accurate.

13.2.203 Supporting Documents for Application

The following current and up-to-date documents shall be submitted with the application:

- A. Navajo Nation Business License
- B. Certificate of Incorporation or proof of status of legal formation of the NEMT

- C. Current Liability Insurance
- D. Copy of state vehicle registration for all NEMT vehicles
- E. Copy of state Medicaid certification including the provider ID number
- F. Copies of Driver's Licenses for all NEMT drivers, including class C CDL.
- G. Copies of driving records for each NEMT driver from each state department of Motor Vehicles in which the NEMT provides services
- H. Copies of criminal background checks for all NEMT drivers
- I. Copies of drug tests for all NEMT drivers
- J. Copies of state, Federal and Navajo criminal background checks for all NEMT drivers
- K. Copies of Defensive Driving Course record for all NEMT drivers
- L. Fingerprint clearance card for all NEMT drivers from states in which the NEMT provides services
- M. State Department of Transportation physical exam report for all NEMT drivers
- N. Current vehicle inspections for all NEMT vehicles from state-qualified inspector dated within three (3) months of application submittal
- O. Copy of NEMT's vehicle maintenance program
- P. Photographs of all of NEMT vehicles
- Q. Copy of NEMT's drug, alcohol and sexual harassment policy
- R. Name and Telephone Number of Contact Person to receive complaints
- S. First Aid and CPR cards for each NEMT driver
- T. Copy of NEMT's HIPAA policy ensuring client confidentiality
- U. Notarized release allowing the Department to verify insurance status and to inform NEMT clients of insurance company and contacts

13.2.204 Submittal of Complete Applications

Applications must be submitted to the Executive office, in the Navajo Department of Health, Administration 2 Building No. 2296 Window Rock Boulevard, located at Window Rock, AZ 86515.

13.2.205 Incomplete Applications Not Accepted

Applications which are not complete, do not have all supporting documents, or without payment of the application fee will not be accepted.

13.2.206 Permits Issued

Upon approval of an application, the Department shall issue to the NEMT one permit decal per NEMT vehicle, which shall be displayed on the upper right hand corner of the window shield of each vehicle.

13.2.207 Denial of Application

Upon denial of an application, the NEMT will receive a formal notification letter of reason for denial. The applicant shall have fourteen (14) days from receipt of the notice to submit a written request for a Meeting with the Regulatory Program Manager to appeal the decision. If request for Meeting is not received by the Department within fourteen (14) days, the disapproval decision shall be final. Meetings may be requested pursuant to Article 7, 13.7.702.

Article 3 NEMT REQUIREMENTS

13.3.300 Insurance

A. All NEMTs are required to carry the following minimum insurance:

1. SIX (6) PERSONS OR FEWER: NEMTs who are motor carriers providing service in vehicles with a seating capacity of six (6) persons or fewer, excluding driver, must maintain a combined single-limit public liability insurance policy of at least one million dollars (\$1,000,000.00) per occurrence for bodily injury to or death of all persons injured or killed, and property damage.
2. SEVEN (7) TO FIFTEEN (15) PERSONS: NEMTs who are motor carriers of person providing service in vehicles with a seating capacity of seven (7) to fifteen (15) persons, excluding the driver, must maintain a combined single-limit public liability insurance policy of at least one million five hundred thousand dollars (\$1,500,000.00) per occurrence for bodily injury to or death of all persons injured or killed, and property damage.
3. SIXTEEN (16) PERSONS OR MORE: NEMTs who are motor carriers of persons providing service in vehicles with a seating capacity of sixteen (16) persons or more, including driver, must maintain a combined single-limit public liability insurance policy of at least five million dollars (\$5,000,000.00). Drivers operating this type of NEMT must hold a Class C CDL from all states in which the NEMT operates.

B. Maximum Deductible

No NEMT motor carrier insurance policy shall have a deductible in excess of two thousand dollars (\$2,000.00), except that the Navajo Nation may approve a higher deductible for a motor carrier that files a surety bond with the Navajo Nation in an

amount equal to the difference between five thousand dollars (\$5,000.00), and the amount of the higher deductible.

C. Insurance Fraud

If it is discovered that an NEMT is operating under the use of fake or fraudulent insurances, then the Department shall have authority to immediately revoke an NEMT permit.

