

**(A) Purpose**

The purpose of this rule is to specify the definition of transportation services and to set forth the certification standards required under section ~~5123.045~~ 5123.16 of the Revised Code for providers of transportation services to individuals enrolled in the HCBS level one waiver administered by the department.

**(B) Definition**

(1) "Transportation" means a service offered in order to enable individuals served on the waiver to gain access to waiver and other community services, activities and resources, specified by the plan of care. This service is offered in addition to medical transportation required under Title 42 of the Code of Federal Regulations, section 431.53 (October 1, 2001) and transportation services under the state plan as defined at Title 42 of the Code of Federal Regulations, section 440.170(a) (October 1, 2001), if applicable, and shall not replace them. Transportation services under the level one waiver shall be offered in accordance with the individual's ISP. Whenever possible, family, neighbors, friends, or community agencies, which can provide this service without charge, will be utilized. ~~The benefit package in the level one waiver includes a limitation of five hundred dollars annually for transportation. An individual's annual expenditure for transportation may exceed five hundred dollars, subject to prior authorization during the development of the initial ISP, as part of the ISP review process or at a time when needs change and are subsequently documented in an ISP, consistent with the preferences of the individual or family. Through the prior authorization process, the additional services shall be approved if the benefit limitation for this service, institutional respite, informal respite, and homemaker/personal care do not exceed five thousand dollars annually and unless an assessment contraindicates a need for the service.~~

(2) "Public bus transportation provider" means regional transit authorities, county transit boards, and municipalities, counties and private entities that provide public transit services.

**(C) Standards and requirements for initial certification of individual providers**

An applicant for individual provider certification for transportation services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving transportation services.

(1) The applicant shall be at least eighteen years of age.

(2) The applicant shall submit an application in accordance with rule ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.

(3) Proof of valid driver's license

(a) The applicant shall submit to the department evidence of a valid driver's license as specified by Ohio law.

(b) The applicant shall provide to the department written assurance that the applicant will provide immediate notification, in writing, to the department of any driver's license suspension or revocation.

(4) Proof of insurance coverage

The applicant shall submit to the department proof of insurance coverage as specified under sections 4509.101 and 4509.47 of the Revised Code, as applicable.

(5) Criminal background check

(a) The applicant shall submit to the department written evidence that a background investigation has been completed in accordance with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(b) The department shall deny certification to any applicant who has been convicted of or pled guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code, unless the applicant meets the standards set forth in paragraph (N) or (R) of rule 5123:2-1-05.1 of the Administrative Code.

(6) Abuser registry

(a) The department shall determine whether the applicant's name appears on the abuser registry established under sections 5123.50 to 5123.54 of the Revised Code.

(b) The department shall deny certification to any applicant if the applicant's name appears on the abuser registry.

(7) CPR

The applicant shall provide to the department evidence of a valid certification in CPR.

(8) Training relating to incidents adversely affecting health and safety

The applicant shall submit to the department documentation that the applicant has completed training in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(9) Assurance on prevention of incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that the applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety. Such steps shall be subject to limitations in applicable law and may include, but are not limited to, giving notice of the occurrence or reoccurrence of the incident to the SSA or the individual's family, or to a legally responsible person.

(10) Assurance for individual needs

The applicant shall provide to the department written assurance that the applicant shall not agree to provide services to any individual whose needs the applicant cannot meet.

(11) Assurance for ISP compliance

The applicant shall provide to the department written assurance that the applicant shall implement transportation services ~~at the frequency and duration the applicant agrees to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.

(12) Provider eligibility

The applicant shall provide to the department written assurance that the applicant shall not provide transportation services to his/her minor child (under age eighteen) or his/her spouse.

(D) Standards and requirements for continuing certification of individual providers

After being certified in accordance with paragraph (C) of this rule, all individual providers of transportation services shall meet all of the following requirements in

order to ensure the health and welfare of individuals receiving transportation services.

(1) Valid driver's license

- (a) An individual provider shall maintain a valid driver's license as specified by Ohio law and shall present evidence of such valid driver's license upon request by ODJFS, the department, or the ~~LMAA~~ the county board.
- (b) An individual provider shall provide immediate notification, in writing, to the department of any driver's license suspension or revocation.

