



**STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF INTELLECTUAL DISABILITIES SERVICES
ANDREW JACKSON BUILDING, 15TH FLOOR
500 DEADERICK STREET
NASHVILLE, TN 37243**

TITLE: Transportation Costs Subsidy

POLICY #: P - 019

- A. PURPOSE:** The purpose of this policy is to provide clarification about the eligibility criteria for a Transportation Costs Subsidy that is state-funded by the Division of Intellectual Disabilities Services and the process for requesting and authorizing the subsidy.
- B. APPLICABILITY:** This policy applies to staff of the Division of Intellectual Disabilities Services who are responsible for authorizing requests for a state-funded Transportation Costs Subsidy.
- C. DEFINITIONS:**
1. **“Class Member”** means an individual who meets:
 - a. The requirements in the definition of the class specified in:
 - (1) *People First of Tennessee, et.al. v. Clover Bottom Developmental Center*; or
 - (2) *The United States of America v. State of Tennessee, et.al. (Arlington Developmental Center)*; or
 - b. The qualifications of the “at-risk” portion of the Class Definition as defined by the 2006 Settlement Agreement approved by the West Tennessee Federal District Court on February 15, 2007.
 2. **“Division”** means the Division of Intellectual Disabilities Services (formerly known as the Division of Mental Retardation Services).
 3. **“HCBS Waiver”** means one of the following Home and Community-Based Services (HCBS) waivers:
 - a. Home and Community Based Services Waiver for the Mentally Retarded and Developmentally Disabled (#0128.90.R2A.02) and any amendments thereto; or
 - b. Home and Community Based Services Waiver for Persons with Mental Retardation (#0357.90.02) and any amendments thereto.
 4. **“Qualified HCBS Waiver Residential Service”** means one of the following HCBS waiver services:
 - a. Supported Living provided in a home that has 3 or fewer service recipients;

- b. Medical Residential Services provided in a home that has 3 or fewer service recipients; or
 - c. Residential Habilitation provided in a home that has 3 or fewer service recipients.
5. **“Specially Modified Vehicle”** means a vehicle that has been substantially modified for transport of an individual who routinely requires the use of a specialized wheelchair of a type such that the individual can not be safely and appropriately transported without the use of a vehicle that has had substantial modifications (e.g., addition of wheelchair lift, structural modification to raise or lower the roof or floor of the vehicle).
6. **“Transportation Costs Subsidy”** means state-funded transportation assistance provided by the Division of Intellectual Disabilities Services to a residential service provider for the transport of an individual in a specialized wheelchair whose transportation needs can not be safely and appropriately met without the use of a specially modified vehicle.

D. DESCRIPTION OF POLICY

1. Expenses for which a Transportation Costs Subsidy may be used: A Transportation Costs Subsidy shall only be used for allowable expenses directly related to the transport of an individual in a specialized wheelchair whose transportation needs can not be safely and appropriately met without the use of a specially modified vehicle. Allowable expenses shall only include:
- a. Vehicle lease payments or, if the vehicle was purchased, the vehicle purchase price;
 - b. Vehicle insurance;
 - c. Vehicle registration and tags; and
 - d. Vehicle maintenance and repair expenses, excluding oil and gas.
2. Eligibility for a Transportation Costs Subsidy:
- a. A provider may receive a Transportation Costs Subsidy in accordance with the following:
 - (1) The service recipient for whom transportation is provided must meet all of the following criteria:
 - (a) The service recipient must be a Class Member.
 - (b) The service recipient must routinely require the use of a wheelchair for mobility.
 - (c) The service recipient must routinely require the use of a specialized wheelchair of a type such that the individual can not be safely and appropriately transported without the use of a specially modified vehicle.

