~~{Effective 9/20/95}~~

2-002.03E3 ~~Purchased by the Department: The worker may approve purchased transportation or escort services for:~~ Department Authorized Public or Contracted Transportation

~~1. Visits with or return to parents;~~
~~2. Placement of a child;~~
~~3. Therapy or special medical care;~~
~~4. Return of child from runaway; or~~
~~5. Ongoing pre-placement visits with parents, foster parents, relatives, or pre-adoptive family.~~

~~This transportation includes public transportation such as taxis, bus, train or plane or private providers. The worker must use the least expensive form of transportation that is appropriate for the child.~~

~~The worker must explore funds in the child's guardianship account and other potential funding source such as relatives or community organizations before payment is authorized.~~

~~For Public Service Commission certification requirements for transportation providers, see 479-000-317. If the child requires an escort to the services, see 474 NAC 5-011.10D1.~~

~~{Effective 9/20/95}~~

2-002.03E3a Introduction: The guidelines in this section provide direction for:

1. The authorization and provision of Transportation Service for Families; and
2. The evaluation and approval of transportation providers, including individual providers as authorized by Neb. Rev. Stat. § 75-303.03.

2-002.03E3b Transportation Definitions: For the purposes of these regulations the following definitions will apply to 479 NAC 2-002.03E3 and 2-002.03E4.

Common Carrier means any person who transports passengers by motor vehicle for hire and is licensed as such with the Public Service Commission (PSC).

Department means the Department of Health and Human Services.

Escort Service means an attendant or caregiver accompanying a minor or person(s) who are physically, mentally, or developmentally disabled and unable to travel or wait without assistance or supervision.

Exempt Provider means carriers exempted from Public Service Commission (PSC) licensure by law including those that:

1. Transport for hire persons who are aged and their spouses and dependents under a contract with a municipality or county;
2. Are owned and operated by a non-profit organization that has been exempted from the payment of federal income taxes as provided by Section 501(c) 4, Internal Revenue Code and transporting solely those persons over age 60, their spouses and dependents, and/or persons experiencing disabilities;
3. Are operated by a municipality or county as authorized by law in the transportation of persons who are aged;
4. Are operated by a governmental subdivision or a qualified public purpose organization having motor vehicles with a seating capacity of 20 or less and are engaged in the transportation of passengers in the state;
5. Are engaged in the transportation of passengers and are operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska; and
6. Provide escort services under contract with the Department of Health and Human Services or with any agency under the Nebraska Community Aging Services Act.

Individual Provider means a person who is not in the business of providing transportation for hire; for example, a friend, neighbor, or non-legally responsible relative.

Medical Escort means an attendant or caregiver accompanying a minor or persons who are physically, mentally, or developmentally disabled and unable to travel or wait without assistance or supervision to receive a Nebraska Medicaid coverable service.

Nebraska Medicaid Coverable Services means a medical service that could be covered by Nebraska Medical Assistance Program (NMAP) as specified in Nebraska Administrative Code (NAC) Title 471 (see 479-000-XXX).

Public or Contracted Transportation means public transportation such as a taxi, bus, train, or plane.

Tariff means the geographic and rate parameters of operation assigned to a particular carrier by the Public Service Commission.

2-002.03E3c Clients Served

2-002.03E3c(1) Eligibility: HHSS staff may authorize public or contracted transportation for clients who are:

1. State wards;
2. Custodial parents;
3. Non-custodial parents;
4. Relatives;
5. Foster families; and
6. Pre-adoptive families.

2-002.03E3d Transportation Service Need: HHSS staff must determine a client haws the need for transportation services. Transportation services are not provided based on the demand of the client. Need for a service implies that the provision of that service will assist the client in achieving program goals, the case plan and/or the safety/case plan. Eligible clients must:

1. Have no access to a working licensed vehicle or a valid driver's license;
2. Be unable to drive due to physical or cognitive limitation;
3. Be unable to secure transportation from relatives, friends or other organizations at no cost;
4. Require transportation in relationship to a defined area of need (see 479 NAC 2-002.03E3e);
5. Have a current safety plan or case plan; or
6. Accept the current safety plan or case plan.