(2) Insurance coverage

An individual provider shall maintain insurance coverage as specified under sections 4509.101 and 4509.47 of the Revised Code, as applicable, and shall present proof of such coverage upon request by ODJFS, the department, or the ~~LMAA~~ county board.

(3) Criminal background check

- (a) An individual provider shall report to the department if he or she is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code. The individual provider shall make such report, in writing, not later than fourteen calendar days after the date of such charge, conviction or guilty plea.
- (b) The individual provider shall comply with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.
- (c) The department may initiate revocation proceedings for any individual provider who has failed to report in accordance with paragraph (D)(1)(a) of this rule that he or she was charged with, convicted of or pled guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code.
- (d) The department shall initiate revocation proceedings for any individual provider who has been convicted of or pled guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code, unless the individual provider meets the standards set forth in paragraph (N) or (R)

of rule 5123:2-1-05.1 of the Administrative Code.

(4) Abuser registry

The department shall initiate revocation proceedings for any individual provider whose name has been placed on the abuser registry established under sections 5123.50 to 5123.54 of the Revised Code.

(5) CPR

The individual provider shall maintain a valid certification in CPR.

(6) Training relating to incidents adversely affecting health and safety

(a) At least annually, the individual provider shall complete training in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(b) The individual provider shall maintain documentation of such training and present such documentation upon request by ODJFS, the department, or the ~~LMAA~~ county board.

(7) Incidents adversely affecting health and safety

The individual provider shall comply with the requirements of rule 5123:2-17-02 of the Administrative Code, except that the individual provider is not required to comply with the following provisions of that rule:

(a) The development and implementation of a policy and procedure for the internal review, remedy, and prevention of major unusual incidents required under paragraph (F)(1) of that rule;

(b) The analysis of major unusual incidents to identify patterns and trends required under paragraph (G)(1) of that rule;

(c) The annual review and analysis of data required under paragraph (G)(4) of that rule;

(d) The completion of analysis and implementation of corrective measures required under paragraph (G)(5) of that rule;

(e) The development and implementation of a policy and procedure on

unusual incident notification required under paragraph (H)(1) of that rule; and

- (f) The development and implementation of a written policy and procedure for the internal review of unusual incidents required under paragraph (H)(2) of that rule.

(8) Prevention of incidents adversely affecting health and safety

The individual provider shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety. Such steps shall be subject to limitations in applicable law and may include, but are not limited to, giving notice of the occurrence or reoccurrence of the incident to the SSA or the individual's family, or to a legally responsible person.

(9) Individual needs

The individual provider shall not agree to provide services to any individual whose needs the individual provider cannot meet.

(10) ISP compliance

The individual provider shall implement transportation services ~~at the frequency and duration that the individual provider has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to this rule, which is attached to~~ in accordance with the ISP.

(11) Provider eligibility

The individual provider shall not provide transportation services to his/her minor child (under age eighteen) or to his/her spouse.

(12) Evidence of department certification

The individual provider shall maintain documentation from the department of the individual provider's certification under this rule.

(E) Standards and requirements for initial certification of agency providers

An applicant for agency provider certification of transportation services must maintain written policies and procedures for all the requirements listed in this paragraph and shall meet all of the following requirements in order to ensure the

health and welfare of individuals receiving transportation services.

(1) The applicant shall submit an application in accordance with rule ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.

(2) Assurance for chief executive officer or a person responsible for administration

The applicant shall provide to the department written assurance that the applicant has employed a chief executive officer or a person responsible for administration who has either a bachelor's degree from an accredited institution or at least two years experience in mental retardation or developmental disabilities, health care, social services, or transportation services.

(a) The chief executive officer or person responsible for administration shall be responsible for the following functions:

- (i) Personnel matters;
- (ii) Supervision of employees;
- (iii) Program services; and
- (iv) Financial management.

(b) In addition to the policies and procedures otherwise specified in this paragraph, the applicant shall have written policies and procedures that address the applicant's management practices in the following areas:

- (i) Confidentiality of individuals' records;
- (ii) Consumer satisfaction;
- (iii) A description of internal monitoring and evaluating procedures to improve services delivered;
- (iv) A table of organization;
- (v) Staff training plan;

- (vi) A requirement that drivers providing transportation services must be at least eighteen years of age.

(3) Proof of valid driver's license

- (a) The applicant shall provide to the department written assurance that all drivers shall have a valid driver's license as specified by Ohio law.
- (b) The applicant shall provide to the department written assurance that all drivers will provide immediate notification, in writing, to the applicant of any driver's license suspension or revocation.