NOTE: An individual who uses a standard wheelchair, folding wheelchair, or other type of wheelchair that can be safely transported without the use of a specially modified vehicle would not meet the eligibility criteria.
 - (d) The service recipient must be receiving a “Qualified HCBS Waiver Residential Service” as defined herein.
 - (e) The service recipient must meet one of the following:

- i. The service recipient must lack access to a vehicle that can be used to provide safe and appropriate transport of the service recipient and the service recipient's specialized wheelchair; or
 - ii. The service recipient's access to a specially modified vehicle must have been state-funded through a Class Transportation subsidy that was in effect as of August 31, 2009.
- (2) The residential service provider shall not receive a Transportation Costs Subsidy for transporting a Class Member who meets the criteria specified in Section D.2.a(1) above, unless the provider:
 - (a) Began providing transportation of the service recipient on or after September 1, 2009, in a vehicle that has been specially and substantially modified for transport of a specialized wheelchair; or
 - (b) Was receiving a "Class Transportation subsidy" prior to September 1, 2009, for transporting a Class Member who routinely required the use of a specialized wheelchair of a type such that the individual could not be safely and appropriately transported without the use of a specially modified vehicle.
- (3) The residential service provider must have a Transportation Costs Subsidy Request Form approved by the Division of Intellectual Disabilities Services.

3. Filing a request for a Transportation Costs Subsidy:

- a. To request a Transportation Costs Subsidy, the residential provider agency must submit a completed request form (or an electronic equivalent when available) to the Regional Director or designee for review. Request forms may be obtained from the Regional Office or from the Division's website.
- b. A request for a Transportation Costs Subsidy must be submitted:
 - (1) At least 30 calendar days prior to the requested start date of an initial request for a Transportation Costs Subsidy;
 - (2) At least 30 calendar days prior to the expiration date of the service recipient's existing Transportation Costs Subsidy;
 - (3) At least 30 calendar days prior to the date the service recipient relocates to a different place of residence;
 - (4) Within 30 calendar days of a change in the number of service recipients who reside in the home who routinely use a specialized wheelchair of a type such that the service recipients can not be safely and appropriately transported without the use of a specially modified vehicle; or
 - (5) Within 30 calendar days of a change in the number of service recipients who reside in the home if the total number of services recipients in the home would exceed three (3).
- c. The Individual Support Plan does not have to be amended to request a Transportation Costs Subsidy.

4. Authorization of a Transportation Costs Subsidy:

- a. The authorization for a Transportation Costs Subsidy shall be limited to a maximum period of one (1) year and must be renewed annually for continuation of the subsidy. The authorization period for a Transportation Costs Subsidy will be a 12 month period except in special circumstances where the Division of Intellectual Disabilities Services determines that a shorter authorization period is warranted.
 - b. A Class Transportation Subsidy that was authorized prior to September 1, 2009, shall be valid for a 12-month period from the date of its authorization, until the assigned expiration date is reached, or until the Transportation Costs Subsidy requires revision in accordance with Section D.5, whichever occurs first.
 - c. An approved Transportation Costs Subsidy shall expire if the Class Member no longer receives a residential service that meets the definition of a Qualified HCBS Waiver Residential Service.
 - d. The Regional Director or designee may authorize a Transportation Costs Subsidy in accordance with this policy.
5. Revising the amount of the Transportation Costs Subsidy: The amount of the Transportation Costs Subsidy (or a previously approved Class Transportation Subsidy) may be revised in accordance with Section D.6 if:
- a. There is an increase or decrease in the number of eligible Class Members in the residence who routinely use a specialized wheelchair of a type such that the Class Members can not be safely and appropriately transported without the use of a specially modified vehicle; or
 - b. The Class Member moves to a different home where there is an increase or decrease in the number of eligible Class Members in the residence who routinely use a specialized wheelchair of a type such that the Class Member can not be safely and appropriately transported without the use of a specially modified vehicle.
6. Determining the maximum amount of the Transportation Costs Subsidy:
- a. The determination of the maximum amount of a Transportation Costs Subsidy shall be at the sole discretion of the Division of Intellectual Disabilities Services.
 - b. When more than one eligible Class Member, as specified in Section D.2, resides in the same home, the maximum amount of the Transportation Costs Subsidy shall be based on documentation of:
 - (1) Allowable expenses, as specified in Section D.1.; and
 - (2) The number of eligible Class Members in the home who routinely use a specialized wheelchair of a type such that the Class Member can not be safely and appropriately transported without the use of a specially modified vehicle, in accordance with Table 1 below.