13.3.301 Driver Requirements

Documentation of these requirements must be submitted to the Department annually:

- A. Proof of completion of a Defensive Driving Course for each NEMT driver
- B. Emergency Procedures, First Aid (CPR) Course
- C. Vehicle orientation, pre-transportation inspection training
- D. Passenger Confidentiality-HIPAA training
- E. State fingerprint-based criminal background check
- F. Proof of valid insurance

13.3.302 Vehicle Usage Requirements

NEMTs are required to follow the following guidelines regarding NEMT vehicles:

- A. Vehicles seven (7) years or older or with an odometer reading higher than 300,000 miles, may not be used as a NEMT vehicle.
- B. Personal-use of vehicles shall not be permitted to prevent instances that may cause violations to client safety

13.3.303 Accident Requirements

NEMTs are required to immediately notify the Department, within seven (7) calendar days, of any accident or incident that occurs while transporting a client(s), whether or not it results in injury or fatality. Not reporting an accident or incident to the department shall result in a fine, herein to Article 6, 13.6.600.

13.3.304 Requirement to keep documentation up to date

NEMTs are required to keep all necessary documentation, pursuant to Article 2 Section 13.2.203 and Article 3 Section 13.3.301, up to date.

13.3.305 Falsification of Indian Preference

Any NEMT who violates their Indian Preference standing or is caught falsifying or manipulating contracts to obtain Indian Preference may have their NEMT permit revoked by the Department.

Article 4 VIOLATIONS TO CLIENT SAFETY

13.4.400 Actions

NEMTs are required to provide safe and efficient services. Actions that are considered violations to client safety include:

- A. Failure to resolve a client complaint
- B. Failure to cooperate with the Department during an investigation of the NEMT
- C. Failure to maintain necessary business documentation such as vehicle license plate, business license, all state and/or local required insurance coverage for protection of its vehicles, clients, and personnel
- D. Cases involving sexual harassment, behavioral misconduct or anything determined to pose a danger to the client(s)
- E. Use of illegal substances by any NEMT employee
- F. Driving records revealing criminal activity
- G. Use of vehicles that did not pass inspection, do not display a permit, are over seven (7) years old or have an odometer over 300,000 miles.
- H. Fraudulent activities, examples include:
 - 1. Non-delivery of services: Fraud occurring when a payment is received but the services requested are never received by the client(s).
 - 2. Submitting fraudulent client(s) care reports which claim services were rendered when they were not.

ARTICLE 5 COMPLAINTS

13.5.500 Complaints

Complaints from the public about NEMTs will be taken in writing at the following email, mailing or physical address. If unable to submit in writing, complaints may be filed with the Executive Office Specialist over the telephone:

- A. Email: nemt.registration@nndoh.org
- B. Mailing Address: P.O. Box 1390 Window Rock, AZ 86515
- C. Physical Address: Administrative Bldg. #2 (Building No. 2296) Window Rock Boulevard
- D. Telephone: (928) 871-6350

13.5.501 Notice

- A. The Department shall notify the NEMT of a complaint within fourteen (14) calendar days of receiving it.
- B. The NEMTs shall have fourteen (14) calendar days in which to resolve the complaint and provide notice to the Department of such resolution.

13.5.502 Determination

The Department shall document the complaint, and the response of the NEMT. If the Department receives similar complaints about the same NEMT, the Department may in its discretion:

- A. Revoke the NEMT permit; and/or
- B. Report the complaints to the Navajo Nation Business Regulatory Department and appropriate state agencies.

ARTICLE 6 FINES

13.6.600 Fines for violations

The Department may impose fines on an NEMT when violating any NEMT requirements or in any instance where their services or employees violates client safety. The fine schedule is set as follows:

- A. 1st Violation-at least \$500.00; Non-Indian Preference NEMT at least \$1,000.00.
- B. 2nd Violation-at least \$750.00; Non-Indian Preference NEMT at least \$1,500.00.
- C. 3rd Violation-at least \$1,000.00; Non-Indian Preference NEMT at least \$2,000.00.
- D. Further Violations- at least \$1,250.00; Non-Indian Preference NEMT at least \$2,500.00.
- E. If any NEMT vehicle is discovered providing services without a permit, the NEMT will be fined \$500.00 a day until a permit is displayed. Non-Indian Preference will be fined \$1000.00 a day.

