



## RHODE ISLAND DEPARTMENT OF ELDERLY AFFAIRS

### *Notice of Public Hearing and Public Review of Rules*

The Director of the Department of Elderly Affairs has under consideration proposed amendments to *Rules, Regulations, and Standards Governing Specialized Transportation for Elders and Persons with Disabilities Provided through the RIDE Program and Managed by the Rhode Island Department of Elderly Affairs* (“Regulations”). Generally, the purpose of the proposed amendments to these Regulations is to add an exemption from the RIDE cost share for persons who qualify for DEA’s “CNOM” Program, as defined in the regulations.

In the development of these proposed amendments to the Regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a Public Hearing on the above mentioned matter, in the **DEPARTMENT OF LABOR AND TRAINING CONFERENCE CENTER** First Floor of Building #73 at the John O. Pastore Complex in Cranston, Rhode Island **ON WEDNESDAY, 8 JULY 2009 AT 10:00 A.M.** at which time and place all persons interested therein will be heard.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the Regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: Corinne Calise Russo, Director, Rhode Island Department of Elderly Affairs, Hazard Building, 74 West Road, Cranston, Rhode Island, 02920 or via email: [crusso@dea.ri.gov](mailto:crusso@dea.ri.gov)

Interested persons may inspect said proposed amendments to the Regulations and other related materials on the Department of Elderly Affairs’ website at [www.dea.ri.gov](http://www.dea.ri.gov); at the Department of Elderly Affairs, Hazard Building, 74 West Road, Cranston, Rhode Island, 02920 between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday; by calling (401) 462- 3000 {via RI Relay 711, or 462-0560 for Spanish}; or by emailing [Eshelov@dea.ri.gov](mailto:Eshelov@dea.ri.gov). Proposed regulations are also posted on the Rhode Island Secretary of State’s website: [www.sec.state.ri.us/rules](http://www.sec.state.ri.us/rules).

*The Rhode Island Department of Elderly Affairs and the Department of Labor and Training Conference Center are accessible to persons with disabilities. If communication assistance (readers /interpreters /captioners) is needed, or any other accommodation to ensure equal participation, please notify the Department at (401) 462-0524 (hearing/speech impaired, dial 711) at least three (3) business days prior to the Public Hearing so arrangements can be made to provide such assistance at no cost to the person requesting.*

Signed this 2nd day of June 2009

A handwritten signature in cursive script, likely belonging to Corinne Calise Russo.

Corinne Calise Russo, Director

STATE OF RHODE ISLAND

DEPARTMENT OF ELDERLY AFFAIRS

The John O. Pastore Complex  
Hazard Building / 2nd Floor  
74 West Road  
Cranston, Rhode Island 02920



**Rules, Regulations, and Standards Governing  
Specialized Transportation for Elders and Persons with Disabilities  
Provided through the RIDE Program and Managed by the Rhode  
Island Department of Elderly Affairs**

**October 2008**

Donald L. Carcieri  
Governor

Corinne Calise Russo  
Director

*As Amended:*  
**June 2009 (Proposed)**

**COMPILER'S NOTES:**  
Proposed Additions: Underlined  
Proposed Deletions: ~~Strikeouts~~

Rules and Regulations Governing  
Specialized Transportation for Elders and Persons with Disabilities  
Provided Through the RIDE Program and Managed by the  
Rhode Island Department of Elderly Affairs

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## ***I. PREFACE***

Pursuant to Rhode Island General Laws section 42-66-4, the Rhode Island Department of Elderly Affairs (DEA) manages the state transportation system for the elderly and persons with disabilities provided through the RIdE program (“RIdE Participants”). The goal of DEA is to manage and oversee the program so as to ensure the provision of quality and safe transportation services to qualified elderly and persons with disabilities. Specifically, emphasis is placed on priority categories of transport services in relation to existing state funding, vehicle and passenger safety and sensitivity to the needs and concerns of the elderly and disabled clients.

DEA contracts with a broker/provider (RIPTA) for transportation services for the elderly and persons with disabilities. Transportation funds available through the DEA are specifically allocated for services to be provided for Rhode Island residents sixty (60) years of age and older and Rhode Island Department of Human Services (DHS) Medical Assistance clients.

RIdE services for elders and persons with disabilities are available to enable them to achieve and/or maintain self-sufficiency, including reduction or prevention of dependency or to support both mental and physical health by enabling clients to participate in community life, therefore preventing or reducing inappropriate institutional care.

## ***II. PROGRAM AUTHORITY***

The specialized transportation for elders and persons with disabilities provided through the RIdE Program (~~RIdE Program~~) is authorized by, and these regulations are promulgated under, the authority of Rhode Island General Laws section 42-66-4, as amended.