(4) Proof of insurance coverage

The applicant shall provide to the department written assurance that the applicant has insurance coverage as specified under sections 4509.101 and 4509.47 of the Revised Code.

(5) Criminal background check

The applicant shall provide to the department written assurance that the applicant has complied with the requirements for background investigations established under section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code

(6) Abuser registry

- (a) The applicant shall provide written assurance that, as of the date of the application, no drivers are listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code.
- (b) The applicant shall provide to the department written assurance that the applicant will follow the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(7) Certification in CPR

The applicant shall provide to the department written assurance that at least one person with a valid certification in CPR shall be present when the individual is receiving transportation services from the applicant.

(8) Training relating to incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that all drivers have completed training in the requirements of section 5123:2-17-02 of the Revised Code relating to incidents adversely affecting health and safety.

(9) Assurance on prevention of incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that the applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety. Such steps shall be subject to limitations in applicable law and may include, but are not limited to, giving notice of the occurrence or reoccurrence of the incident to the SSA or the individual's family, or to a legally responsible person.

(10) Assurance for individual needs

The applicant shall provide to the department written assurance that the applicant shall not agree to provide services to any individual whose needs the applicant cannot meet.

(11) Assurance for ISP compliance

The applicant shall provide to the department written assurance that the applicant shall implement transportation services ~~at the frequency and duration the applicant has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.

(12) Assurance for provider eligibility

The applicant shall provide to the department written assurance that neither the applicant nor any driver of the applicant shall provide transportation services to his/her minor child (under age eighteen) or his/her spouse.

(F) Standards and requirements for continuing certification of agency providers

After being certified in accordance with paragraph (E) of this rule, all agency providers of transportation services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving transportation services.

(1) Chief executive officer or a person responsible for administration

The agency provider shall employ a chief executive officer or a person responsible for administration who has either a bachelor's degree from an accredited institution or at least two years experience in mental retardation or developmental disabilities, health care, social services, or transportation services.

(a) The chief executive officer or person responsible for administration shall be responsible for the following functions:

(i) Personnel matters;

(ii) Supervision of employees;

(iii) Program services; and

(iv) Financial management.

(b) The agency provider shall have written policies and procedures that address the agency provider's management practices in the following areas:

(i) Confidentiality of individuals' records;

(ii) Consumer satisfaction;

(iii) A description of internal monitoring and evaluating procedures to improve services delivered.

(iv) A table of organization;

(v) Staff training plan;

(vi) A requirement that drivers providing transportation services must be at least eighteen years of age.

(2) Valid driver's license

- (a) The agency provider shall maintain evidence that all drivers of the agency provider have a valid driver's license as specified by Ohio law and shall present such evidence upon request by ODJFS, the department, or the LMAA county board.
- (b) The agency provider shall require all drivers to immediately report , in writing, to the agency provider if their driver's license is ever suspended or revoked.
- (c) The agency provider may dismiss from employment any driver who has failed to report in accordance with paragraph (F)(1)(b) of this rule that the driver's license was suspended or revoked.
- (d) The agency provider shall not permit a driver whose license has been suspended or revoked to provide transportation services under this rule.

(3) Proof of insurance coverage

The agency provider shall maintain proof of insurance coverage as specified under sections 4509.101 and 4509.47 of the Revised Code, as applicable, and shall present such proof of coverage upon request by ODJFS, the department, or the LMAA county board.

(4) Criminal background check

- (a) The agency provider shall require all drivers in direct services positions to report, in writing, to the agency provider if the driver is ever formally charged with, convicted of, or plead guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code not later than fourteen calendar days after the date of such charge, conviction or guilty plea.
- (b) The agency provider shall comply with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(5) Abuser registry

The agency provider shall follow the requirements of sections 5123.50 to 5123.54 of the Revised Code and assure that drivers shall meet the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(6) CPR

The agency provider shall provide evidence that at least one person with a valid certification in CPR shall be present when the individual is receiving transportation services.

