

5123:2-1-03

**Locally-funded transportation.**

(A) Purpose

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

(B) Applicability

(1) The provisions of this rule shall apply to:

(a) County boards in their capacity as providers of specialized transportation and as otherwise specified in this rule.

(b) Providers of specialized transportation under contract with a county board which shall provide services in accordance with their contracts with the county board. Each 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.

(2) The provisions of this rule do not apply to transportation services provided under a medicaid waiver administered by the department which shall be provided in accordance with Chapter 5123:2-9 of the Administrative Code.

(C) Definitions

(1) "County board" means a county board of developmental disabilities.

(2) "Department" means the Ohio department of developmental disabilities.

(3) "Individual" means a person with a developmental disability.

(4) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.

(5) "Individualized education program" has the same meaning as in rule 3301-51-01 of the Administrative Code.

(6) "Medicaid" means the program that is authorized by Chapter 5111. of the Revised Code and provided by the Ohio 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 centers

for medicare and medicaid services.

(7) "Non-specialized transportation" means a transportation service available to the general public including, but not limited to, transportation provided by a public transit agency organized under Chapter 306. of the Revised Code and transportation provided by a participating agency under the Ohio department of transportation Ohio coordination program.

(8) "Specialized transportation" means a 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 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 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 the individual service plan or individualized education program, as applicable, and shall incorporate within the individual service plan or individualized education program any specific transportation supports (e.g., 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 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.

(E) Specialized transportation

(1) Specialized transportation shall be provided in compliance with applicable law including, but not limited to, the requirements of this rule, rule 3301-51-10 of the Administrative Code, and Chapter 3301-83 of the Administrative Code.

(2) A provider of specialized transportation shall complete the following vehicle inspections:

- (a) Annual vehicle safety inspection;
  - (b) Systematic preventative maintenance program inspections;
  - (c) Daily pre-trip safety inspection; and
  - (d) Daily post-trip inspection for remaining passengers and belongings.
- (3) Notwithstanding paragraphs (E)(2)(a) and (E)(2)(b) of this rule, a county board may establish alternative safety requirements and procedures for staff-owned personal vehicles used to transport individuals.
- (4) 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.
- (5) A county board shall develop a written transportation procedure manual(s).
- (6) A county board shall develop and implement written policies and procedures for the general supervision and operation of specialized transportation which shall address, but are not limited to:
  - (a) The requirements of this rule.
  - (b) Transportation during inclement weather.
  - (c) Emergency situations and evacuation drills.
  - (d) Qualifications of vehicle drivers, assistants, and substitutes that shall, at a minimum, address:
    - (i) Age requirements;
    - (ii) Driving experience;
    - (iii) Licensure requirements, including commercial drivers license and Ohio department of education qualifications, as applicable;
    - (iv) Driving record;
    - (v) Insurance coverage to be provided;
    - (vi) Drug and alcohol testing;
    - (vii) Criminal background check requirements;
    - (viii) Abuser registry check requirements;



as non-violent crisis intervention strategies identified in the individual service plan.

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CERTIFIED ELECTRONICALLY

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Certification

03/09/2012

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Date

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