13.6.601 Fine Notice

- A. The Department shall provide a written notification to the NEMT stating the violation and fine amount.
- B. The NEMT shall pay a fine within thirty (30) days, of receipt of the notice, unless a request for a Meeting has been submitted.

- C. Money orders or Cashier Checks can be made to the Navajo Nation Department of Health P.O. Box 1390 Window Rock, Arizona 86515. No cash, credit cards, debit cards, or personal checks will be accepted.

ARTICLE 7 PERMIT REVOCATION AND BUSINESS LICENSE REVOCATION

13.7.700 Noncompliance

The Department may suspend or revoke a NEMT permit at any time for the following reasons:

- A. Failure to pay necessary fees
- B. Failure to pay fines
- C. Violations to NEMT Requirements
- D. Violations to client(s) safety

13.7.701 Notice

- A. The Department shall issue written notice to the NEMT that its permit may be suspended or revoked.
- B. The NEMT shall have thirty (30) calendar days from the date of mailing of the written notice to either:
 - 1. cure the deficiency; or
 - 2. request a Meeting

13.7.702 Meeting

The Meeting is an informal process to discuss concerns.

- A. The Regulatory Program Manager shall schedule a Meeting within ten (10) business days.
- B. The NEMT may bring documentary evidence, witnesses and attorneys to the Meeting to support its position.
- C. The Department may bring documentary evidence, witnesses and Navajo Nation Department of Justice attorneys to the Meeting to support its position.
- D. The Regulatory Program Manager shall issue a written decision within ten (10) business days of the Meeting.
- E. Failure to proceed through this appeal process shall constitute a waiver of any further appeals.

F. The NEMT must comply with the Regulatory Program Manager's decision or the NEMT permit will be revoked, unless an appeal pursuant to Section 13.7.703, herein, is submitted.

13.7.703 Appeal to Office of Hearings and Appeals

- A. A NEMT may appeal an adverse decision by the Regulatory Program Manager, after a Meeting has been conducted, to the Navajo Nation Office of Hearings and Appeals within fourteen calendar (14) days of the Regulatory Program Manager's decision.
- B. The appeal request shall be in writing and a copy shall be submitted to the Department simultaneously. The NEMT principle owner, or its legal counsel, must sign the request for hearing.
- C. If a written appeal request is not received by the Navajo Nation Office of Hearings and Appeals within the fourteen calendar (14) days, the Regulatory Program Manager's decision shall be final.
- D. The Office of Hearings and Appeals shall have jurisdiction to preside over an appeal for:
 - 1. Denial of a NEMT permit application or renewal of an application;
 - 2. Revocation of a NEMT permit by the Department;
 - 3. Any fine assessed for violation of the NEMT Regulations;
 - 4. Any challenges to the validity of the NEMT Regulations or the authority of the Department to regulation NEMT activities.
- E. If properly appealed, any fines assessed by the Department shall remain until a final decision is issued by the Office of Hearings and Appeals.
- F. The NEMT may bring documentary evidence, witnesses and have an attorney represent them, at their own expense.
- G. The Department may bring documentary evidence, witnesses and have the Navajo Nation Department of Justice represent them.
- H. Appeals pursuant to this subsection shall not be de novo and shall be limited to the determination of whether the Department's decision was not supported by the evidence, or was arbitrary, capricious, an abuse of discretion, beyond its authority, or otherwise contrary to applicable law.
- I. The Hearing Officer shall issue a final order, which shall be available for public inspection.
- J. The decision of the Office of Hearings and Appeals shall be final.

13.7.704 Permit Revocation

- A. Failure to comply with the Regulatory Program Manager's decision, or if appealed, the Navajo Nation Office of Hearing and Appeals order, will result in a permit revocation, which will be reported to the Navajo Nation Business Regulatory Department with a request to suspend the Navajo Nation Business License and suspension shall be reported to the appropriate state Medicaid agency.
- B. The NEMT will receive written notice of the permit revocation within fourteen calendar (14) days.

13.7.706 Effective Date

These regulations shall be effective thirty (30) calendar days after approved from the Health, Education and Human Services Committee of the Navajo Nation Council.

13.7.705 Severability

The provisions of these regulations are severable and if any provision of these regulations or its application to any person or circumstance is held invalid by final judgement of a court of competent jurisdiction, such decision shall not affect the validity of the remaining regulations.

13.7.706 Amendments

These regulations may be amended recommended by the Department to the Health, Education and Human Services Committee of the Navajo Nation Council, as necessary.

