

*****Proposed Amendments - August 15, 2019*****

5123-9-24 Home and community-based services waivers - transportation under the individual options, level one, and self-empowered life funding waivers.

(A) Purpose

This rule defines transportation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

(B) Definitions

For the purposes of this rule, the following definitions shall apply:

- (1) "Agency provider" means an entity that employs at least one person in addition to the chief executive officer for the purpose of providing services for which the entity must be certified in accordance with rule 5123:2-2-01 of the Administrative Code.
- (2) "Commercial vehicles" means buses, light rail transit, livery vehicles, and taxicabs that are available for public use.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Independent provider" means a self-employed person who provides services for which he or she must be certified in accordance with rule 5123:2-2-01 of the Administrative Code and does not employ, either directly or through contract, anyone else to provide the services.
- (5) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043 of the Revised Code or other person authorized to give consent.
- (6) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.

(7) "Modified vehicle" means:

(a) A motor vehicle that has been structurally modified in a permanent manner to be used upon public streets and highways for transportation of individuals whose physical or behavioral needs require use of a transfer aid; or

(b) A motor vehicle that has been designed, constructed, or fabricated and equipped to be used upon public streets and highways for transportation of individuals who require use of a wheelchair and that shall:

(i) Have permanent fasteners to secure a wheelchair to the floor or side of the vehicle to prevent wheelchair movement;

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(ii) Have safety harnesses or belts in the vehicle for the purpose of securing individuals in wheelchairs;

(iii) Be equipped with a stable access ramp specifically designed for wheelchairs or a hydraulic lift specifically designed for wheelchairs; and

(iv) On each day the vehicle is used to provide transportation, be inspected and tested by the first driver of the vehicle to ensure the permanent fasteners, safety harnesses or belts, and access ramp or hydraulic lift are working prior to transporting an individual in a wheelchair. The daily inspection shall be documented by the driver that conducts the inspection.

~~(7)~~ (8) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery of services, and kept in a manner as to fully disclose the nature and extent of services delivered that shall include the items delineated in paragraph (E) of this rule to validate payment for medicaid services.

~~(8)~~ (9) "Transportation" means a service that enables individuals enrolled in individual options, level one, and self-empowered life funding waivers to access waiver and other community services, activities, and resources. This service is offered in addition to, and shall not replace, medical transportation required under 42 C.F.R. 431.53 as in effect on the effective date of this rule, transportation services under the medicaid state plan as defined in 42 C.F.R. 440.170(a) as in effect on the effective date of this rule, if applicable, and non-medical transportation as defined in rule ~~5123:2-9-18~~ 5123-9-18 of the Administrative Code. Whenever possible, family, neighbors, friends, or community agencies that provide transportation without charge shall be utilized.

~~(9)~~ (10) "Waiver eligibility span" means the twelve-month period following either an individual's initial waiver enrollment date or a subsequent eligibility re-determination date.

(C) Provider qualifications

- (1) Transportation shall be provided by an independent provider, an agency provider, or an operator of commercial vehicles that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of medicaid.
- (2) An applicant seeking approval to provide transportation shall complete and submit an application through the department's website (<http://dodd.ohio.gov>) and adhere to the requirements of rule 5123:2-2-01 of the Administrative Code except that paragraphs (D)(1), (D)(2), (D)(5), (D)(8), and (D)(17) of that rule do not apply to operators of commercial vehicles.

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- (3) An applicant seeking approval to provide transportation as an independent provider shall present his or her driving record prepared by the bureau of motor vehicles no earlier than fourteen calendar days prior to the date of his or her application for initial or renewal provider certification. A person having six or more points on his or her driving record is prohibited from providing transportation.
 - (4) An independent provider of transportation shall:
 - (a) Hold a valid driver's license as specified by Ohio law.
 - (b) Have valid liability insurance as specified by Ohio law.
 - (c) Immediately notify the department, in writing, if he or she accumulates six or more points on his or her driving record or if his or her driver's license is suspended or revoked.
 - (5) An agency provider of transportation shall:
 - (a) Ensure that each driver holds a valid driver's license as specified by Ohio law.
 - (b) Ensure that each driver is covered by valid liability insurance as specified by Ohio law.
 - (c) Obtain, for each driver, a driving record prepared by the bureau of motor vehicles no earlier than fourteen calendar days prior to the date of initial employment as a driver and at least once every three years thereafter. A person having six or more points on his or her driving record is prohibited from providing transportation.
 - (d) Require each driver to immediately notify the agency provider, in writing, if the driver accumulates six or more points on his or her driving record or if his or her driver's license is suspended or revoked.
 - (e) Develop and implement written policies and procedures regarding vehicle accessibility, vehicle maintenance, and requirements for vehicle drivers.
 - (6) Failure to comply with this rule and rule 5123:2-2-01 of the Administrative Code may result in the denial, suspension, or revocation of the provider's certification.
- (D) Requirements for service delivery
- (1) Transportation shall be provided pursuant to an individual service plan that conforms to the requirements of rule 5123:2-1-11 of the Administrative Code. [The individual service plan shall indicate whether an individual requires transportation to be provided in a modified vehicle.](#)
 - (2) Transportation services may extend to those times when the individual is not physically

