

5160-15-14

Transportation: non-emergency services through a CDJFS: program integrity provisions.

(A) Definitions.

- (1) "Private transportation vendor (PTV)" is an entity that meets the following criteria:
 - (a) It seeks to establish or to maintain a contract with a county department of job and family services (CDJFS) to supply transportation service to medicaid recipients in accordance with rule 5160-15-10 of the Administrative Code; and
 - (b) It is not a government agency, transit authority, public transportation system, or other quasi-governmental organization.
- (2) "PTV owner/manager" is a person having an ownership or control interest in the PTV, as defined in 42 C.F.R. 455.101 (October 1, 2020).
- (3) "Related enterprise" is any other business in which a PTV owner/manager has an ownership or control interest.
- (4) "Direct-service PTV employee" is a PTV employee who provides direct services to medicaid recipients.

(B) A CDJFS may hold a contract with a PTV only if the following conditions are met:

- (1) All applicable disclosure provisions set forth in 42 C.F.R. Part 455, Subpart B (October 1, 2020) are satisfied;
- (2) Whenever a contract between the CDJFS and the PTV is established or renewed and whenever the PTV is considering an applicant for a position as a direct-service PTV employee, the following ~~two~~ four conditions are met:
 - (a) Each driver holding or applying for a position with the PTV has a valid driver's license;
 - (b) For each driver holding or applying for a position with the PTV, a certified driving record history is obtained from the bureau of motor vehicles of the Ohio department of public safety and provided to the CDJFS;
 - (~~a~~)(c) A criminal background check performed in accordance with section 109.572 of the Revised Code on each direct-service PTV employee or applicant returns one of two results:

- (i) The direct-service PTV employee or applicant has never been convicted of or pleaded guilty to an offense listed in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code (a disqualifying offense); or
 - (ii) The direct-service PTV employee or applicant has been convicted of or pleaded guilty to a disqualifying offense and one of the following criteria is met:
 - (a) The individual has satisfied the conditions associated with any applicable exclusionary periods set forth in rule ~~5160-43-09~~ 5160-1-17.8 of the Administrative Code; or
 - (b) The individual has obtained a certificate of qualification for employment in accordance with section 2953.25 of the Revised Code or an equivalent certification issued by another state or federal jurisdiction; and
 - ~~(b)~~(d) A search substantiates that no PTV, PTV owner/manager, or direct-service PTV employee or applicant is currently listed as sanctioned or excluded in either of the following databases:
 - (i) The system for award management (SAM) maintained by the United States general services administration; or
 - (ii) The list of excluded individuals and entities (LEIE) maintained by the office of inspector general in the United States department of health and human services.
- (C) Not later than thirty calendar days either after a contract period has started or after a criminal background check and database search have been performed for an applicant, the CDJFS documents and ~~submit~~ submits to the department or its designee the relevant information indicated in paragraph (B) of this rule, in the format specified by the department or its designee.

Effective: 7/1/2022

Five Year Review (FYR) Dates: 7/1/2026

CERTIFIED ELECTRONICALLY

Certification

06/15/2022

Date

Promulgated Under: 119.03
Statutory Authority: 5164.02
Rule Amplifies: 5164.02
Prior Effective Dates: 01/01/2018, 07/01/2021