



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Jacob Ritzenthaler, Business Advocate

DATE: January 3, 2024

RE: CSI Review – Transportation (OAC 173-3-06.6 and 173-39-02.18)

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules proposed by the Ohio Department of Aging (Department) as part of the statutorily required five-year review process. This rule package was submitted to the CSI Office on November 8, 2023, and the public comment period was held open through November 21, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on November 8, 2023.

Ohio Administrative Code (OAC) 173-3-06.6 establishes requirements and standards for the provision of transportation services provided through the Older Americans Act funds, including area agency on aging (AAA) provider agreements, vehicles, drivers, trip verification, and unit and rate determination. OAC 173-39-02.18 sets forth the necessary requirements to become a department-certified non-medical transportation provider, including requirements for providers to maintain backup plans for transport, vehicle maintenance, driver requirements, and trip verification. The rules are amended to establish that additional professionals may meet the requirements to become drivers, not just those individuals with certifications. Amendments also clarify that emergency medical technicians (EMTs) and first responders are deemed in compliance with the qualifications, as are candidates to be EMTs or first responders who have not yet obtained certification.

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During early stakeholder outreach, the Department sent the proposed rules to industry stakeholders for feedback. One comment was received during that time from an AAA that highlighted conflicting language concerning the certification status of ambulette drivers. In response to this comment, the Department amended the rules to update the requirements for driver qualifications. In response to comments received during the CSI public comment period, the Department made further amendments that exempt ambulances from annual inspection requirements, provided that the ambulance is verified to be licensed. The Department also made amendments to align driver identification requirements with those for other programs.

The business community impacted by the rules includes providers of transportation services, including those that are certified through the Department and with AAA-provider agreements. The adverse impacts created by the rules include costs associated with obtaining certification, such as maintaining licensure, background checks, and business sites. The rules also necessitate compliance with requirements specific to transportation services, including ensuring availability of services, transferring individuals between vehicles and locations, and requirements for the vehicles and drivers. The Department states that the adverse impacts are necessary to ensure the safety of individuals receiving transportation services for certified providers.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.