(7) Training relating to incidents adversely affecting health and safety

- (a) The agency provider shall provide evidence that all drivers have completed training in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety. Such training shall be completed at least annually.
- (b) The agency provider shall maintain documentation of such training and present such documentation upon request by ODJFS, the department, or the ~~LMAA~~ county board.
- (c) The agency provider shall ensure that all drivers shall comply with the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(8) Prevention of incidents adversely affecting health and safety

The agency provider shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety. Such steps shall be subject to limitations in applicable law and may include, but are not limited to, giving notice of the occurrence or reoccurrence of the incident to the SSA or the individual's family, or to a legally responsible person.

(9) Individual needs

The agency provider shall not agree to provide services to any individual whose needs the agency provider cannot meet.

(10) ISP compliance

The agency provider shall implement transportation services ~~at the frequency and duration the agency provider has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.

(11) Provider eligibility

Neither the agency provider nor any driver of the agency provider shall provide transportation services to his/her minor child (under age eighteen) or his/her spouse.

(12) Evidence of department certification

The agency provider shall maintain documentation from the department of the agency provider's certification under this rule.

(G) Standards and requirements for initial certification of county board providers

A county board applicant for provider of transportation certification must maintain written policies and procedures for all the requirements listed in this paragraph and shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving transportation services.

(1) The applicant shall submit an application in accordance with rule: ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.

(2) Proof of valid driver's license

(a) The applicant shall provide to the department written assurance that all drivers shall have evidence of a valid driver's license as specified by Ohio law.

(b) The applicant shall provide to the department written assurance that all drivers will provide immediate notification, in writing, to the applicant of any driver's license suspension or revocation.

(3) Proof of insurance coverage

The applicant shall provide to the department written assurance that the applicant has insurance coverage as specified under sections 4509.101 and 4509.47 of the Revised Code, applicable.

(4) Criminal background check

The applicant shall provide to the department written assurance that the applicant has complied with the requirements for background investigations established under sections 5126.28 of the Revised Code and rule 5123:2-1-05

of the Administrative Code.

(5) Abuser registry

(a) The applicant shall provide to the department written assurance that, as of the date of the application, no drivers are listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code.

(b) The applicant shall provide to the department written assurance that the applicant will follow the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(6) Certification in CPR

The applicant shall provide to the department written assurance that at least one person with a valid certification in CPR shall be present when the individual is receiving transportation services from the applicant.

(7) Training relating to incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that all drivers have completed training in the requirements of rule 5123:2-17-02 of the Revised Code relating to incidents adversely affecting health and safety.

(8) Training in individual rights

The applicant shall provide to the department written assurance that all drivers have completed training in provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code.

(9) Assurance for behavior supports

The applicant shall provide written assurance that all drivers will comply with the requirements of ~~appendix A to rule 5123:2-8-10 of the Administrative Code~~ behavior supports established under rules adopted by the department.

(10) Assurance for individual needs

The applicant shall provide to the department written assurance that the applicant shall not agree to provide services to any individual whose needs the applicant cannot meet.

(11) Assurance for ISP compliance

The applicant shall provide to the department written assurance that the applicant shall implement transportation services ~~at the frequency and duration the applicant has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.

(12) Assurance for provider eligibility

The applicant shall provide to the department written assurance that neither the applicant nor any driver of the applicant shall provide transportation services to his/her minor child (under age eighteen) or his/her spouse

(H) Standards and requirements for continuing certification of county board providers

After being certified in accordance with paragraph (G) of the rule, all county board providers of transportation services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving transportation services.

(1) Valid driver's license

- (a) The county board shall maintain evidence that all drivers have a valid driver's license as specified by Ohio law and shall present such evidence upon request by ODJFS or the department.
- (b) The county board shall require all drivers to immediately report, in writing, to the county board if their driver's license is ever suspended or revoked.
- (c) The county board may dismiss from employment any driver who has failed to report in accordance with paragraph (F)(1)(b) of this rule that the driver's license was suspended or revoked.
- (d) The county board shall not permit a driver whose license has been suspended or revoked to provide transportation services under this rule.

(2) Proof of insurance coverage

The county board shall maintain proof of insurance coverage as specified under section 4509.101 of the Revised Code and shall present such proof of

insurance coverage upon request by ODJFS or the department.

(3) Criminal background check

(a) The county board shall require all drivers to report, in writing, to the county board if they are ever formally charged with, convicted of, or plead guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code not later than fourteen calendar days after the date of such charge, conviction or guilty plea.

(b) The county board shall comply with section 5126.28 of the Revised Code and rule 5123:2-1-05 of the Revised Code.

