

TO BE RESCINDED

173-39-02.13 **Non-emergency medical transportation service.**

- (A) "Non-emergency medical transportation service" means a service that transports a consumer from one place to another for a non-emergency medical purpose through the use of a provider's vehicle and driver. Examples of places to which the service may transport a consumer are a doctor's office or a pharmacy. (This service is different than the non-medical transportation service defined in rule 173-39-02.18 of the Administrative Code, which transports a consumer from one place to another for a non-medical purpose.)
- (B) Eligibility criteria: A consumer is eligible for a non-emergency medical transportation service if:
- (1) The consumer is enrolled in the PASSPORT program;
 - (2) A case manager authorizes the service;
 - (3) The service is not otherwise available or funded by Ohio's medicaid program (i.e., the "Medicaid card") or another source; and,
 - (4) The consumer's family, neighbors, friends, or community agencies are unwilling or not required to provide the service to the consumer free of charge.
- (C) Minimum requirements for a non-emergency medical transportation service in addition to the conditions of participation under rule 173-39-02 of the Administrative Code:
- (1) In general:
 - (a) Availability: The agency provider shall possess a back-up plan for providing the service when a driver or vehicle is unavailable. A non-agency provider shall possess a back-up plan for providing the service when he/she or his/her vehicle is unavailable.
 - (b) To and from vehicle: As part of each service provided, the driver shall help the consumer to safely transfer between the pick-up point and the vehicle, to safely enter and exit the vehicle, and to safely transfer between the vehicle and the destination point.
 - (2) Vehicle inspections:
 - (a) The provider shall create a written plan for preventive maintenance and inspection of each vehicle and wheelchair lift used for this service which

shall include the recommended preventive-maintenance schedule of the vehicle or wheelchair lift and the:

- (i) "Annual Vehicle Inspection" on form ODA0004 (<http://www.aging.ohio.gov/information/rules/forms.aspx>): The provider shall only use a vehicle for the service if a mechanic who is certified by the national institute for automotive service excellence (i.e., "ASE-certified") or another mechanic approved by the PAA inspected it no more than twelve months beforehand and the answers to all questions on the form were "yes"; and,
 - (ii) "Pre-Trip Vehicle Inspection" on form ODA0008 or form ODA0011 (<http://www.aging.ohio.gov/information/rules/forms.aspx>): The provider shall only use a vehicle if, before providing the first service of the day, the driver inspected it and the answers to all questions required by the form were "yes."
- (b) The provider shall deem that a vehicle that holds a current, valid license from the Ohio medical transportation board to operate as an ambulette is a vehicle that complies with paragraph (C)(2)(a)(i) of this rule.
- (c) The provider shall deem that any bus that displays a current, valid safety-inspection decal issued by the state highway patrol under section 4513.52 of the Revised Code is a vehicle that complies with paragraph (C)(2)(a)(i) of this rule. For the purposes of this rule, "bus" has the same meaning as in section 4513.50 of the Revised Code.
- (d) The provider shall retain records to verify that it complies with paragraph (C)(2)(a) of this rule.
- (3) Provider qualifications: Only an agency provider that is certified under rule 173-39-02 of the Administrative Code or a non-agency provider who is certified under rule 173-39-02 of the Administrative Code may provide the service. A consumer-directed individual provider or a participant-directed individual provider shall not provide this service.
- (4) Driver qualifications:
- (a) Before providing the first service, the driver shall:
 - (i) Hold a current, valid driver's license for at least two years, hold any driver's license endorsement that is necessary to operate the type of vehicle used for the service, and have fewer than six points issued under Chapter 4506. or 4507. of the Revised Code (or have points

issued under statutes of the driver's home state that are substantially equivalent to six points issued under Chapter 4506. or 4507. of the Revised Code if the driver is a resident of another state);

- (ii) Obtain a signed statement from a licensed physician acting within the scope of the physician's practice that states that the driver has no medical or physical condition, including an incurable vision impairment, that may impair safe driving, passenger assistance, emergency treatment, or the health and welfare of a consumer or the general public;
 - (iii) Pass drug and alcohol tests. The drug tests check for the use or abuse of amphetamines, cannabinoids (THC), cocaine, opiates, and phencyclidine (PCP). The driver receives a passing score if the drug tests do not find the drugs in his/her blood, breath, or urine. The alcohol tests check blood-alcohol content. The driver receives a passing score if the alcohol tests do not find a blood-alcohol content in the driver's blood that is higher than Ohio's maximum blood-alcohol content. The driver shall obtain the drug and alcohol tests from a hospital or another entity that the Ohio department of health permits to conduct the tests;
 - (iv) Pass a training course in first aid and CPR offered by the American red cross, the American heart association, the national safety council, medic first aid international, American safety and health institute, or an equivalent organization approved by ODA;
 - (v) Possess the ability to understand written and oral instructions;
 - (vi) Possess the ability to comply with paragraph (C)(1)(b) of this rule;
 - (vii) Possess the ability to comply with the "Pre-Trip Vehicle Inspection" requirement under paragraph (C)(2)(a)(ii) of this rule; and,
 - (viii) Possess the ability to comply with the service-verification requirements under paragraph (C)(6) of this rule.
- (b) No later than six months after a driver provides his/her service or no later than six months after the effective date of this rule, whichever occurs later, the driver shall:
- (i) Complete a defensive-driving course sponsored or endorsed by the national safety council or the Ohio department of transportation.