2-002.03E3e Reasons the Department Authorizes Public or Contracted Transportation: The worker may authorize public or contracted transportation to:

1. Enable a family member or caregiver to visit a hospitalized child who is included in the family unit or in foster care;
2. Visit with either the custodial or non-custodial parent;
3. Place a child;
4. Attend therapy or special medical care;
5. Return a child from runaway;
6. Participate in ongoing pre-placement visits with parents, foster parents, relatives or a pre-adoptive family;
7. Allow a state ward and his/her parent or caregiver placed out-of-state to attend court hearings for the purpose of meeting their permanency plan; or
9. Allow a youth, parent, or foster parent to access services related to meeting goals established in the safety and/or case plan.

2-002.03E3f Worker Responsibility: Before authorizing public or contracted transportation as defined in 479 NAC 2-002.03E3b, the worker must explore funds in the child's guardianship or excess child support accounts and any other potential funding sources such as relatives, community organizations, flexible funding, private insurance, Medicaid, Medicare, or Employment First (for EF see 468 NAC 2-002.02). The worker must use the least expensive form of transportation that is appropriate for the client.

2-002.03E3g Public Service Commission Certification Requirements: The Public Service Commission certifies common carriers (see 479-000-317 for PSC requirements) Taxis, van companies, and limousine services are certified by the PSC as common carriers. Staff must:

1. Verify that the carrier is certified by the Public Service Commission;
2. Request and receive a copy of the carrier's tariff; and
3. Verify that the carrier has a special HHSS designation.

Transportation provided by child care providers, family support providers, and foster parents is exempt from Public Service Commission (PSC) certification requirements since it is incidental to the service provided.

2-002.03E3h Authorization of Escort Services: If the child requires escort services, see 474 NAC 5-018.

2-002.03E4 Private Transportation Providers and Services Requested by the Child or Family

2-002.03E4a Transportation Services for Families: Transportation service is a means of transporting eligible clients to and from allowable community resources when the client has no other transportation. The client must actually be in the vehicle for a trip or mile to be considered a transportation service unit. Transportation services may be provided by an individual, exempt provider, or by common carriers.

2-002.03E4a(1) Introduction: The guidelines contained in this section provide directions for:

1. The authorization and provision of Transportation Service for Families; and
2. The evaluation and approval of transportation providers, including individual providers as authorized by Neb. Rev. Stat. § 75-303.03.

2-002.03E4a(1)(a) Outcomes: HHSS staff must select one of the following outcomes in order to authorize transportation services:

1. Client is able to experience the optimal level of health, safety, and independence in a healthy and safe home environment;
2. Client is able to receive ongoing support from unpaid caregivers; or

3. Client's risk of abuse, neglect, and/or exploitation is prevented, reduced, or eliminated.

2-002.03E4b Transportation Definitions: For purposes of these regulations see 479 NAC 2-002.03E3b.

2-002.03E4c Clients Served

2-002.03E4c(1) Eligibility: Local staff may authorize transportation services under 479 NAC 2-002.03E4 for clients who are:

1. State wards;
2. Non-state wards in an investigation or voluntary case only;
3. Custodial parents;
4. Non-custodial parents;
5. Relatives; and
6. Pre-adoptive families.

2-002.03E4d Transportation Need for Service: HHSS staff must determine a client has the need for transportation services. Transportation services are not provided based on the demand of the client. Need for service implies that the provision of that service will assist the client in achieving program outcomes. Eligible clients must:

1. Be unable to provide needed transportation (i.e. have no access to a licensed working vehicle or be unable to drive);
2. Be unable to secure transportation by a family member, relative, friend, organization, or agency (other than the Department) at no cost;
3. Require transportation in relation to a defined area of need (see 479 NAC 2-002.03E4f);
4. Have a current safety plan or case plan; and
5. Accept the authorized case plan.