(4) Abuser registry

The county board shall follow the requirements of sections 5123.50 to 5123.54 of the Revised Code and assure that drivers shall meet the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(5) CPR

The county board shall provide evidence that at least one person with a valid certification in CPR shall be present when the individual is receiving transportation services.

(6) Training on incidents adversely affecting health and safety

(a) The county board shall provide evidence that all drivers have completed training in the requirements of rule 5123:2-17-02 relating to incidents adversely affecting health and safety. Such training shall be completed at least annually.

(b) The county board shall maintain documentation of such training and present such documentation upon request by ODJFS or the department.

(c) The county board shall ensure that all drivers shall comply with the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(7) Training in individual right

- (a) The county board shall provide evidence that all drivers have completed training in the provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code. Such training shall be completed at least annually.
- (b) The county board shall maintain documentation of such training and present such documentation upon request by ODJFS or the department.

(8) Behavior supports

- (a) The county board shall comply with the requirements of ~~appendix A to rule 5123:2-8-10 of the Administrative Code~~ behavior supports established under rules adopted by the department.
- (b) If there is an individual behavior support plan, the drivers responsible for implementing the plan shall be trained in the components of the plan.
- (c) The county board shall maintain documentation of such training and present such documentation upon request to ODJFS or the department.

(9) Individual needs

The county board shall not agree to provide services to any individual whose needs the county board cannot meet.

(10) ISP compliance

- (a) The county board shall implement transportation services ~~at the frequency and duration the county board has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.
- (b) The presence of a behavior support plan and the requirement for training as identified in paragraph (H)(8)(b) of this rule shall be specified in the ISP ~~and documented in appendix B to rule 5123:2-8-10 of the Administrative Code.~~

(11) Provider eligibility

Neither the county board nor any driver of the county board shall provide

transportation services to his/her minor child (under age eighteen) or his/her spouse.

(12) Evidence of department certification

The county board shall maintain documentation from the department of the county board's certification under this rule.

(I) Standards and requirements for initial certification of public bus transportation providers

(1) The applicant shall submit an application in accordance with rule ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.

(2) The applicant shall provide to the department written assurance that the applicant shall comply with all applicable state and/or local regulations that apply to the operation of its business.

(3) Public bus transportation providers are not required to submit a background investigation for bus drivers nor are these bus drivers subject to the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(J) Standards and requirements for continuing certification of public bus transportation providers

The public bus transportation provider shall maintain written documentation of its compliance with all applicable state and/or local regulations that apply to the operation of its business and shall present such documentation upon request by ODJFS, the department, or the county ~~LMAA~~ board.

(K) Standards and requirements for initial certification of taxi service providers

An applicant for taxi service provider certification of transportation services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving transportation services

(1) The applicant shall submit an application in accordance with rule ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.

(2) The applicant shall provide to the department written assurance that the applicant shall comply with all applicable state and/or local regulations that

apply to the operation of its business.

(3) Criminal background check

The applicant shall provide to the department written assurance that the applicant has complied with the requirement for a background check investigation on all drivers in accordance with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(4) Abuser registry

(a) The applicant shall provide to the department written assurance that, as of the date of the application, no drivers are listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code.

(b) The applicant shall provide to the department written assurance that the applicant will follow the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(5) Assurance for ISP compliance

The applicant shall provide to the department written assurance that the applicant shall implement transportation services ~~at the frequency and duration the applicant has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.

(6) Assurance for provider eligibility

The applicant shall provide to the department written assurance that neither the applicant nor any driver of the applicant shall provide transportation services to his/her minor child (under age eighteen) or his/her spouse.

(L) Standards and requirements for continuing certification of taxi service providers

After being certified in accordance with paragraph (K) of this rule taxi service providers shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving transportation services.

(1) The taxi service provider shall maintain written documentation of its compliance with all applicable state and/or local regulations that apply to the operation of its business and shall present such documentation upon request

by ODJFS, the department, or the ~~LMAA~~ county board.

(2) Criminal background check

(a) The taxi service provider shall require all drivers to report, in writing, to the taxi service provider if they are ever formally charged with, convicted of, or plead guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code not later than fourteen calendar days after the date of such charge, conviction or guilty plea.

(b) The taxi service provider shall comply with section 5126.28 of the Revised Code and rule 5123:2-1-05 of the Revised Code.