**APPLICATION INSTRUCTIONS FOR NAVAJO NATION DEPARTMENT OF HEALTH
NON-EMERGENCY MEDICAL TRANSPORT**

1. Read entire application before you begin to answer the questions to acknowledge you understand what is being requested.
 2. All questions must be answered.
 3. Type or print your responses in **BLUE INK.**
 4. Fees shall be paid by money order or cashier's check and made payable to the "Navajo Nation Department of Health P.O. Box 1390 Window Rock, Arizona 86515."
 5. Your application must be accompanied by all required attachments listed below.
-

To assist you in completing your application, please use the check list below.

- _____ 1. Complete the Application;
- _____ 2. Application fee of \$3,000.00 (Indian Preference NEMT) or \$6,000.00 (Non-Indian Preference NEMT). **NON-REFUNDABLE;**
- _____ 3. Annual renewal license fee of \$1,500.00 (Indian Preference NEMT) or \$3,000 (Non-Indian Preference NEMT). **NON-REFUNDABLE;**
- _____ 4. Application must be signed, dated, and notarized;
- _____ 5. Navajo Nation Business License;
- _____ 6. Certificate of Incorporation or proof of status of legal formation of NEMT Company;
- _____ 7. Current Liability Insurance;
- _____ 8. Copy of State Vehicle Registration for all NEMT vehicles;
- _____ 9. Copy of State Medicaid certification including the provider ID number;
- _____ 10. Copies of Driver's Licenses for all NEMT drivers, including class C CDL;
- _____ 11. Copies of Driver's records for each NEMT driver from each state Department of Motor Vehicles in which the NEMT provides services;
- _____ 12. Copies of criminal background checks for all NEMT drivers
- _____ 13. Copies of drug tests for all NEMT drivers;

- _____ 16. Fingerprint clearance card for all NEMT drivers from states in which the NEMT provides services;
- _____ 17. State Department of Transportation physical exam report for NEMT drivers
- _____ 18. Current vehicle inspections for all vehicles from all state-qualified inspector dated within three (3) months of application submittal;
- _____ 19. Copy of NEMT's vehicle maintenance program;
- _____ 20. Photographs of all NEMT vehicles;
- _____ 21. Copy of NEMT's drug, alcohol, and sexual harassment policy;
- _____ 22. Name and Telephone Number of Contact Person to receive complaints;
- _____ 23. First Aid and CPR cards for each NEMT driver;
- _____ 24. Copy of NEMT's HIPAA policy ensuring client confidentiality;
- _____ 25. Notarized release allowing the Department to verify insurance status and to inform NEMT clients of insurance company and contacts

Navajo Nation Non-Emergency Medical Transportation Program

The Navajo Nation Non-Emergency Medical Transportation Program provides the following information to meet the eligibility criteria for the establishment of a fund management plan to generate revenue, including collection of fees, and to expend such revenue generated:

I. Purpose

The following policies are established for the management of revenue generated by the Non-Emergency Medical Transportation program under the Navajo Department of Health.

II. Authority

The Navajo Department of Health is authorized by Navajo Nation Council Resolution No. CO-50-14 to regulate the Non-Emergency Medical Transportation (NEMT) program.

III. Description of Services

Regulation of transportation services provided by non-emergency transportation companies on the Navajo Nation to transport clients to and from health care facilities for medical appointments in compliance with Navajo Nation regulations.

IV. Source of Revenue

Revenue generated from collection of application fees, renewal fees, penalty fees for violations, and any other fees that may be imposed to ensure compliance with the NEMT regulations.

V. Funding Source

Established fees are based on information obtained from providers that offer the same or similar services in neighboring communities or towns. These fees will be subject to change based on various operating or economic factors.

NEMT Fee Schedule 2000	
Initial application fee (non-refundable)	\$3,000 – Indian Preference 6,000 – Non-Indian
Annual application renewal fee (non-refundable)	\$1,500 – Indian Preference 3,000 – Non-Indian

Navajo Nation
Non-Emergency Medical Transportation
Fund Management Plan



Navajo Department of Health
Dr. Jill Jim

Navajo Nation Non-Emergency Medical Transportation Program

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I. Purpose

The following policies are established for the management of revenue generated by the Non-Emergency Medical Transportation program under the Navajo Department of Health.

