

What Technology Companies Need to Know About “Brokers” in NEMT

A Practical Overview for NEMT Technology Vendors

Why this matters to technology companies

Technology plays a growing role in non-emergency medical transportation—routing, scheduling, optimization, communication, analytics, and network management.

Many technology companies work with organizations that call themselves “brokers.” Some technology companies are also described—sometimes incorrectly—as brokers.

This distinction matters because regulated Brokers carry legal and compliance obligations that technology vendors generally do not, unless they are explicitly operating under healthcare program authority or have formally assumed delegated broker responsibilities under contract.

Understanding this boundary helps protect your:

- Product positioning
- Contract language
- Compliance posture
- Sales representations
- Partner relationships

Not all entities that assign trips are “Brokers”

From a regulatory standpoint, the word “Broker” is a term of art, not a generic label.

Regulated healthcare Brokers

These entities operate under Medicaid, Medicaid Managed Care, or Medicare Advantage authority and are authorized by a state or payer to arrange transportation.

They are required to:

- Arrange transportation to the most appropriate level of care
- Use the most appropriate and cost-effective mode
- Maintain grievance and appeal processes
- Document decisions for audit and oversight
- Demonstrate compliance with program integrity requirements

They are accountable to:

- State Medicaid agencies
- Managed care organizations
- Federal oversight bodies

Technology vendors are not Brokers by default

Technology platforms that:

- Provide routing or dispatch tools
- Enable scheduling or communication
- Support network management
- Offer analytics or optimization

are not regulated Brokers unless they:

- Hold program authorization, or
- Have formally assumed delegated broker responsibilities under a healthcare contract

Most technology companies operate as:

- Vendors
- Subcontractors
- Service providers
- Data processors

Why this matters:

Describing software, a platform, or a technology-enabled workflow as “the broker” can create regulatory confusion, misstate the company’s role, and lead customers, partners, or procuring entities to assume legal authority and compliance obligations that belong to the regulated Broker or payer—not the technology vendor.

Example:

A software platform may help a Medicaid transportation Broker schedule rides, optimize trip assignments, document exceptions, support communications, and monitor performance. But unless the platform itself is operating under the applicable healthcare program authority or has formally assumed delegated broker responsibilities, it is supporting Broker workflows—not serving as the Broker.

Where confusion commonly arises

Technology vendors often encounter pressure to:

- Accept Broker-like responsibility
- Represent their product as “doing what the Broker does”
- Agree to requirements that exceed their role

This usually happens when:

- Product language blurs operational capability with regulatory authority
- Sales materials imply program responsibility
- Contracts lack clarity on delegated functions

The Broker Guidance exists to separate function from authority.

Careless marketing language—such as describing a platform as “the broker,” “the brokerage layer,” or “the entity ensuring program compliance”—can create avoidable regulatory confusion and misaligned expectations in procurement, contracting, operations, and oversight.

“Most appropriate” and “most cost-appropriate” decisions

In regulated healthcare programs, decisions about mode selection, level of care, and cost-appropriateness are program responsibilities, not purely technical ones.

Technology may:

- Support decision-making
- Surface data
- Apply configurable rules
- Improve operational consistency

But the regulated Broker or payer remains accountable for:

- How rules are defined
- How exceptions are handled
- How decisions are documented
- How decisions are justified to regulators

What this means for technology vendors:

Products should enable transparency, configurability, documentation, and appropriate human review—not replace regulatory judgment or imply that the software itself holds program authority.

Fiduciary responsibility and accountability

Technology companies sometimes assume—or are assumed to have—fiduciary responsibility when embedded in transportation workflows.

In general:

- Technology vendors are not fiduciaries to providers, Brokers, or facilities
- They do not owe beneficiaries or providers a duty of care by default
- Accountability follows program authority and contract, not software functionality alone

If your company:

- Processes protected health information (PHI)
- Supports eligibility or authorization workflows
- Integrates with Broker systems

you may be a Business Associate or subcontractor, which carries privacy and security obligations. But that is distinct from being a regulated Broker.

Data, privacy, and security: where technology does have responsibility

While technology vendors are not Brokers by default, they may still carry important responsibilities, including:

- Safeguarding PHI under HIPAA when applicable
- Supporting auditability and data integrity
- Enabling secure access and role-based permissions
- Cooperating in investigations or incident response

However:

- Security obligations come from HIPAA, contracts, and BAAs
- Cybersecurity and insurance requirements are contractual, not inherent proof of Broker status
- Risk ownership remains tied to the program and contracting entities

What this guidance means for product, sales, and partnerships

Product teams

- Design for transparency, audit support, documentation, and configurability
- Avoid hard-coding “least cost” logic without context, oversight, or exception handling
- Enable human review, override, and explanation where appropriate

Sales and marketing

- Do not describe the product or platform as “the Broker” unless the company is actually operating under applicable program authority
- Be precise about what the technology supports versus what the regulated Broker or payer is responsible for
- Avoid language that implies the software itself determines compliance, eligibility, grievances, appeals, or regulatory accountability
- Align messaging with regulated and non-regulated roles

Partnerships

- Clarify delegated functions in contracts
- Avoid assuming compliance obligations that belong to the Broker or payer unless they are expressly delegated and accepted
- Use the guidance to support clear role definition across vendors, Brokers, payers, and providers

Want more detail?

This overview is drawn from NEMTAC’s Broker Guidance Document, which provides deeper context on:

- How Broker authority is established in regulated healthcare programs
- Differences between Broker models and non-regulated coordination

- Legal and compliance constraints that shape Broker decision-making
- Program integrity, audit, and documentation expectations

Most technology companies will not need that level of detail for day-to-day operations.

However, it may be useful when:

- Designing products for regulated healthcare environments
- Reviewing contract language or delegated responsibilities
- Aligning sales and marketing language with regulatory realities
- Partnering with Brokers, payers, or state programs

The full guidance is available as a reference resource for those who want to understand the regulatory “why” behind the workflows.

Final takeaway

Technology is critical to NEMT—but technology is not the Broker.

Regulated Brokers carry program authority and accountability. Technology vendors may enable workflows, data exchange, communications, and decision support, but enabling the workflow is not the same as holding the authority, responsibility, or accountability of a regulated Broker.

Clear boundaries reduce risk, improve partnerships, and support sustainable growth in regulated healthcare environments.