(3) Abuser registry

The taxi service provider shall follow the requirements of sections 5123.50 to 5123.54 of the Revised Code and assure that drivers shall meet the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(4) ISP compliance

The taxi service provider shall implement transportation services ~~at the frequency and duration the taxi service provider has agreed to provide as set forth in table one of appendix B ("Service and Payment Agreement") to rule 5123:2-8-10 of the Administrative Code, which is attached to~~ in accordance with the ISP.

(5) Provider eligibility

The taxi service provider shall provide to the department written assurance that neither the applicant nor any driver of the applicant shall provide transportation services to his/her minor child (under age eighteen) or his/her spouse.

(6) Evidence of department certification

The taxi service provider shall maintain documentation from the department of the taxi service provider's certification under this rule.

(M) Subcontractors

Individual providers shall not subcontract the provision of transportation services. Agency providers may subcontract the provision of transportation services in

accordance with the following requirements:

- (1) All subcontractors for transportation services that are individual providers shall meet the requirements of the following paragraphs of this rule:
  - (a) Paragraph (C)(1) - applicant shall be at least eighteen years old;
  - (b) Paragraphs (C)(3) and (D)(1) - valid driver's license;
  - (c) Paragraphs (C)(4) and (D)(2) - insurance coverage;
  - (d) Paragraphs (C)(5) and (D)(3) - criminal background check;
  - (e) Paragraphs (C)(6) and (D)(4) - abuser registry;
  - (f) Paragraphs (C)(7) and (D)(5) - CPR;
  - (g) Paragraphs (C)(8) and (D)(6) - training relating to incidents adversely affecting health and safety;
  - (h) Paragraphs (C)(9) and (D)(8) - prevention of incidents adversely affecting health and safety;
  - (i) Paragraphs (C)(10) and (D)(9) - individual needs;
  - (j) Paragraphs (C)(11) and (D)(10) - ISP compliance;
  - (k) Paragraphs (C)(12) and (D)(11) - provider eligibility.
- (2) All subcontractors for transportation services that are agency providers shall meet the requirements of the following paragraphs of this rule:
  - (a) Paragraphs (E)(3) and (F)(2) - valid driver's license;
  - (b) Paragraphs (E)(4) and (F)(3) - insurance coverage;
  - (c) Paragraphs (E)(5) and (F)(4) - criminal background check;
  - (d) Paragraphs (E)(6) and (F)(5) - abuser registry;

- (e) Paragraphs (E)(7) and (F)(6) - CPR;
  - (f) Paragraphs (E)(8) and (F)(7) - training relating to incidents adversely affecting health and safety;
  - (g) Paragraphs (E)(9) and (F)(8) - prevention of incidents adversely affecting health and safety;
  - (h) Paragraphs (E)(10) and (F)(9) - individual needs;
  - (i) Paragraphs (E)(11) and (F)(10) - ISP compliance;
  - (j) Paragraphs (E)(12) and (F)(11) - provider eligibility
- (3) The agency provider shall give the county board notice of all subcontracts for transportation services.
- (4) The agency provider shall enter into a written contract with the subcontractor.
- (5) An agency provider that subcontracts the provision of transportation services shall ensure that the subcontractor complies with all applicable requirements of this rule.

(N) Denial, suspension, or revocation

- (1) Failure to comply with the standards set forth in this rule for initial certification of providers may result in denial of certification by the department in accordance with rule 5123:2-9-09 of the Administrative Code.
- (2) After being certified in accordance with this rule, providers shall comply with the continuing certification standards set forth in this rule. Providers shall be subject to monitoring and compliance reviews conducted by the ~~LMAA~~ county board and/or the department as set forth in rule ~~5123:2-8-18~~ 5123:2-9-08 of the Administrative Code. Failure to comply with the standards set forth in this rule for continuing certification of providers may result in corrective action by the department up to and including suspension or revocation of certification as set forth in rule ~~5123:2-8-18~~ 5123:2-9-08 of the Administrative Code.
- (3) When denying, suspending, or revoking certification under this rule, the

department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code.

Effective: 07/01/2006

R.C. 119.032 review dates: 04/28/2008

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5123.04, 5123.045, 5123.16, 5111.871  
Rule Amplifies: 5123.04, 5123.045, 5123.16, 5111.871  
Prior Effective Dates: 4/28/03