II. Authority

The Navajo Department of Health is authorized by Navajo Nation Council Resolution No. CO-50-14 to regulate the Non-Emergency Medical Transportation (NEMT) program.

III. Description of Services

Regulation of transportation services provided by non-emergency transportation companies on the Navajo Nation to transport clients to and from health care facilities for medical appointments in compliance with Navajo Nation regulations.

IV. Source of Revenue

Revenue generated from collection of application fees, renewal fees, penalty fees for violations, and any other fees that may be imposed to ensure compliance with the NEMT regulations.

V. Funding Source

Established fees are based on information obtained from providers that offer the same or similar services in neighboring communities or towns. These fees will be subject to change based on various operating or economic factors.

NEMT Fee Schedule	
Initial application fee (non-refundable)	\$2,000 – Indian Preference 6,000 – Non-Indian
Annual application renewal fee (non-refundable)	\$1,000 – Indian Preference 3,000 – Non-Indian

Fines for safety violations:		
1 st violation	\$	500 – Indian preference
1 st violation		1,000 – Non-Indian
2 nd violation	\$	750 – Indian preference
2 nd violation		1,500 – Non-Indian
3 rd violation	\$	1,000 – Indian preference
3 rd violation		2,000 – Non-Indian
Each additional violation	\$	1,250 – Indian preference
		2,500 – Non-Indian
Operating without permit	\$	500 per day – Indian preference
	\$	1,000 per day – Non-Indian

VI. Projected Revenue

The annual projected revenue is based on an estimated number of 60 applicants. These numbers will be subject to change dependent on various operating and economic factors.

Annual Projected Revenue		
Initial application fee for 6 Indian applicants and 29 non-Indian applicants	\$2,000 x 6 Indian applicants =	\$ 12,000
	6,000 x 29 Non-Indian applicants =	<u>174,000</u>
		186,000
Projected annual application fee for 5 new Indian applicants	\$2,000 x 5 Indian applicants	10,000
Projected annual application fee for 20 new Non-Indian applicants	\$6,000 x 20 Non-Indian applicants	<u>120,000</u>
		130,000
	Total	316,000
Annual application renewal fee for current 6 Indian and 29 non-Indian providers	\$1,000 x 6 Indian providers	6,000
	3,000 x 29 Non-Indian providers	<u>87,000</u>
		93,000
Projected annual application renewal fee for 5 new Indian providers	\$1,000 x 5 Indian applicants	5,000
Projected annual application renewal fee for 20 new non-Indian providers	\$3,000 x 20 Non-Indian applicants	<u>60,000</u>
		65,000
	Total	158,000
Annual Projected Revenue	Grand total	\$ 474,000

VII. Statement of Expenditure

The Non-Emergency Transportation program is established to be a self-sustaining program; therefore, all generated revenue will be expended to maintain program operations based on an approved annual operating budget. The funds generated will not be used for other programs or uses.

VIII. Budget Requirement:

Projected annual budget for personnel and operating costs for the Regulatory Program is \$350,657.00. The projected budget will be subject to change based on various operating and economic factors.

2001 Personnel Expenses	\$	254,297.00
3000 Travel Expenses	\$	27,840.00
3500 Meeting Expenses		
4000 Supplies	\$	35,700.00
5000 Lease and Rental	\$	3,670.00
5500 Communications and Utilities	\$	9,900.00
6000 Repairs and Maintenance		
6500 Contractual Services		
7000 Special Transactions	\$	19,250.00
8000 Public Assistance		
9000 Capital Outlay		
9500 Matching Funds		
9500 Indirect Cost		
Total Budget	\$	350,657.00

