

173-3-06.6

Older Americans Act: transportation.

(A) Definitions for this rule:

- (1) "Transportation" means a service that transports a consumer from one place to another through the use of a provider's vehicle and driver, and which may, or may not, include providing the consumer with assistance to safely enter and exit the vehicle. "Transportation" does not include the following:
 - (a) Trips otherwise available, or funded by, Ohio's medicaid program or another source.
 - (b) Trips provided through a similar service in this chapter or Chapter 173-4 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) "First responder" has the same meaning as in division (A) of section 4765.01 of the Revised Code.
- (6) "EMT" means any of the emergency medical technicians defined in division (A), (B), or (C) of section 4765.01 of the Revised Code.

(B) In every AAA-provider agreement for transportation paid, in whole or in part, with Older Americans Act funds, the AAA shall include the following requirements:

- (1) General requirements:
 - (a) In the AAA-provider agreement, the AAA shall include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.
 - (b) 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 transporting consumers when the driver or vehicle is unavailable or it may describe

the process for notifying the consumer when a driver or vehicle is unavailable.

- (c) Assisted transportation: In each AAA-provider agreement, the AAA shall list situations when drivers shall provide consumers with assistance to safely enter and exit vehicles, pick-up locations, and drop-off locations.

(2) Vehicle requirements:

- (a) Maintenance: The provider shall maintain vehicles according to the manufacturer's maintenance schedule for each vehicle used to transport consumers. 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 consumers. 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 consumers 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 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 paragraphs (B)(2)(a) and (B)(2)(b) of this rule. Providers using a vehicle with a current, valid ambulette license may demonstrate compliance with paragraphs (B)(2)(a) and (B)(2)(b) of this rule by providing the AAA 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.

Providers using a vehicle with a current, valid safety-inspection decal issued under section 4513.52 of the Revised Code may demonstrate compliance with paragraph (B)(2)(b)(i) of this rule by providing the AAA with evidence of the vehicle's current, valid decal.

(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 consumers 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 has the ability to understand written, electronic, and oral instructions.
 - (iv) The applicant has the ability to provide transportation assistance.
 - (v) 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 the AAA 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 the AAA 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 consumer's name; type of trip (transportation or assisted transportation); date of trip; pick-up point and time of the pick up; destination point and time of the drop off; driver's name; and a unique identifier of the consumer or the consumer's

caregiver. 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 consumer if the provider ~~also collects the driver's signature~~ unique identifier of the driver as an ~~attestation~~ attestation to the completion of the trip.

(b) In the AAA-provider agreement, the AAA shall not prohibit a provider from using an electronic system to collect and retain the records required in paragraph (B)(4)(a) of this rule.

~~(c) Pursuant to 45 C.F.R. 1321.65, the provider shall report information to the AAA on transportation provided.~~

(C) Unit and rate:

(1) A one-way trip ~~equals~~ is one unit of transportation.

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

~~(D) Incorporation by reference: This rule's reference to 45 C.F.R. 1321.65 refers to the version of that federal regulation in effect on the date of the trip.~~

Effective: 1/29/2022
Five Year Review (FYR) Dates: 10/5/2021 and 11/30/2026

CERTIFIED ELECTRONICALLY

Certification

01/19/2022

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11
Rule Amplifies: 173.39, 173.392, 4766.14, 4766.15; 42 U.S.C. 3025, 3030d, 3032c, 3032e; 45 C.F.R. 1321.11, 1321.65
Prior Effective Dates: 12/16/2005 (Emer.), 03/30/2006, 02/15/2009, 09/24/2009, 02/14/2010, 09/02/2010, 03/12/2011, 03/01/2019, 06/11/2020 (Emer.), 12/31/2020