

# \*\*\* Proposed New Rule – June 2, 2011 \*\*\*

5123:2-9-24      **Home and community-based services waivers - transportation under the individual options and level one waivers.** [This rule will replace existing rules 5123:2-8-07 and 5123:2-13-05.]

## (A) Purpose

The purpose of this rule is to define transportation and set forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

## (B) Definitions

- (1) "Agency provider" means an entity that employs persons for the purpose of providing services for which the entity must be certified under rules adopted by the department.
- (2) "Commercial vehicles" means buses, livery vehicles, and taxicabs that are available for public use.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Homemaker/personal care" has the same meaning as in rule 5123:2-9-30 of the Administrative Code.
- (5) "Independent provider" means a self-employed person who provides services for which he or she must be certified under rule 5123:2-2-01 of the Administrative Code and does not employ, either directly or through contract, anyone else to provide the services.
- (6) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043 of the Revised Code.
- (7) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (8) "Informal respite" has the same meaning as in rule 5123:2-9-21 of the Administrative Code.
- (9) "Institutional respite" has the same meaning as in rule 5123:2-9-22 of the Administrative Code.
- (10) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery

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of services, and kept in a manner as to fully disclose the nature and extent of services delivered that shall include the items delineated in paragraph (E)(2) of this rule to validate payment for medicaid services.

- (11) "Transportation" means a service offered in order to enable individuals enrolled in the waiver to gain access to waiver and other community services, activities, and resources. This service is offered in addition to, and shall not replace, medical transportation required under 42 C.F.R. 431.53, transportation services under the state plan as defined in 42 C.F.R. 440.170(a), if applicable, and non-medical transportation as defined in rule 5123:2-9-18 of the Administrative Code. Whenever possible, family, neighbors, friends, or community agencies, which can provide this service without charge, shall be utilized.
- (12) "Waiver eligibility span" means the twelve-month period following either an individual's initial enrollment date or a subsequent eligibility re-determination date.

### (C) Provider qualifications

- (1) Transportation shall be provided by an independent provider, an agency provider, or an operator of commercial vehicles that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of job and family services.
- (2) An applicant seeking approval to provide transportation shall complete and submit an application and adhere to the requirements of rule 5123:2-2-01 of the Administrative Code except that the requirements of paragraphs (C)(3)(a), (C)(3)(b), (C)(3)(c), (D)(1), (D)(3), and (K) of rule 5123:2-2-01 of the Administrative Code do not apply to operators of commercial vehicles.
- (3) An applicant seeking approval to provide transportation as an independent provider shall present an official driver's abstract prepared by the bureau of motor vehicles no earlier than fourteen days prior to the date of his or her application for initial or renewal certification. A person having six or more points on his or her driving record is prohibited from providing transportation.
- (4) An independent provider of transportation shall:
- (a) Hold a valid driver's license as specified by Ohio law.
  - (b) Have valid liability insurance as specified by Ohio law.
  - (c) Immediately notify the department, in writing, if he or she accumulates six or more points on his or her driving record or if his or her driver's license is suspended or revoked.

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### (5) An agency provider of transportation shall:

- (a) Ensure and maintain evidence that each driver holds a valid driver's license as specified by Ohio law.
  - (b) Have or ensure each driver has valid liability insurance as specified by Ohio law.
  - (c) Require each driver to present an official driver's abstract prepared by the bureau of motor vehicles no earlier than fourteen days prior to the date of initial employment as a driver and at least once every three years thereafter. A person having six or more points on his or her driving record is prohibited from providing transportation.
  - (d) Require each driver to immediately notify the agency provider, in writing, if the driver accumulates six or more points on his or her driving record or if his or her driver's license is suspended or revoked.
  - (e) Develop and maintain written policies and procedures regarding the requirements of its drivers.
- (6) Failure to comply with this rule or rule 5123:2-2-01 of the Administrative Code may result in the denial, suspension, or revocation of the provider's certification.

### (D) Requirements for service delivery

- (1) Transportation shall be provided pursuant to an individual service plan that conforms to the requirements of paragraph (H) of rule 5101:3-40-01 of the Administrative Code or paragraph (H) of rule 5101:3-42-01 of the Administrative Code, as applicable.
- (2) Transportation services extend to those times when the individual is not physically present and the provider is performing transportation on behalf of the individual. [\[This is paragraph \(J\)\(7\) of existing rule 5123:2-9-06.\]](#)

### (E) Documentation of services

- (1) The requirements of paragraph (B) of rule 5123:2-9-05 of the Administrative Code do not apply to service documentation for transportation.
- (2) Service documentation for transportation shall include each of the following to validate payment for medicaid services:
  - (a) Type of service.
  - (b) Date of service.

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- (c) Name of individual receiving service.
- (d) Medicaid identification number of individual receiving service.
- (e) Name of provider.
- (f) Provider identifier/contract number.
- (g) Origination and destination point(s) of transportation provided.
- (h) Total number of miles of transportation provided.
- (i) Group size in which transportation is provided.
- (j) Written or electronic signature of the person delivering the service, or initials of the person delivering the service if a signature and corresponding initials are on file with the provider.
- (k) Description and details of the services delivered that directly relate to the services specified in the approved individual service plan as the services to be provided.

### (F) Payment standards

- (1) The billing unit, service codes, and payment rates for transportation are contained in the appendix to this rule.
- (2) Payment rates are established on a per person basis depending on the group size in which transportation is provided. When more than one individual is receiving transportation, the number of individuals in the group shall be determined by totaling the number of individuals, regardless of funding source, for whom transportation is being provided.
- (3) Under the level one waiver, payment for homemaker/personal care, informal respite, institutional respite, and transportation, alone or in combination, shall not exceed five thousand dollars per waiver eligibility span.

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Replaces: 5123:2-8-07 and 5123:2-13-05

Effective: XX/XX/XXXX

R.C. 119.032 review dates: XX/XX/XXXX

Promulgated Under: 119.03

Statutory Authority: 5111.871, 5111.873, 5123.04, 5123.045,  
5123.049, 5123.16

Rule Amplifies: 5111.871, 5111.873, 5123.04, 5123.045,  
5123.049, 5123.16

Prior Effective Dates: 04/28/2003, 07/01/2006, 01/01/2007

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APPENDIX

BILLING UNIT, SERVICE CODES, AND PAYMENT RATES  
FOR TRANSPORTATION

Billing Unit: Per mile

Service Codes:	Individual Options Waiver	ATN
	Level One Waiver	FTN

Payment Rates:	Serving 1 Individual	\$0.40 per person
	Serving 2 or 3 Individuals	\$0.20 per person
	Serving 4 or More Individuals	\$0.15 per person