The driver shall also complete a defensive-driving course every three years thereafter; and,

(ii) Complete an introductory course approved by ODA on passenger-assistance training that includes the following topics:

(a) Sensitivity to aging;

(b) Overview of diseases and functional factors commonly affecting older adults;

(c) Environmental considerations affecting consumers;

(d) Consumer assistance and transfer techniques;

(e) Management of a wheelchair, including the proper methods for securing a wheelchair;

(f) Inspection and operation of a wheelchair lift and other types of assistive equipment; and,

(g) Emergency procedures.

(c) Exceptions:

(i) Any driver who holds a current, valid EMT-basic, EMT-intermediate, or EMT-paramedic certification from the Ohio state board of emergency medical services is deemed to comply with paragraphs (C)(4)(a) and (C)(4)(b) of this rule.

(ii) Any driver who successfully passed the Ohio state board of emergency medical service's curriculum for an EMT-basic, EMT-intermediate, or EMT-paramedic, but does not hold a current, valid EMT-basic, EMT-intermediate, or EMT-paramedic certification from the Ohio state board of emergency medical services is deemed to comply with paragraphs (C)(4)(a) and (C)(4)(b) of this rule, except the driver shall complete the defensive-driving course required under paragraph (C)(4)(b)(i) of this rule every three years.

(iii) Any driver for an urban or rural transit system is deemed to comply with paragraph (C)(4)(a) of this rule.

(iv) Any driver who successfully passed the defensive-driving course required under paragraph (C)(4)(b)(i) of this rule no more than

three years before the effective date of this rule is deemed to comply with paragraph (C)(4)(b)(i) of this rule. (For example, a driver for an urban or rural transit system may have recently completed a defensive-driving course in order to qualify for his/her job. Therefore, he/she is not required to take another defensive-driving course before transporting a consumer under this rule. He/she is only required to complete a defensive-driving course every three years after the date he/she most recently passed a defensive-driving course.)

(v) Any driver who successfully passed the introductory course required under paragraph (C)(4)(b)(ii) of this rule no more than three years before the effective date of this rule is deemed to comply with paragraph (C)(4)(b)(ii) of this rule. (For example, a driver for an urban or rural transit system may have recently completed the introductory course in order to qualify for his/her job. Therefore, he/she is not required to take another introductory course on transporting older persons and people with disabilities before transporting a consumer under this rule. He/she is only required to complete the refresher course every three years after the date he/she most recently passed the introductory course.)

(d) The provider shall retain records to verify that each driver complies (or the non-agency provider shall retain records to verify that he/she complies) with the driver qualifications under paragraph (C)(4) of this rule.

(5) Limitations:

- (a) The provider shall not provide the service to a consumer in excess of what the case manager authorizes in the consumer's service plan.
- (b) The provider shall only bill the PAA for the service provided under the PASSPORT program if the case manager identifies the provider in the service order for the consumer.
- (c) The provider shall not provide the service to a consumer if the consumer is receiving a similar service under Chapter 173-39 of the Administrative Code.

(6) Service verification:

- (a) The provider shall retain a record of the case manager's service order.
- (b) As part of each service provided, the driver shall record the:

- (i) Consumer's name;
- (ii) Pick-up point;
- (iii) Date and time of the pick up;
- (iv) Drop-off point;
- (v) Date and time of the drop off;
- (vi) Driver's name;
- (vii) Driver's signature; and,
- (viii) Consumer's signature. The case manager shall record the consumer's signature of choice in the consumer's service plan. The signature of choice may include a handwritten signature; initials; stamp or mark; or electronic signature.

(c) The provider may use a technology-based system to collect or retain the records required under this rule.

(d) The agency provider shall retain records required under this rule and provide access to those records for monitoring according to paragraph (B)(5) of rule 173-39-02 of the Administrative Code. The non-agency provider shall retain records required under this rule and provide access to those records for monitoring according to paragraph (C)(5) of rule 173-39-02 of the Administrative Code.

(D) Jobs and rates:

- (1) One trip, whether a one-way trip or a round trip, constitutes one job of non-emergency medical transportation service.
- (2) The per-job rate for a service is negotiable, but is finalized by the consumer's case manager before the provision of the service. A finalized rate is renegotiable if the case manager revises the rate before the service is provided.
- (3) If the provider furnishes the service simultaneously to more than one PASSPORT consumer who resides in the same household in the same vehicle to the same destination, the provider's reimbursement rate for that trip is seventy-five per cent of the per-job rate in paragraph (D)(2) of this rule, in accordance with rule 5101:3-31-07 of the Administrative Code.

- (4) The maximum rates allowable for a one-way trip and a round trip are listed in rule 5101:3-1-06.1 of the Administrative Code.

Effective: 3/1/2019

Five Year Review (FYR) Dates: 10/23/2018

CERTIFIED ELECTRONICALLY

Certification

12/31/2018

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.391, 173.52, 173.522
Rule Amplifies: 173.39, 173.391, 173.52, 173.522; 42 C.F.R. 441.352
Prior Effective Dates: 03/31/2006, 02/15/2009, 09/24/2009, 09/02/2010,
09/29/2011