## ***III. APPLICABILITY***

The Regulations contained herein apply solely to the state transportation system for the elderly and persons with disabilities provided through the RIdE program as provided for in Rhode Island General Laws section 42-~~55-66~~-66-4, as amended. These Regulations do not apply to or impact any aspect of the transportation system providing transportation pursuant to the state and federal laws governing the accessibility of transportation services to individuals under the Americans with Disabilities Act (“ADA Transportation Services”). The ADA Transportation Services and accommodations are provided for through RIPTA and do not come within the scope of these Regulations.

## ***IV. DEFINITIONS***

Wherever used in these rules and regulations, the following terms shall be construed as follows:

1. “***DEA CNOM program***” means a DEA program for persons 65 years of age and older where the “costs are not otherwise matchable {CNOM}” by Medicaid and which is a category of services under Rhode Island’s Global Waiver Program. Clients of a ***DEA CNOM program*** are those who are at or below two hundred percent (200%) of the federal poverty level (FPL) and who are at risk for placement in a long term care facility. A ***DEA CNOM program*** includes, but is not limited to, the Home and Community Care Services for the Elderly Program {“co-pay program”} authorized under Chapter 42-66.3 of the Rhode Island General Laws, as amended.
2. “***Cost share***” means the assigned client contribution to the cost of services.
3. “***Department***” means the Rhode Island Department of Elderly Affairs (DEA).

4. “Federal poverty level” or “FPL” means the federal poverty guidelines that are issued each year in the Federal Register by the U.S. Department of Health and Human Services and that are used for administrative purposes, such as determining eligibility for certain federal programs. For purposes of these regulations, a percentage of the FPL is used to determine eligibility for the Program.

#### **IV. CLIENT ELIGIBILITY**

Participants must be legal residents of the State of Rhode Island and shall be eligible for participation in the RIdE Program based on the following criteria:

1. Age sixty (60) or over; or
2. Eligible for services under the Rhode Island Department of Human Services, Medical Assistance Program; or
3. Disabled individuals with documented mobility and/or cognitive impairments.
4. As requested by the RIdE Program, individuals seeking transportation through the RIdE Program ~~will~~ shall be required to present documentation to substantiate their eligibility. Proof of legal Rhode Island residency and eligibility shall be limited to the production of one (1) or more of the following documents:
  - ~~1.~~ a) original birth certificate;
  - ~~2.~~ b) valid United States Passport;
  - ~~3.~~ c) valid Rhode Island drivers license and/or Rhode Island state identification card issued by the Rhode Island Division of Motor Vehicles;
  4. d) original Social Security card;
  - ~~5.~~ e) utility bill for a residence within Rhode Island in the name of the individual requesting RIdE services; or
  - ~~6.~~ f) medical documentation as requested by RIPTA and the RIdE Program regarding mobility capacity and disability.

##### ~~A.~~ **Medical Assistance**

Medical Assistance client eligibility for the RIdE Program services shall be determined by the verification of eligibility through computer matching or other methods approved by the DHS. It is understood that the RIdE Program must predetermine client eligibility whenever information is received that would change an individual’s eligibility status for ridership.

Specific to eligibility for Medical Assistance participants, the following criteria shall apply:

1. The service is designed to provide specific transportation needs to Medical Assistance recipients who are not Rite Care or Rite Share clients.
2. These clients shall be transported for a medical/ health service that is part of a total patient plan of care supervised by a health care professional.
3. Trips eligible under this service category shall include visits to physicians’ offices as well as trips for tests and/ or treatments ordered by a health care professional as part of a treatment plan.
- ~~4. The transportation service categories of DEA-funded transportation defined below in Section V of these Regulations.~~

The RIdE Program transportation shall be provided only when clients are unable to find alternative transportation or access RIPTA service because of documented mobility impairments.

## VI. CLIENT CONTRIBUTION

Client contributions in the form of ~~€~~ cost share levels for the elders and persons with disabilities participating in the specialized transportation through the RIdE Program shall be set by the Department of Elderly Affairs and as defined below. ~~Such € share levels are assessed to help offset transportation expenses and to provide more services in the present service categories.~~

~~As of October 1, 2008, e~~Elders and persons with disabilities participating in the specialized transportation through the RIdE program (participants) shall pay a € cost share of two (2) dollars (\$2.00) per one (1) way ride (~~€ Share~~).

The following participants *shall be exempt* from the ~~€~~ cost share:

- a. persons on Medicaid for whom transportation is a covered service under Medicaid;
- b. adult day care center clients;
- c. persons who qualify for the DEA CNOM program that provides transportation as a covered service in addition to home health care, adult day care programs, and case management.

All ~~€~~ cost share payments under the RIdE Program shall be paid directly to the vendor of the RIdE Program transportation service.

