

5123:2-1-03 **Transportation.**(A) Purpose

The purpose of this rule is establish standards and procedures for the provision transportation services to individuals eligible for county board services.

(B) Applicability

The provisions of this rule shall apply to:

- (1) County boards in their capacity as providers of specialized transportation and as otherwise specified in this rule.
- (2) Providers of specialized transportation under contract with a county board in accordance with section 5126.035 of the Revised Code. Providers of specialized transportation services under contract with a county board in accordance with section 5126.035 of the Revised Code shall provide services in accordance with their contracts with the county board. The contract shall specify the terms and conditions for the delivery of training, services, and supports to individuals served and shall be in compliance with applicable law. It is the responsibility of the county board to ensure that the contract meets such requirements, and that contracting entities are trained in and have access to applicable rules in the Administrative Code and to applicable policies of the county board.

(C) Definitions

- (1) "County board" means a county board of mental retardation and developmental disabilities established under Chapter 5126. of the Revised Code.
- (2) "Department" means the Ohio department of mental retardation and developmental disabilities as established by section 121.02 of the Revised Code.
- (3) "Individual" means a person with mental retardation and/or developmental disabilities.
- (4) "IEP" means individualized education program as defined in rule 3301-51-01 of the Administrative Code.
- (5) "ISP" means the individual service plan, a written description of the services, supports, and activities to be provided to an individual.
- (6) "Medicaid" means the program that is authorized by Chapter 5111. of the Revised Code and provided by the department of job and family services under Chapter 5111. of the Revised Code, Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the waivers of

Title XIX requirements granted to the department by the health care financing administration of the United States department of health and human services.

(7) “Non-specialized transportation” means a transportation service available to the general public including, but not limited to, transportation available to the general public from local transit systems and public transportation systems. The following is non-specialized transportation:

(a) Transportation provided by a public transit agency organized under Chapter 306. of the Revised Code; and

(b) Transportation provided by a participating agency under the Ohio department of transportation’s coordination project.

(8) “Specialized transportation” means any transportation service designed and operated to serve primarily individuals, including a transportation service provided by an entity licensed or certified by the department.

(D) Transportation services – general provisions

(1) A county board shall ensure in accordance with section 5126.04 of the Revised Code that an array of transportation services is available for all individuals enrolled in the county board’s programs.

(2) A county board may provide transportation services through collaborative arrangements with other entities. County boards are encouraged to mutually cooperate with other local entities that provide transportation to persons who are elderly or who have disabilities and other types of transportation service providers.

(3) A county board shall provide transportation services in accordance with an individual’s ISP or IEP, as applicable, and shall incorporate within the ISP or IEP any specific transportation supports; i.e., travel training and safety issues.

(4) To meet an individual’s transportation needs, a county board may provide specialized transportation or assist the individual in accessing non-specialized transportation.

(5) A county board shall ensure the development and the provision of appropriate annual safety instruction to all individuals who use specialized transportation and/or annually communicate safety information to appropriate family members, as applicable, and caregivers.

(6) All providers of transportation services, including county boards and providers of transportation services under contract with a county board, that provide transportation services funded under medicaid shall comply with all federal and state regulations governing medicaid. Paragraphs (E)(3), (E)(4) and

(E)(7) of this rule do not apply to such providers when they are providing transportation services funded under medicaid.

(E) Specialized transportation

- (1) Specialized transportation may be billed for reimbursement through the community alternative funding system only when it meets the requirements specified in rule 5123:2-15-40 of the Administrative Code.
- (2) Specialized transportation shall be provided in compliance with applicable law including, but not limited to, the requirements of this rule and rule 3301-51-10 and rules 3301-83-03 to 3301-83-22 ("Ohio Pupil Transportation Operation and Safety Rules") of the Administrative Code.
- (3) Specialized transportation shall be provided in compliance with the minimum safety requirements specified in this paragraph. A specialized transportation provider shall complete the following vehicle inspections:
 - (a) Annual vehicle safety inspection;
 - (b) Daily pre-trip safety inspection;
 - (c) Daily post-trip inspection for remaining passengers and belongings;
 - (d) Systematic preventative maintenance program inspections.
- (4) A county board may establish separate safety requirements and procedures for staff-owned personal vehicles used to transport individuals.
- (5) Individuals eligible for a county board program shall not travel in a vehicle on a regularly scheduled route more than ninety minutes one way on any day.
- (6) A county board shall develop a written transportation procedure manual(s).
- (7) A county board shall ensure development of transportation policies and have written procedures for the general supervision and operation of specialized transportation. This shall include, but is not limited to, the following:
 - (a) The requirements of this rule.
 - (b) Transportation during inclement weather.
 - (c) Emergency situations and evacuation drills.
 - (d) Qualifications of transportation personnel meeting commercial drivers license (CDL) or the Ohio department of education (ODE) licensure requirements that shall, at a minimum, address:

- (i) Age requirements;
- (ii) Driving experience;
- (iii) Licensure requirements;
- (iv) Driving record;
- (v) Insurance coverage to be provided;
- (vi) Drug and alcohol testing;
- (vii) Criminal background check requirements;
- (viii) Annual in-service requirements.

(e) Qualifications of other personnel who are not required to meet CDL or ODE licensure requirements who may transport individuals that shall, at a minimum, address:

- (i) Age requirements;
- (ii) Driving experience;
- (iii) Licensure requirements;
- (iv) Driving record;
- (v) Insurance coverage to be provided;
- (vi) Drug and alcohol testing;
- (vii) Criminal background check requirements;
- (viii) Annual in-service requirements.

(f) Training for vehicle drivers, assistants and substitutes prior to their assignment to a vehicle with passengers on board that shall, at a minimum, address:

- (i) Review and distribution of appropriate transportation procedure manual(s);
- (ii) General characteristics and needs of individuals;
- (iii) Familiarization with vehicle operation;

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Certification

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