2-002.03E4d(1) Medicaid Managed Care Enrollees: If the client is enrolled in one of the Medicaid Managed Care HMO plans, the HMO is responsible for authorizing transportation for the client's medical services and HHSS staff must not authorize medical transportation. Exception: HHSS staff may authorize transportation for adult day care or mental health day rehab services and for dental-related appointments and pharmacy services under Medical Transportation codes. Staff may authorize non-medical transportation for Medicaid Managed Care enrollees if the client meets the program guidelines. If the client is enrolled in one of the Medicaid Managed Care "Primary Care" plans then the responsibility for transportation authorizations remain with HHSS worker.-

2-002.03E4d(2) Medicaid Mental Health Managed Care Enrollees: If the client is enrolled in the Medicaid Mental Health/Substance Abuse Managed Care Plan, the Mental Health/Substance Abuse Plan is responsible for authorizing transportation for mental health/substance abuse services and HHSS staff must

not authorize mental health or substance abuse related transportation. Exception: HHSS staff may authorize transportation for adult day care or mental health day rehab services, and for other medical appointments under Medical Transportation codes, unless the client is enrolled in the Medicaid Managed Care HMO Program. Staff may authorize non-medical transportation for Medicaid Mental Health Managed Care enrollees if the client meets the program guidelines.

2-002.03E4d(3) Residents of Nursing Facilities or ICF/MR's: Residents of nursing facilities or ICF/MR's are not eligible to receive transportation through the Child Welfare Program, except discharge transportation. All other transportation is the responsibility of the nursing facility or ICF/MR. Transportation, including moving the client's household goods or personal property, may not be authorized for these clients.

2-002.03E4e Reserved

2-002.03E4f Defined Areas of Transportation Need: Staff may authorize transportation for families only to meet client needs in the following areas. Transportation/Escort Service for Families means service which enables:

1. Children to travel to:
   a. Child care;
   b. Health-related treatment or care; or
   c. HHSS or other community resource to receive services as a part of a child protective services safety plan and/or case plan; and
2. Parents or usual caregivers to travel to:
   a. Health services;
   b. HHSS or a community resource to receive services as a part of a child protective services safety plan and/or case plan; or
   c. Visit a hospitalized child included in the family unit or in foster care; and
3. Biological parents or usual caregivers with children in foster care to receive services directed toward returning the child home.

2-002.03E4f(1) Child Protective Services Transportation: Transportation may be authorized as part of a child protective services safety plan and/or case plan.

2-002.03E4f(2) Child Care Transportation: The worker may only authorize transportation under the following circumstances:

1. The child care is necessary for any of the reasons listed in 392 NAC 3-007.01 and 474 NAC 5-011.02;
2. Transportation costs are not included in the total child care rates (for guidelines see 392 NAC 4-003.05); and
3. The child care is licensed or license-exempt.

2-002.03E4f(3) State Ward and Foster Care Transportation: The worker may authorize transportation to allow biological parent(s) or usual caregivers with a

child who is a Department ward to receive services directed toward the return of the child to the home or the maintenance of the child in the home. For authorized public or contracted transportation for foster care see 479 NAC 2-002.03E3.

2-002.03E4f(4) Medical Transportation or Escort: The worker may authorize transportation or escort to enable the eligible child to receive a Nebraska Medicaid-coverable service. This includes transportation for a child to receive services identified through HEALTH CHECK. For Medicaid-coverable services see 474-000-503.

2-002.03E4f(5) Transportation for Visit: The worker may authorize transportation or escort to enable a family member or caregiver to visit a hospitalized child who is included in the family unit or in foster care as specified in 479 NAC 2-002.03E3e.

2-002.03E4g Transportation Services Provider Standards: HHSS contracts annually with common carriers, exempt providers, escort providers, and individual providers. Providers must meet all general provider standards in addition to the service specific standards.

2-002.03E4g(1) Common Carrier Standards: The Public Service Commission certifies common carriers. Taxis, van companies, and limousine services are certified by the PSC as common carriers. HHSS staff must:

1. Verify that the carrier is certified by the Public Service Commission;
2. Request and receive a copy of the carriers tariff; and
3. Verify that the carrier has a special HHSS designation.

Transportation provided by child care providers, family support providers, and foster parents is exempt from PSC certification requirements since it is incidental to the service provided.

2-002.03E4g(2) Exempt Provider Standards: Exempt providers must ensure that their employees meet the individual provider standards in 479 NAC 2-002.03E4g(3).

2-002.03E4g(3) Individual Provider Standards: HHSS staff is authorized to contract with individual providers under Neb. Rev. Stat. § 75-303.03 only if the following driver and vehicle standards are met at all times when the individual is providing transportation for a client.