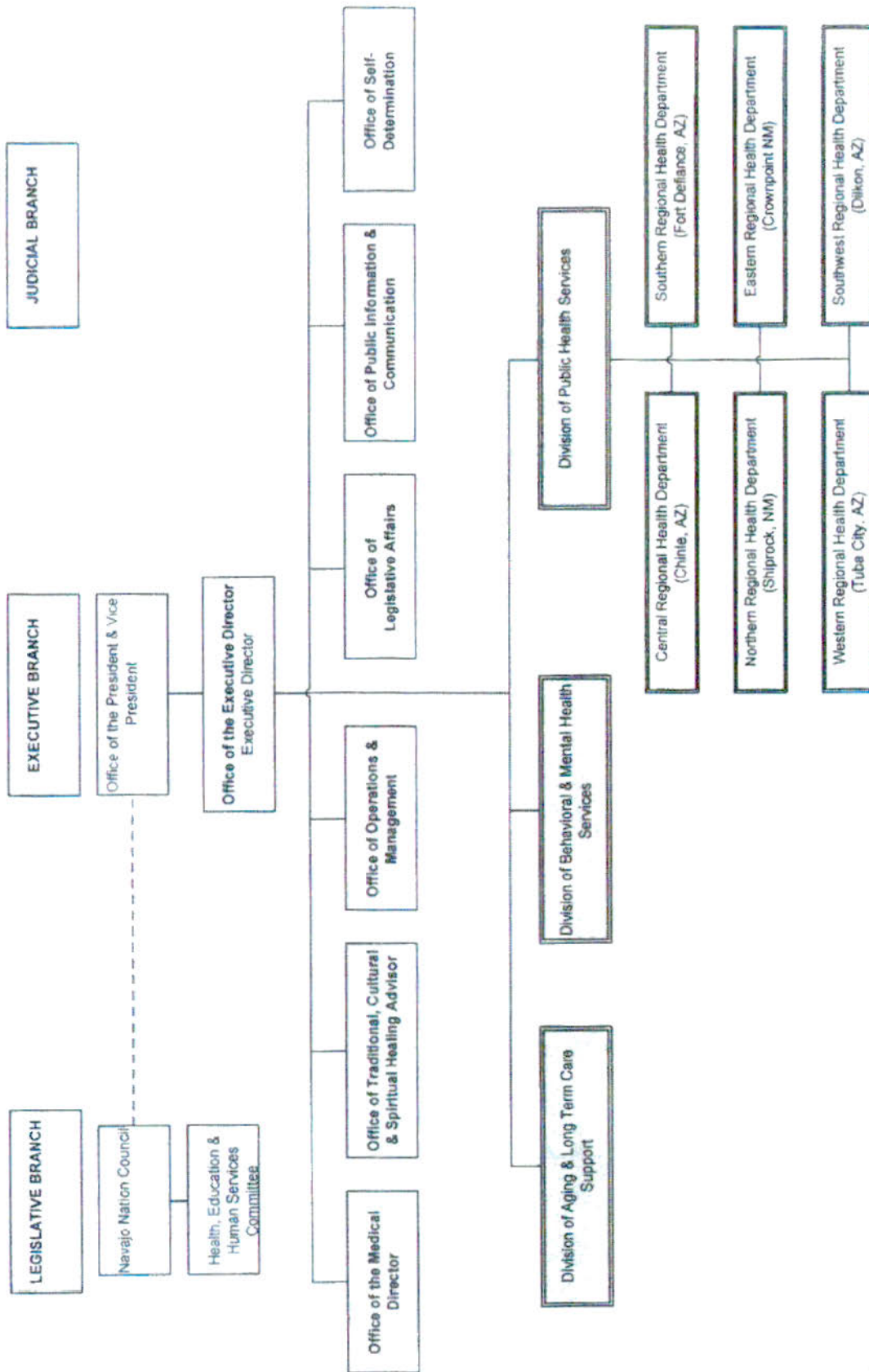
IX. Amendments

The Budget and Finance Committee may amend Fund Management Plan for the NEMT Program upon consultation with the Health, Education and Human Services Committee, Department of Health and Office of the Controller.

THE NAVAJO NATION

EXECUTIVE BRANCH/DEPARTMENT OF HEALTH

Attachment "A"



Document No. 013461Date Issued: 09/24/2019**EXECUTIVE OFFICIAL REVIEW**Title of Document: NEMT Fund Management PlanContact Name: FRANCIS, CHARLOTTE R.Program/Division: DEPARTMENT OF HEALTHEmail: charlotte.francis@nndoh.orgPhone Number: 928-871-6350☐ **Business Site Lease**

Sufficient Insufficient

- | | | | | |
|---|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | ☐ | ☐ |
| 2. Office of the Controller: | _____ | Date: _____ | ☐ | ☐ |
| (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review) | | | | |
| 3. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | ☐ | ☐ |
| 2. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☒ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

