

173-3-06.6

Transportation service.

(A) "Transportation service" means a service that transports a consumer from one place to another through the use of a provider's vehicle and driver. Examples of places to which the service may transport a consumer are a medical office, congregate nutrition program site, grocery store, senior center, or government office.

(B) Minimum requirements for a transportation service in addition to the mandatory clauses under rule 173-3-06 of the Administrative Code:

(1) In general:

~~(a) Type of provider: Only a driver employed by an agency provider or a driver who is a self-employed provider may provide the service. A consumer-directed individual provider shall not provide the service.~~

~~(b)~~(a) Availability: An agency provider shall possess a back-up plan for times when a driver or vehicle is unavailable. A self-employed provider shall possess a back-up plan for times when he/she or his/her vehicle is unavailable. The back-up plan may describe the process for providing the service when the driver or vehicle is unavailable or it may describe the process for notifying the consumer that a driver or vehicle is unavailable.

~~(c)~~(b) Into and out of vehicle: As part of each service provided, the driver shall help the consumer to safely enter and exit the vehicle. The agency provider shall maintain a policy for drivers that lists any additional responsibilities assigned to the driver by the provider agreement (e.g., helping a consumer from the door of their home to the vehicle or helping a consumer from inside their home to the vehicle). The agency provider shall inform every consumer of this policy before providing the service to the consumer (e.g., "Our driver will only pick you up if you meet him/her at the curb" or "Our driver will only pick you up if you meet him/her at the door of your home"). The self-employed provider shall maintain a policy that lists any additional responsibilities assigned to him/her by the provider agreement. The self-employed provider shall inform every consumer of this policy before providing the service to the consumer (e.g., "I will only pick you up if you meet me at the curb" or "I will only pick you up if you meet me at the door of your home").

~~(d) Records: For each service provided, the driver shall document the consumer's name; service date; pick-up point and time of the pick-up; destination point and time of the drop-off; service units; driver's name; and driver's signature.~~

(2) Vehicle inspections:

(a) The provider shall create a written plan for preventative maintenance and inspection of each vehicle and wheelchair lift used for this service which shall include the recommended preventative-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 AAA, 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 (B)(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 (B)(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.

~~(e)(d)~~ The provider shall ~~maintain documentation on compliance~~ retain records to verify that it complies with paragraph (B)(2)(a) of this rule.

(3) Provider qualifications: Only a driver employed by an agency provider or a driver who is a self-employed provider may provide the service. A consumer-directed individual provider shall not provide the service.

~~(3)~~(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 ~~(B)(1)(e)~~ (B)(1)(b) of this rule; ~~and~~;
- (vii) Possess the ability to comply with the ~~documentation requirement~~ and the "Pre-Trip Vehicle Inspection" requirement under paragraphs paragraph ~~(B)(1)(d)~~ and (B)(2)(a)(ii) of this rule; and,
- (viii) Possess the ability to comply with the service-verification

requirements under paragraph (B)(5) of this rule.

(b) No later than six months after a driver provides his/her first 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 (e.g., ice on steps);

(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 (B)(4)(a) and (B)(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 (B)(4)(a) and (B)(4)(b) of this rule, except the driver shall complete the defensive-driving course required under paragraph (B)(4)(b)(i) of the rule every three years.

~~(i)(iii)~~ Any driver for an urban or rural transit system is deemed to comply with paragraph ~~(B)(3)(a)~~ (B)(4)(a) of this rule.

~~(ii)(iv)~~ Any driver who successfully passed the defensive-driving course required under paragraph ~~(B)(3)(b)(i)~~ (B)(4)(b)(i) of this rule no more than three years before the effective date of this rule is deemed to comply with paragraph ~~(B)(3)(b)(i)~~ (B)(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.)

~~(iii)(v)~~ Any driver who successfully passed the introductory course required under paragraph ~~(B)(3)(b)(ii)~~ (B)(3)(b)(ii) of this rule no more than three years before the effective date of this rule is deemed to comply with paragraph ~~(B)(3)(b)(ii)~~ (B)(3)(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 agency provider shall ~~maintain documentation~~ retain records on the compliance of each driver to verify that each driver complies (or the self-employed provider shall ~~maintain documentation~~ retain records on his/her compliance to verify that he/she complies) with the driver qualifications in paragraph ~~(B)(3)~~ (B)(4) of this ~~rule~~ rule.

(5) Service verification:

(a) As part of each service provided, the driver shall record the:

(i) Consumer's name;

(ii) Service date;

(iii) Pick-up point;

(iv) Time of the pick up;

(v) Drop-off point;

(vi) Time of the drop off;

(vii) Service units;

(viii) Driver's name; and,

(ix) Driver's signature.

(b) The provider shall retain records required under this rule and provide access to those records for monitoring according to paragraphs (A)(20) and (A)(21) of rule 173-3-06 of the Administrative Code.

(C) ~~Unit of service~~Unit and rate:

(1) A one-way trip constitutes one unit of transportation service.

(2) The unit rate in a provider agreement shall reflect the provider's fully-allocated costs, including administrative costs, training costs, and documentation costs.

Effective: 09/02/2010

R.C. 119.032 review dates: 06/15/2010 and 09/02/2015

CERTIFIED ELECTRONICALLY

Certification

08/23/2010

Date

Promulgated Under: 119.03
Statutory Authority: 173.02; 173.392; Section 305 (a)(1)(C) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11
Rule Amplifies: 173.392; Sections 321, 414, and 416 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006
Prior Effective Dates: 12/16/2005 (Emer.), 03/30/2006, 02/15/2009, 09/24/2009, 02/14/2010