

TO BE RESCINDED

173-39-02.13 **ODA provider certification: non-emergency medical transportation.**

(A) Definitions for this rule:

- (1) "Non-emergency medical transportation" (transportation) means using a provider's vehicle and driver to transport individuals from one place to another for a non-emergency medical purpose. "Non-emergency medical transportation" does not include the following:
 - (a) Trips otherwise available, or funded by, Ohio's medicaid program or another source.
 - (b) Trips for a non-medical purpose. (See rule 173-39-02.18 of the Administrative Code.)
 - (c) Trips provided through a similar service in this chapter.
 - (d) Trips the individual's family, neighbors, friends, or community agencies are willing to, or required to provide to the individual free of charge.
 - (e) Escort or trip by a participant-directed provider. (See rule 173-39-02.4 of the Administrative Code.)
- (2) "Board of EMFTS" means the Ohio board of emergency medical, fire, and transportation services.
- (3) "Bus" has the same meaning as in section 4513.50 of the Revised Code.
- (4) "CLIA-certified laboratory" means a laboratory ODH lists as a "CLIA Lab" in active status on the "Long-Term Care, Non Long-Term Care, & CLIA Health Care Provider Search" (http://publicapps.odh.ohio.gov/eid/Provider_Search.aspx).
- (5) "EMT" means any of the emergency medical technicians defined in paragraph (A), (B), or (C) of section 4765.01 of the Revised Code.
- (6) "First responder" has the same meaning as in division (A) of section 4765.01 of the Revised Code.

(B) Requirements for ODA-certified providers of non-emergency medical transportation:

- (1) General requirements:

- (a) The provider shall comply with the requirements for every ODA-certified provider in rule 173-39-02 of the Administrative Code.
- (b) Availability: The agency provider shall possess a back-up plan for transporting individuals when a driver or vehicle is unavailable. A non-agency provider shall possess a back-up plan for transporting individuals when the provider or the provider's vehicle is unavailable.
- (c) Transferring: As part of each trip, the driver shall help the individual safely transfer between the pick-up point and the vehicle, safely enter and exit the vehicle, and safely transfer between the vehicle and the destination point.
- (d) Provider types: ODA only certifies agency and non-agency providers to provide the transportation under this rule.

(2) Vehicle requirements:

- (a) Maintenance: The provider shall maintain vehicles according to the manufacturer's maintenance schedule for each vehicle used to transport individuals. If the vehicle includes a wheelchair lift, the provider shall maintain the wheelchair lift according to the manufacturer's maintenance schedule for the wheelchair lift.
- (b) Inspections: The provider shall conduct the following inspections on each vehicle used to transport individuals. If the vehicle includes a wheelchair lift, the provider's inspection shall include inspecting the wheelchair lift:
 - (i) "Annual Vehicle Inspection" on form ODA0004 (rev. 12/15/2010):
The provider shall only use a vehicle for transporting individuals if a mechanic who is certified by the national institute for automotive service excellence (i.e., "ASE-certified") or another mechanic approved by ODA's designee inspected it no more than twelve months before and the answers to all questions on the form were "yes."
 - (ii) "Daily Vehicle Inspection" on form ODA0008 (rev. 02/01/2019) or form ODA0011 (rev. 02/01/2019): The provider shall only use a vehicle if, before providing the first trip of the day, the provider inspected it and the answers to all questions required by the form were "yes."

(c) Exemptions:

- (i) A vehicle possessing a current, valid ambulette license is deemed to comply with paragraph (B)(2)(b)(i) of this rule. Providers using a vehicle with a current, valid ambulette license may demonstrate compliance with paragraph (B)(2)(b)(i) of this rule by providing ODA or its designee with evidence of the vehicle's current, valid ambulette license.
- (ii) A bus displaying a current, valid safety-inspection decal issued by the state highway patrol under Chapter 4501-52 of the Administrative Code is deemed to comply with paragraph (B)(2)(b)(i) of this rule.