- | | | | | |
|-------------------------------------|---------------------|-----------------------|-------------------------------------|--------------------------|
| 1. Office of Management and Budget: | <u><i>Boyle</i></u> | Date: <u>9.24.19</u> | ☒ | ☐ |
| 2. Office of the Controller: | <u><i>River</i></u> | Date: <u>10.05.19</u> | ☒ | ☐ |
| 3. Office of the Attorney General: | <u><i>Boyle</i></u> | Date: <u>10/18/19</u> | ☒ | ☐ |

☐ **Navajo Housing Authority Request for Release of Funds**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NNEPA: | _____ | Date: _____ | ☐ | ☐ |
| 2. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☐ **Lease Purchase Agreements**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of the Controller: | _____ | Date: _____ | ☐ | ☐ |
| (recommendation only) | | | | |
| 2. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☐ **Grant Applications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | ☐ | ☐ |
| 2. Office of the Controller: | _____ | Date: _____ | ☐ | ☐ |
| 3. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | ☐ | ☐ |
| 2. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☐ **Relinquishment of Navajo Membership**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Land Department: | _____ | Date: _____ | ☐ | ☐ |
| 2. Elections: | _____ | Date: _____ | ☐ | ☐ |
| 3. Office of the Attorney General: | _____ | Date: _____ | ☐ | ☐ |

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

1. Division:	_____	Date: _____	☐	☐
2. Office of the Attorney General:	_____	Date: _____	☐	☐

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	☐	☐
2. F&W	_____	Date: _____	☐	☐
3. HPD	_____	Date: _____	☐	☐
4. Minerals	_____	Date: _____	☐	☐
5. NNEPA	_____	Date: _____	☐	☐
6. DNR	_____	Date: _____	☐	☐
7. DOJ	_____	Date: _____	☐	☐

☐ **Rights of Way**

1. NLD	_____	Date: _____	☐	☐
2. F&W	_____	Date: _____	☐	☐
3. HPD	_____	Date: _____	☐	☐
4. Minerals	_____	Date: _____	☐	☐
5. NNEPA	_____	Date: _____	☐	☐
6. Office of the Attorney General:	_____	Date: _____	☐	☐
7. OPVP	_____	Date: _____	☐	☐

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	☐	☐
2. OPVP	_____	Date: _____	☐	☐
3. NLD	_____	Date: _____	☐	☐

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	☐	☐
2. DNR	_____	Date: _____	☐	☐
3. DOJ	_____	Date: _____	☐	☐

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	☐	☐
2. F&W	_____	Date: _____	☐	☐
3. HPD	_____	Date: _____	☐	☐
4. Minerals	_____	Date: _____	☐	☐
5. NNEPA	_____	Date: _____	☐	☐
6. DNR	_____	Date: _____	☐	☐
7. DOJ	_____	Date: _____	☐	☐
8. OPVP	_____	Date: _____	☐	☐

☐ **OTHER:**

1. _____	_____	Date: _____	☐	☐
2. _____	_____	Date: _____	☐	☐
3. _____	_____	Date: _____	☐	☐
4. _____	_____	Date: _____	☐	☐
5. _____	_____	Date: _____	☐	☐

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



September 24, 2019

MEMORANDUM

TO : Charlotte Francis/Isabelle Yazzie
Navajo Department of Health

FROM : 
Dominic Beyal, Executive Director
Office of Management and Budget

SUBJECT : Document No. 013362 – Proposed Fund Management Plan for Non-Emergency Medical Transportation

As a fund management plan, it seems the correct form to use is the Executive Official Review form, "Fund Management Plan", as shown on the attachment in yellow. The DOJ attorney assigned to NDOH should be familiar with this.

Xc: Dr. Jill Jim, NDOH Director

*Corrected: by NDOH.
DBeyal 9/24
10:57
- also changed doc
to # 013461*





NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
10-9-19 @ 1254p	
DATE / TIME	
☐ 7 Day Deadline	
DOC #:	013461
SAS #:	
UNIT:	Hsqw

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: 10/9/2019		ENTITY/DIVISION: Navajo Dept. of Health	
CONTACT NAME: Dr. Jill Jim		DEPARTMENT: Executive Ofc.	
PHONE NUMBER: (928) 871-6350		E-MAIL: jilljim@nndoh.org	
TITLE OF DOCUMENT: 104 Review # 013461 NEMT FRMP			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 10/9/19 @ 1:28		REVIEWING ATTORNEY/ADVOCATE: Cherie	
DATE/TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
legally sufficient			
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
Cherie Espinoza	10/18/19 9:33am	Kandis Martinez	10/18/19 9:34am
DOJ Secretary Called: Mercedes		for Document Pick Up on 10/18/19 at 2:10 By: Jk	
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDOJ/DRRF-July 2013



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum:

To: 2 NNC § 164 Reviewers
Delegates & 2 NNC '164 Reviewers
Navajo Nation Government

From: 
Robert Willie, Accounting Manager
Office of the Controller

Date: October 8, 2019

Subject: 164-13461-NEMT Fund Management Plan

The Office of the Controller has reviewed the above referenced document.