2-002.03E4g(3)(a) Driver Standards: The individual provider must:

1. Have been chosen by the client or the usual caregiver to provide transportation;
2. Be age 19 or older;
3. Possess a current and valid driver's license;

4. Have no more than three points assessed against his/her Nebraska driver's license, or meet a comparable standard in the state where s/he is licensed to drive;
5. Currently have no limitations that would interfere with safe driving;
6. Personally drive his/her own vehicle to transport the client;
7. Use seat belts and child passenger restraint devices as required by law;
8. Not smoke while transporting the client;
9. Not transport the client while under the influence of alcohol or any drug that impairs the ability to drive safely;
10. Not provide transportation if s/he has a communicable disease which may pose a threat to the health and well-being of the client;
11. Have and maintain the minimum automobile liability and medical insurance coverage as required by law; and
12. Report disqualification from any HHSS program for intentional program violations.

2-002.03E4g(3)(b) Vehicle Standards: The individual provider's vehicle must be:

1. Currently licensed and registered as required by law;
2. Kept at all times in proper physical and mechanical conditions;
3. Equipped with operable seat belts, turn signals, lights, and horn;
4. Equipped with proper child passenger restraint devices as required by law when transporting children; and
5. Equipped to provide comfortable temperature and ventilation conditions.

2-002.03E4g(3)(c) Registry Checks and Criminal Background Checks: HHSS staff or designee must complete and document registry checks and criminal background checks on each potential individual provider.

2-002.03E4g(3)(c)(1) Registry Checks: HHSS staff must check:

1. Adult Protective Services Central Registry;
2. Central Register of Child Protection Cases; and
3. The Nebraska State Patrol Sex Offender Registry.

If the potential provider does not reside in Nebraska or has resided in Nebraska for less than one year, HHSS staff must check registries in the state of residence or previous residence, if possible.

2-002.03E4g(3)(c)(2) HHSS staff must not contract with a potential individual provider if a report of abuse or neglect concerning the individual provider has been determined to be "Court Substantiated" or "Department Substantiated on the APS Central Registry or "Court Substantiated", "Court Pending" or "Inconclusive" on the Central Register of Child Protection Cases.

2-002.03E4g(3)(c)(3) HHSS staff must not contract with a potential individual provider if the individual's name appears on the Nebraska State Patrol Sex Offender Registry.

2-002.03E4g(3)(c)(4) Criminal Background Checks: HHSS staff must:

1. Obtain a criminal history statement from the potential individual provider; and
2. Perform a criminal history check of the potential individual provider.

2-002.03E4g(3)(c)(5) HHSS staff must not contract with a potential individual provider if a history of convictions for misdemeanor or felony actions that endanger the health and safety of any client is indicated. This includes crimes against a child or vulnerable adult, crimes involving intentional bodily harm, crimes involving the illegal use of a controlled substance, crimes involving moral turpitude on the part of the potential provider.

2-002.03E4g(3)(c)(6) Specific Criminal History: HHSS staff must deny or terminate service provider approval when conviction has occurred in the following areas:

1. Child pornography;
2. Child or adult abuse;
3. Driving under the influence: a DUI conviction within the past eight years;
4. Domestic violence;
5. Shoplifting after age 19 and within the last three years;
6. Felony fraud within the last 10 years;
7. Misdemeanor fraud within the last five years;
8. Termination of provider status for cause from any HHS program within the last 10 years;
9. Possession of any controlled substance within the last five years;
10. Possession of a controlled substance with intent to deliver within the last 10 years;
11. Felony or misdemeanor assault without a weapon in the last 10 years;

12. Felony or misdemeanor assault with a weapon in the last 15 years;
13. Prostitution or solicitation or prostitution within the last five years;
14. Felony or misdemeanor robbery or burglary within the last 10 years;
15. Rape or sexual assault; or
16. Homicide.

Pending charges must be reviewed by HHSS to determine whether the client's safety is in jeopardy. Other convictions must be considered using the guidance in 479 NAC 2-002.03E4g(3)(c)(5) and weighted to similar offenses included in this list.

