

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 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) "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) Requirements for every AAA-provider agreement for transportation paid, in whole or in part, with Older Americans Act funds:**(1) General requirements:**

- (a) The AAA-provider agreement is subject to rule 173-3-06 of the Administrative Code.
- (b) Availability: The provider shall possess a back-up plan that describes the process for transporting or notifying consumers when the driver or vehicle is unavailable.

- (c) Assisted transportation: The AAA-provider agreement shall list situations when drivers need to 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) An annual vehicle inspection on an ODA-approved form. The provider may use a vehicle for transporting consumers only 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 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, before providing the first trip of the day, the provider inspected the vehicle and 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 paragraphs (B)(2)(a) and (B)(2)(b) of this rule by providing the AAA 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. 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 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 and 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, 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 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 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: 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 the AAA 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 that a provider retains to comply with the requirements under paragraph (B)(9) of rule 173-3-06 of the Administrative Code:
 - (a) Consumer's name.
 - (b) Type of trip (transportation or assisted transportation).
 - (c) Date of trip.
 - (d) Pick-up location and time of pick-up.
 - (e) Destination location and time of drop-off.
 - (f) Driver's name.
 - (g) The unique identifier of the consumer or the consumer's caregiver 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 consumer or the

consumer's caregiver if the provider collects the unique identifier of the driver to attest to providing the trip.

(C) Unit and rate:

- (1) A one-way trip is one unit of transportation.
- (2) The unit rate in an AAA-provider agreement reflects the provider's fully-allocated costs, including administrative and training costs.

Effective:

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.392
Rule Amplifies: 173.39, 173.392, 4766.14, 4766.15
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,
01/29/2022, 01/01/2023, 07/01/2023