

(A) Purpose

The purpose of this rule is to set forth the certification standards required under section 5123.045 of the Revised Code for providers who are claiming mileage reimbursement to transport individuals enrolled in the individual options waiver.

(B) Definitions

- (1) "Agency provider" means a person or governmental entity that provides transportation mileage services under the individual options waiver other than an individual provider.
- (2) "Applicant" means a person or governmental entity that has submitted to the department an application for certification to provide transportation mileage services to individuals enrolled in the individual options waiver.
- (3) "Individual provider" means a self-employed person who provides transportation mileage services under the individual options waiver and does not employ, either directly, or through a contract, anyone else to provide such services.
- (4) "Provider" means an individual provider or agency provider that:
 - (a) Is certified by the department to provide transportation mileage services pursuant to this rule; and
 - (b) Has a medicaid provider agreement from the Ohio department of job and family services that covers that service.
- (5) "Transportation mileage" means a transportation service offered by a provider, other than medical transportation available through Ohio's approved medicaid state plan and non-medical transportation as defined in rule 5123:2-9-18 of the Administrative Code. Payment rates for transportation mileage are contained in rule 5123:2-9-06 of the Administrative Code.

(C) Standards and requirements for initial and ongoing certification of providers of transportation mileage services.

- (1) The applicant shall submit an application to the department in accordance with rule 5123:2-9-09 of the Administrative Code.
- (2) The applicant shall provide written assurance that each driver of the vehicle shall:

- (a) Possess a valid driver's license and evidence of valid liability insurance coverage and be eighteen years of age or older;
 - (b) Have proof of current successful completion of "American Red Cross" or equivalent first aid training and a cardiopulmonary resuscitation certificate or an emergency medical technician certificate at the time of employment and thereafter;
 - (c) Provide evidence that he/she is not listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code;
 - (d) Provide evidence that he/she is not listed on the nurse aide registry established pursuant to section 3721.32 of the Revised Code indicating that the director of the Ohio department of health has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term facility or residential facility by the person;
 - (e) Complete training at the time of employment and annually thereafter in the provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code;
 - (f) Complete training at the time of employment and annually thereafter in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety of individuals receiving waiver services;
 - (g) Undergo a background investigation in accordance with section 5126.281 of the Revised Code and rules 5123:2-1-05 to 5123:2-1-05.1 of the Administrative Code;
 - (h) Have not been convicted of or pleaded guilty to any of the offenses listed in paragraph (J) of rule 5123:2-1-05.1 of the Administrative Code, unless the requirements of paragraph (N) or paragraph (R) of that rule have been met;
 - (i) Report, in writing, to the provider, if he/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 no later than fourteen calendar days after the date of such charge, conviction, or guilty plea.
- (3) An individual provider shall report to the department if he/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, no later than fourteen calendar days after the date of such charge, conviction, or guilty plea.

(D) Commercial vehicles

Owners and operators of commercial vehicles, including buses, livery vehicles, and taxicabs, that are available for public use and also are used to provide transportation services to home and community-based services waiver enrollees are not subject to the requirements of paragraph (C)(2) or paragraph (C)(3) of this rule. Owners and operators of these types of vehicles are required to meet all federal, state, and local requirements pertaining to the maintenance and operation of these vehicles as well as the fares charged for their use.

(E) Subcontractors and employees of providers

- (1) Agency providers seeking certification to provide transportation mileage services to individual options waiver enrollees through the use of subcontractors and/or employees shall assure that the subcontractors, employees of the subcontractors, and/or employees of the certified agency provider meet all requirements of this rule, unless the subcontract involves the use of one or more vehicle types described in paragraph (D) of this rule, in which case the subcontractor and the subcontractor's employees are subject to the requirements of this rule only to the extent that the subcontract involves vehicles that are not of the type described in paragraph (D) of this rule.
- (2) Individual providers shall neither subcontract the provision of transportation mileage services nor employ anyone else to provide such services.

(F) Training documentation

Providers shall maintain a written record, which may include an electronic record, to verify that they, their employees, subcontractors, and employees of subcontractors meet all certification requirements contained in this rule. This information shall be maintained for each person who has received required training and/or has met other related certification standards. This information shall be presented, upon request by the department or the Ohio department of job and family services.

(G) Certification and denial, suspension, or revocation of certification

- (1) Upon receipt of all assurances contained in this rule and a determination of their completeness, the department may issue an initial certification to applicants wishing to provide transportation mileage services to individual options waiver enrollees. The department, at the time of issuance of the initial certification, shall communicate the duration of the certification and conditions for renewal of the certification to the certified provider.
- (2) The department may deny the certification application for good cause or for failure to comply with the standards set forth in this rule pursuant to rule 5123:2-9-09 of the Administrative Code.

- (3) The department may initiate revocation proceedings for any individual provider who has failed to report in accordance with paragraph (C) of this rule that he/she was charged with, convicted of, or pleaded guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code.
- (4) The department shall initiate revocation proceedings for any individual provider who has been convicted of or pleaded 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 paragraph (R) of rule 5123:2-1-05.1 of the Administrative Code.
- (5) After being certified in accordance with this rule, providers shall comply with the continuing certification standards set forth in this rule. Certified providers shall be subject to monitoring and compliance reviews conducted as set forth in rule 5123:2-9-08 of the Administrative Code. Failure to comply with the standards set forth in this rule for continuing certification of the certified provider, its employees, and subcontractors may result in corrective action by the department, up to and including suspension or revocation of provider certification as set forth in rule 5123:2-9-08 of the Administrative Code.
- (6) 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: | 01/01/2007 |
| R.C. 119.032 review dates: | 01/01/2012 |
| Promulgated Under: | 119.03 |
| Statutory Authority: | 5123.04, 5123.045 |
| Rule Amplifies: | 5123.04, 5123.045 |