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present and the provider is performing transportation on behalf of the individual.

(E) Documentation of services

Service documentation for transportation shall include each of the following to validate payment for medicaid services:

(1) Type of service.

(2) Date of service.

(3) Type of vehicle (i.e., modified vehicle or non-modified vehicle) used to provide service.

(4) License plate number of vehicle used to provide service.

~~(3)~~ (5) Name of individual receiving service.

~~(4)~~ (6) Medicaid identification number of individual receiving service.

~~(5)~~ (7) Name of provider.

~~(6)~~ (8) Provider identifier/contract number.

~~(7)~~ (9) Origination and destination points of transportation provided.

~~(8)~~ (10) Total number of miles of transportation provided.

~~(9) Group size in which transportation is provided.~~

(11) Number of individuals being transported.

~~(10)~~ (12) Written or electronic signature of the person delivering the service, or initials of the person delivering the service if a signature and corresponding initials are on file with the provider.

~~(11)~~ (13) Description and details of the services delivered that directly relate to the services specified in the approved individual service plan as the services to be provided.

(F) Payment standards

(1) The billing unit, service codes, and payment rates for transportation are contained in the appendix to this rule.

~~(2) Payment rates are established on a per person basis, depending on the group size in which transportation is provided. When more than one individual is receiving transportation, the number of individuals in the group shall be determined by totaling~~

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~~the number of individuals, regardless of funding source, for whom transportation is being provided.~~

(2) Payment rates for transportation are established on a per-person basis, depending on the number of individuals being transported, regardless of funding source, and whether the service is provided in a modified vehicle or in a non-modified vehicle. The modified vehicle rate shall be applied for each individual being transported when at least one individual requires the use of a modified vehicle, as specified in his or her individual service plan.

(3) Under the level one waiver, transportation is subject to the payment limitation set forth in paragraph (D)(1) of rule 5123-9-06 of the Administrative Code.

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APPENDIX

BILLING UNIT, SERVICE CODES, AND PAYMENT RATES FOR TRANSPORTATION

Billing Unit: Per mile

Service Codes for Transportation Provided in a Modified Vehicle:

<u>Individual Options Waiver</u>	<u>ATO</u>
<u>Level One Waiver</u>	<u>FTO</u>
<u>Self-Empowered Life Funding Waiver</u>	<u>STO</u>

Service Codes for Transportation Provided in a Non-Modified Vehicle:

Service Codes:	Individual Options Waiver	ATN
	Level One Waiver	FTN
	Self-Empowered Life Funding Waiver	STN

~~Payment Rates: Listed below. The rates are established on a per person basis depending on the group size in which transportation is provided. When more than one individual is receiving transportation, the number of individuals in the group shall be determined by totaling the number of individuals, regardless of funding source, for whom transportation is being provided.~~

Serving 1 Individual	\$ 0.45 per person
Serving 2 or 3 Individuals	\$ 0.23 per person
Serving 4 or More Individuals	\$ 0.17 per person

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Payment Rates: Listed below. Rates are established on a per-person basis, depending on the number of individuals being transported, regardless of funding source, and whether the service is provided in a modified vehicle or in a non-modified vehicle. Multiply the appropriate rate by the number of miles to determine the per-person amount to be billed to the waiver.

	<u>1</u> <u>Individual</u>	<u>2 or 3</u> <u>Individuals</u>	<u>4 or More</u> <u>Individuals</u>
<u>Modified Vehicle</u>	<u>\$1.00 per person</u>	<u>\$.50 per person</u>	<u>\$.38 per person</u>
<u>Non-Modified Vehicle</u>	<u>\$.58 per person</u>	<u>\$.29 per person</u>	<u>\$.22 per person</u>