## VII. CATEGORIES OF DEA-FUNDED SERVICES

The following types of services shall be provided:

### *Special Medicals (Priority 1)*

Special medical transportation shall include, but not be limited to, transportation for the purpose of kidney dialysis or cancer treatments. Names of clients to be transported are to be provided to the RIdE Program by the medical treatment facility, family, friends, or the client themselves. The ~~brokerage provider~~ will insure that clients will spend the least amount of time in transport.

### *Elderly Adult Day Care Programs (Priority 2)*

Elderly adult day care program transportation shall include ~~T~~transport to and from adult day care ~~centers~~ as programs licensed by the Department of Health (DoH). Residences of clients shall be verified by the adult day care ~~center~~ program and provided to the RIdE Program. Client contributions ~~are~~ shall not currently be required for this DEA-funded service for those categories of clients exempted under section VI above. ~~DEA shall provide an annual current listing of all adult day care centers licensed by DoH to the RIdE Program, and will update the list more often as necessary.~~

Only Aadult day care ~~centers not on the list~~ are programs licensed by the Department of Health shall not be approved for DEA-funded transportation. Adult day care program licensure status may be verified online: <https://healthri.mylicense.com/Verification/Search.aspx?facility=Y> ~~Non-Medicaid participants attending the adult day care centers shall not be required to contribute a co-share for trips to and from the adult day care center.~~

### *Senior Nutrition Transportation (Priority 3)*

Senior nutrition transportation shall include ~~T~~ransport to and from congregate ~~meal~~ nutrition sites for the elderly. The senior nutrition project shall be responsible for securing names and addresses of clients to be transported. This information shall be forwarded to the RIdE Program for necessary scheduling. The nutrition site shall verify residence of all clients in the geographic area. ~~DEA shall provide an annual~~ A current listing of meal-nutrition sites funded by DEA to the RIdE Program, and shall update the list more often as necessary. is available online: [http://www.dea.ri.gov/programs/food\\_assistance.php](http://www.dea.ri.gov/programs/food_assistance.php) Only the nutrition sites affiliated with the centers not on the list are shall not be approved for DEA-funded transportation.

#### ***General Medicals (Priority 4)***

General medical transportation shall include ~~T~~ransportation for any medical/health services that is part of a total patient plan of care supervised by a health care professional. Trips eligible under this service category include visits to physicians' offices as well as all trips for tests and/or treatments ordered by a health care professional as part of a treatment plan.

#### ***INSIGHT***

Transport to and from INSIGHT (43 Jefferson Boulevard, Warwick, RI.) Riders must be sixty (60) years of age or over, have a sight-impaired condition and/or presently registered with the INSIGHT agency.

Transportation shall be ~~at the discretion of DEA and~~ available during the same days and hours as general medical trips. Trip requests ~~must~~ shall be forwarded to the RIdE Program at least two (2) weeks in advance and are subject to service availability.

### ***VIII. SERVICE PROVISION GUIDELINES***

#### ***Door-to-Door***

Transportation of the client from the outside door of his/her residence to the outside door of his/ her destination. Door-to-door is defined in this instance as transport of the client from the ground level door of his/ her residence to the ground level door of his/her destination. The dwelling should be accessible by means of a ramp, or client provided assistance.

Service shall include passenger assistance from the client's door to the van and from the van to the door of the destination when necessary. Each client case must be assessed on an individual basis as to need.

#### ***Transport to Nearest Sites***

Transportation to senior meal-sites nutrition programs, senior adult day care facilities-programs, and/or special medical treatments, such as kidney dialysis and cancer treatments (see section VII above) shall be to the facility closest to the client's home. General medical trips shall be to the nearest health care professional of choice whenever possible.

#### ***Days of Service***

Service days shall include Monday-Friday. State holidays are not included as service days.

#### ***Passenger Cancellations***

Passengers must make every effort to keep their scheduled trip appointments. If unable to keep an appointment, notification must be provided to the RIdE Program twenty-four (24) hours prior to the scheduled trip.

~~VIII~~ **IX. CLIENT COMPLAINT PROCEDURES**

For complaints, the following steps shall be adhered to:

Passengers or their family members may lodge a formal written complaint directly to the RIdE Program. If the RIdE Program is unable to resolve the complaint with the individual or his/her family, RIdE shall contact and work with DEA. If the complainant wishes to pursue his/ her concern, the written complaint shall be forwarded to DEA. DEA staff shall work with the complainant and the RIdE Program to resolve the complaint.

**X. SEVERABILITY**

If any provision of these regulations or the application thereof to any circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the regulations which can be given effect, and to this end the provisions of the regulations are declared to be severable.

RIDE draft regs-june09  
Tuesday, June 02, 2009