(3) Driver requirements:

- (a) Statutory requirements to hire: The provider shall not hire a person to be a driver unless the person meets all the requirements for drivers under divisions (A)(3) and (B) of section 4766.14 of the Revised Code, subject to the following conditions:
 - (i) To comply with the first-aid requirement, the applicant's training shall come from a training organization approved by the board of EMFTS (<http://www.ems.ohio.gov/medical-transportation-faq.aspx>).
 - (ii) To comply with the cardiopulmonary-resuscitation requirement, the applicant's training shall come from a training organization approved by the board of EMFTS (<http://www.ems.ohio.gov/medical-transportation-faq.aspx>).
 - (iii) To comply with the drug-testing requirement, the applicant's test results shall come from a CLIA-certified laboratory and shall declare the applicant to be free of alcohol, amphetamines, cannabinoids (THC), cocaine, opiates, or phencyclidine (PCP).
 - (iv) To comply with the background-check requirement, the provider shall comply with the background-check requirements in Chapter 173-9 of the Administrative Code, which exempts an applicant for a volunteer driver position and an applicant for a position solely involving transporting individuals while working for a county transit system, regional transit authority, or regional transit commission.
- (b) Additional requirements to hire: The provider shall not hire a person to be a driver unless the person meets all the following requirements:

- (i) The applicant has held a current, valid driver's license for at least two years.
 - (ii) The applicant holds any driver's license endorsement necessary to operate the type of vehicle the applicant would drive.
 - (iii) The applicant understands written and oral instructions.
 - (iv) The applicant has the ability to comply with paragraph (B)(1)(c) of this rule.
 - (v) The applicant has the ability to conduct the daily vehicle inspection in paragraph (B)(2)(b)(ii) of this rule.
 - (vi) The applicant has the ability to comply with the trip-verification requirements in paragraph (B)(4)(a) of this rule.
- (c) Passenger-assistance training: No later than six months after the provider hires a driver, the driver shall successfully complete a passenger-assistance training course approved by the board of EMFTS (<http://www.ems.ohio.gov/medical-transportation-faq.aspx>).
- (d) Exempted professionals: An applicant with a current, valid license or certificate to be one or more of the following professionals is deemed to meet the requirements in paragraphs (B)(3)(a), (B)(3)(b), and (B)(3)(c) of this rule. Providers hiring an applicant with a current, valid license or certificate to be one or more of the following professionals may demonstrate compliance with paragraphs (B)(3)(a), (B)(3)(b), and (B)(3)(c) of this rule by providing ODA or its designee with evidence the applicant possesses a current, valid license or certificate as one of the following professionals:
- (i) An ambulette driver.
 - (ii) An EMT or first responder. Additionally, an applicant is deemed to meet the requirements in paragraphs (B)(3)(a), (B)(3)(b), and (B)(3)(c) of this rule if the applicant passed the board of EMFTS' curriculum for an EMT or first responder, but does not hold a current, valid certification for either profession. Providers hiring such applicants may demonstrate compliance with paragraphs (B)(3)(a), (B)(3)(b), and (B)(3)(c) of this rule by providing ODA or its designee with evidence the applicant passed the board of EMFTS' curriculum for an EMT or first responder.

- (iii) A driver for a county transit system, regional transit authority, or regional transit commission.

(4) Trip verification:

- (a) For each trip provided, the driver shall record the individual's name; date of trip; pick-up point and time of the pick up; destination point and time of the drop off; driver's name; a unique identifier of the driver; and a unique identifier of the individual which by offering, the individual attests to the completion of the trip.
- (b) The provider may use an electronic system to collect or retain the records required in paragraph (B)(4)(a) of this rule.

(C) Jobs and rates:

- (1) One trip, whether a one-way trip or a round trip, is one job of non-emergency medical transportation.
- (2) The per-job rate for a trip is negotiable, but is finalized by the individual's case manager before the provision of the trip. A finalized rate is renegotiable if the case manager revises the rate before the trip is provided.

Effective: 7/1/2023

Five Year Review (FYR) Dates: 4/14/2023

CERTIFIED ELECTRONICALLY

Certification

06/20/2023

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.391, 173.52, 173.522
Rule Amplifies: 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15
Prior Effective Dates: 03/31/2006, 02/15/2009, 09/24/2009, 09/02/2010,
09/29/2011, 03/01/2019, 04/04/2022