TABLE 1
*Maximum Transportation Costs Subsidy per Month
\$500 maximum , based on only one eligible Class Member in the home
\$550 maximum , based on 2 eligible Class Members in the home
\$600 maximum , based on 3 eligible Class Members in the home
* The maximum subsidy per month is not a per person subsidy but rather is an aggregate subsidy paid for transport of 1, 2 or 3 eligible Class Members, as applicable, residing in the same home.

7. Payment:

- a. The Transportation Costs Subsidy shall be a provider subsidy paid on behalf of the eligible Class Member to the provider of the Qualified HCBS Waiver Residential Service. The provider must own or lease the vehicle for which the Transportation Costs Subsidy is paid.
- b. The residential provider shall be responsible for:
 - (1) Ensuring that each driver:
 - (a) Is at least 18 years of age;
 - (b) Has a valid Tennessee driver's license of appropriate type;
 - (c) Has a safe driving record; and
 - (d) Has received training on the safe operation of any specialized equipment used in transportation (e.g., wheelchair lifts, wheelchair tie-downs);
 - (2) Maintaining an acceptable level of auto liability and other insurance, including insurance coverage for the specialized equipment (i.e., vehicle modifications) necessary for transport of the Class Member; and
 - (3) Ensuring that vehicles are maintained in a safe operating condition.

8. Transportation of staff and other service recipients: When the provider is transporting an eligible Class Member, as specified in Section D.2. above, the provider is permitted to transport other service recipients or staff.

E. ATTACHMENTS

1. *Request for Transportation Costs Subsidy Request form*

F. PREVIOUS POLICY: Transportation Funding for Class Members (date not specified)

G. DATE APPROVED BY TENNCARE: Not applicable

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H. POLICY APPROVAL

Joanna Damone by W. Moore, MD.

Signature of Assistant Commissioner
Office of Policy, Planning, and Consumer Services

9/14/2009

Date

Stephen L. Norris

Signature of Deputy Commissioner
Division of Intellectual Disabilities Services

9/14/2009

Date

REQUEST FOR TRANSPORTATION COSTS SUBSIDY

County of Residence: _____

Name of Service Recipient: _____ Date of Birth: _____ Social Security Number: _____

Telephone Number: _____ Name of Residential Provider: _____

PLEASE CHECK "YES" OR "NO".

- YES** **NO**
- Is the service recipient for whom transportation will be provided through a Transportation Costs Subsidy a "Class Member" as defined in the Transportation Costs Subsidy Policy?
- Does the service recipient for whom transportation will be provided through a Transportation Costs Subsidy receive one of the following HCBS waiver residential services?
- a. **Supported Living** provided in a home that has 3 or fewer service recipients;
- b. **Medical Residential Services** provided in a home that has 3 or fewer service recipients; or
- c. **Residential Habilitation** provided in a home that has 3 or fewer service recipients.
- Does the service recipient routinely require the use of a wheelchair for mobility?
- Does the service recipient routinely require the use of a specialized wheelchair of a type such that the individual can not be safely and appropriately transported without the use of a specially modified vehicle?
 (NOTE: An individual who uses a standard wheelchair, folding wheelchair, or other type of wheelchair that can be safely transported without the use of a specially modified vehicle would not meet the eligibility criteria.)
- Does the service recipient live in a residence with other Class Members who routinely require the use of a specialized wheelchair of a type such that the individual Class Members can not be safely and appropriately transported without the use of a specially modified vehicle?
- If "YES", specify the total number of Class Members in the home who use such specialized wheelchairs? _____

ALLOWABLE EXPENSES		REQUEST FOR SUBSIDY	
Item	Average Cost Per Month	Average Subsidy Per Month	Total Subsidy Per Year
Vehicle lease payments or, if the vehicle was purchased, the vehicle purchase price			
Vehicle insurance			
Vehicle registration and tags			
Vehicle maintenance and repair expenses, excluding oil and gas			
FOR DIVISION USE ONLY			
		<input type="checkbox"/> DENIED	
		<input type="checkbox"/> APPROVED for \$ _____	Per Month

• "Eligible Class Member" means a person who meets the eligibility criteria for a Transportation Costs Subsidy specified in Section D.2.