

173-39-02.18

ODA provider certification: non-medical transportation.**(A) Definitions for this rule:**

- (1) "Non-medical transportation" (transportation) means using a provider's vehicle and driver to transport individuals from one place to another for a non-medical purpose. "Non-medical transportation" does not include the following:
 - (a) Transportation otherwise available, or funded by, Ohio's medicaid program or another source.
 - (b) Transportation for a non-emergency medical purpose.
 - (c) Transportation being provided through a similar service in this chapter.
 - (d) Transportation that the individual's family, neighbors, friends, or community agencies are willing or legally responsible to provide to the individual free of charge.
 - (e) Escort or transportation by a participant-directed provider. (See rule 173-39-02.4 of the Administrative Code.)
- (2) "Board of EMFTS" means the state board of emergency medical, fire, and transportation services created under section 4765.02 of the Revised Code.
- (3) "Bus" has the same meaning as in section 4513.50 of the Revised Code.
- (4) "CLIA-certified laboratory" means a laboratory that 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 division (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-medical transportation:**(1) General requirements:**

- (a) The provider is subject to the requirements for every ODA-certified provider in rule 173-39-02 of the Administrative Code.

- (b) Availability: The provider shall possess a back-up plan for transporting individuals when an agency provider's driver or vehicle is unavailable or when a non-agency 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 certifies only 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) An annual vehicle inspection on an ODA-approved form. The provider may use a vehicle for transporting individuals only 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 the vehicle no more than twelve months before and answers all questions on the form in the affirmative.
 - (ii) A daily vehicle inspection on an ODA-approved form. The provider may use a vehicle only if the provider answers all questions on the form in the affirmative.
- (c) ~~Exemptions:~~ Vehicles deemed to comply:
 - (i) A vehicle possessing a current, valid ambulance or ambulette license is deemed to comply with paragraph (B)(2)(b)(i) of this rule by providing ODA or its designee with evidence of the vehicle's current, valid ambulance or 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 may hire a person to be a driver only if the person meets all the requirements for drivers under divisions (A)(3) and (B) of section 4766.14 of the Revised Code, as amplified in paragraph (A) (8) of rule 4766-3-13 of the Administrative Code, subject to the following conditions:
 - (i) The applicant's first-aid training and cardiopulmonary-resuscitation training came from a training organization approved by the board of EMFTS—(~~<http://www.ems.ohio.gov/medical-transportation-faq.aspx>~~) (<https://ems.ohio.gov/medical-transportation-licensing/help/help>).
 - (ii) The applicant's drug test results came from a CLIA-certified laboratory that declared the applicant to be free of alcohol, amphetamines, cannabinoids (THC), cocaine, opiates, or phencyclidine (PCP).
 - (iii) The provider complies with the background-check requirements in Chapter 173-9 of the Administrative Code.
- (b) Additional requirements to hire: The provider may hire a person to be a driver only if 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 collect the mandatory reporting items under paragraph (B)(4) of this rule.
- (c) Passenger-assistance training: The provider may retain a driver only if the driver successfully completes a passenger-assistance training course approved by the board of EMFTS (~~<http://www.ems.ohio.gov/medical-transportation-faq.aspx>~~) (~~<https://ems.ohio.gov/medical-transportation-licensing/help/help>~~) no later than six months after the provider hires the driver.
- (d) ~~Exempted professionals:~~ Professionals deemed to comply: Providers hiring an applicant ~~with a current, valid license or certificate to be who is~~ 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 is such a professional:~~
 - (i) An ambulette driver.
 - (ii) An EMT or first responder or a candidate to be an EMT or first responder who passed the board of EMFTS' curriculum for an EMT or first responder, but ~~does has not necessarily hold yet obtained~~ a current, valid certification for either profession.
 - (iii) A driver for a county transit system, regional transit authority, or regional transit commission.
- (4) Trip verification: The following are the mandatory reporting items for each trip provided to comply with the requirements under paragraph (B)(10)(a)(i) of rule 173-39-02 of the Administrative Code:
 - (a) Individual's name.
 - (b) Date of trip.
 - (c) Pick-up point and time of the pick up.
 - (d) Destination point and time of the drop off.
 - (e) Driver's name.
 - ~~(f) Unique identifier of the driver to attest to providing the trip.~~

~~(g)~~(f) Unique identifier of the individual to attest to receiving the trip. During a state of emergency declared by the governor or a federal public health emergency, the provider may verify each trip provided without collecting the unique identifier of the individual if the provider collects the unique identifier of the driver to attest to providing the trip.

(C) Jobs and rates:

- (1) For the PASSPORT program, the appendix to rule 5160-1-06.1 of the Administrative Code lists the following for a job of non-medical transportation:
 - (a) The job as one trip, whether a one-way or round trip.
 - (b) The maximum rate allowable for a job.
- (2) For the PASSPORT program, rule 5160-31-07 of the Administrative Code establishes the rate-setting methodology for non-medical transportation.

Effective:

Five Year Review (FYR) Dates: 1/4/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.381, 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, 06/11/2020 (Emer.),
04/04/2022, 07/01/2023