2-002.03E4g(3)(d) Individual Provider Approval Process: HHSS staff must obtain a copy of the individual's current driver's license, insurance card, and vehicle registration. The provider must complete and sign the provider self-certification and the provider agreement. In addition to having no more than three points assessed against his/her driver's license, each provider's past eight year driving history must be considered. If a license has been suspended or revoked, the provider must not be approved for eight years from the date of suspension or revocation.

2-002.03E4g(3)(d)(1) Renewal: The provider self-certification and the provider agreement must be renewed annually. The registry checks and criminal history checks required under 479 NAC 2-002.03E4g(3)(c) must be completed for each renewal. HHSS staff must obtain a copy of the individual's current driver's license, insurance card, and vehicle registration. HHSS staff must not renew any contract with a provider whose name appears on the registries or whose criminal history check indicates any convictions as specified in 479 NAC 2-002.03E4g(3)(c).

2-002.03E4g(3)(d)(2) Termination: HHSS staff must terminate the provider agreement if the individual provider is found to be in violation of any of the standards in 479 NAC 2-002.03E4g(3)(a) and (3)(b). HHSS staff must terminate any contract with a provider whose name appears on the registries or whose criminal history check indicates any convictions as specified in 479 NAC 2-002.03E4g(3)(c).

2-002.03E4h Authorization Procedures: Before authorizing Transportation/Escort Services, HHSS staff must explore with the client the use of family, neighbors, friends, or community agencies that will provide this service without charge whenever possible. HHSS staff must discuss types and options of providers with the client before authorizing transportation services. HHSS must assure the client is aware of the associated costs.

2-002.03E4h(1) Medical Transportation: HHSS staff must offer the client choice of providers for medical transportation/escort services.

2-002.03E4h(1)(a) Transportation for Out-of-State Medical Treatment: See 474 NAC 5-018.07B.

2-002.03E4h(2) Non-Medical Transportation: For areas where exempt providers are available or the client has chosen to use an individual provider, the client may only use a common carrier when the exempt provider or individual provider cannot provide the service.

2-002.03E4h(3) Authorization of Exempt Providers: HHSS staff may contract with and authorize services for a provider who is exempt from PSC licensure as appropriate to meet a client's needs. The availability of a common carrier does not limit the use of an exempt provider.

2-002.03E4h(4) Individual Providers: HHSS staff may authorize an individual provider if the following criteria are met:

1. The client has chosen the individual provider;
2. The individual will personally drive the vehicle; and
3. The individual meets provider standards as specified in 479 NAC 2-002.03E4g(3).

2-002.03E4i Transportation Services Rates, Frequency and Maximum Allowable Units

2-002.03E4i(1) Conditions for Payment: HHSS will pay for transportation services only:

1. When the client is actually in the vehicle; and
2. Using the most direct and logical route from the client's residence to the service location.

2-002.03E4i(2) Upper Limits: HHSS Central Office establishes transportation rates according to the following limits. HHSS staff assigned RD responsibilities may negotiate rates lower than the established rates.

2-002.03E4i(2)(a) Common Carriers: Neb. Rev. Stat. § 75-303.02 limits the distance rates for common carriers at a rate no greater than three times the state employee mileage rate.

2-002.03E4i(2)(b) Taxis: Taxi rates may be no greater than 95% of published rates.

2-002.03E4i(2)(c) Exempt Providers: HSSS Central Office will establish the rates for exempt providers.

2-002.03E4i(2)(d) Individual Providers: As provided by Neb. Rev. Stat. § 75-303-03, HHS Finance and Support will reimburse the individual provider for costs incurred in transportation at a rate no greater than that paid for

reimbursement of state employees under Neb. Rev. Stat. § 81-1176 only for mileage.

2-002.03E4i(3) Frequency: The frequency for medical and non-medical transportation is by miles or trip. HHSS staff must authorize time and miles traveled separately.

2-002.03E4i(4) Maximum Allowable Units: HHSS staff must authorize transportation units based on client need not to exceed the following limits:

1. Non-medical Transportation:
   a. 500 miles per one way trip;
   b. To and from child care; and
   To and from community services based on child protective services safety plan and/or case plan; or
2. Medical Transportation: Based on needed treatment and care.

2-002.03E4j Transportation Forms and Instructions: In addition to forms for General Provider Approval MC9-LTC and MILTC-1700, Provider Self Certification Checklist, the worker must use forms required by the Public Service Commission for exempt providers.