1. The Division of Health is proposing a new proprietary fund for the Navajo Non-Emergency Medical Transportation program. The attached plan indicates that it would propose to generate an amount of \$474,000. A more conservative amount would be estimated the first year to gauge the amount of revenue actually collected. Prior amounts collected have been applied to the General Fund revenues as there was no approved Fund Management plan in place. Once the Fund Management Plan has been approved and the fund has been set up the new revenues should be applied to the new fund.
2. The resolution HEHSCJN-12-18 Concurs with regulations for Non-Emergency Transport services within the Navajo Nation. The regulations are attached to this referenced Health, Education and Human Services Committee resolution. This proposed fund management plan includes the fund that will enforce these regulations.
3. The plan proposes that the fund will be self-sustaining. The personnel and any expenses within this fund would need to be totally separate from the General Fund or the Grant Funds that the Department of Health currently employs to avoid any issues with indirect cost restrictions/recovery.

If you should have any questions you can contact me at tribal extension X6125

NAVAJO NATION OFFICE OF THE CONTROLLER

P.O.BOX 3150 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-6398 · FAX: (928) 871-6026

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : 164 Document Reviewers

FROM : *Dr. Jill Jim*
Dr. Jill Jim, Executive Director
Navajo Department of Health

SUBJECT: 164 Document #013362

Date : September 13, 2019

Submitted herewith is the Fund Management Plan developed for the newly established Navajo Non-Emergency Medical Transportation program.

A timely review of this document is imperative and appreciated so that approval of appropriate standing committees may be obtained to comply with requirements for full implementation of the program.

CC: NEMT file



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT | MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : All Concerned

FROM : 
Dr. Jill Jim, Executive Director
Navajo Department of Health

DATE : March 7, 2019

SUBJECT: Standing Delegation of Authority

Effective immediately, the personnel listed below in the order of succession, will be delegated interim authority to handle routine duties and responsibilities for the Navajo Department of Health during my absence from the office.

This delegation will not include any major decisions related to personnel issues, i.e., disciplinary actions; contract negotiations; or transactions that involve commitment of funds that require my personal attention.

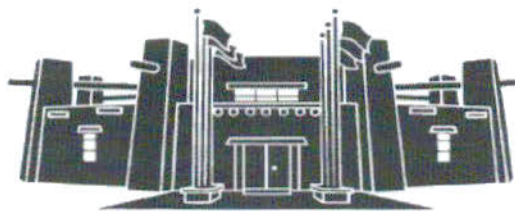
Your assistance and cooperation will be appreciated. If you have any questions, please contact me at (928) 871-6350.

ACKNOWLEDGEMENT:


Isabelle Yazzie, Senior Accountant
NDOH Executive Administration


Ramona Antone-Nez, Program Director
Navajo Epidemiology Center

CC: Paulson Chaco, Chief of Staff, Office of the President/Vice President



MEMORANDUM

TO: Honorable Daniel Tso
Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Brewitt, Casamero
Lake, Ojo Encino, and Counselor Chapters

Honorable Carl Slater
Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields and Tsé
Ch'izhí Chapters

FROM:

Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: February 6, 2020

SUBJECT: RELATING TO THE HEALTH EDUCATION AND HUMAN SERVICES
COMMITTEE AND THE BUDGET AND FINANCE COMMITTEE;
RECOMMENDING AND APPROVING THE NAVAJO NATION NON-
EMERGENCY MEDICAL TRANSPORTATION FUND MANAGEMENT
PLAN

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0028-20__

SPONSOR: Daniel Tso

TITLE: An Action Relating To The Health Education And Human Services
Committee And The Budget And Finance Committee; Recommending And
Approving The Navajo Nation Non-Emergency Medical Transportation Fund
Management Plan

Date posted: February 7, 2020 at 3:47 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*