

We have received and reviewed the material you provided and in our interpretation the rule requires that facility staff as well as individuals “providing services under arrangement” be tested. The NEMT drivers providing services are employed by private entities that are under contract with SETI, they do not meet the definition of facility staff and not contracted or employed by an entity contracted to provide services on behalf of the facility.

We understand your concerns and will abide by any restrictions you place on drivers to enter your facility lacking the testing.

- We will work with you and our providers as possible to accommodate procedures you put in place if you request to test the drivers **at your cost** prior to entering your facility as you might do for any other outside party trying to gain access.
- We will also work with you to create a procedure in cases where a driver refuses to be tested, maybe your staff can bring the member out to the driver.
- We can distribute any materials you would want to share with our providers and drivers around this issue.

We are available to discuss this further if you have any questions or want to discuss further.

Best regards