

Proposed Non-Emergency Transportation Regulations

Public Hearing: November 26, 2018 at 9am, Augusta Armory, 2nd Floor Conference Room, 179 Western Ave, Augusta ME 04330

Written Comments Due: December 6, 2018 by 11:59pm to Trista Collins at Trista.Collins@maine.gov

General

- There is a general concern that the community will not know these regulations have been proposed. More should be done to engage relevant stakeholders, including providing plain language guides and distributing member notices outside of the traditional Secretary of State postings.
- There is a general concern that the notice does not communicate important and substantial changes, such as the change that requires members, guardians, and residential providers to provide Escorts.
- Non-Emergency Transportation needs significant reform to ensure drivers are trained, showing up on time, and meeting the mandates of the Brokers' contracts.
- There is a general concern that orally communicated complaints are not being recorded as complaints within the terms of the Brokers' contract.

Escorts

- These regulations unfairly and in contradiction to federal and state law allow Brokers' to deny transportation to medically necessary services based on symptoms of their disabilities.
- These regulations confuse the terms Attendant, Personal Assistant, and Escorts, to allow the Brokers' to deny transportation to individuals who need an Attendant by requiring them to have an Escort.
 - o An Attendant is an employee of the Broker who assists the driver and accompanies a Member or group of Members during transport to ensure the safe operation of the vehicle and the safety of the Members.
 - o An Escort is a personal assistant, family member, friend, volunteer or facility employee who accompanies a Member for the entire trip and stays with the Member at the destination.
- These regulations would allow the Broker to deny transportation for someone who needs an Attendant by requiring them to have an Escort, in contradiction to the Person-Centered Planning Team, and forcing members, their parents or guardians, or their residential provider to provide and pay for it.
 - o This includes providing or paying for transportation for the Escort to return after they are dropped off by the Broker with the Member at the destination.

Children

- These regulations require parents or guardians to provide and pay for an Escort for children under 12 receiving Non-Emergency Transportation.

- These regulations require children to list medically necessary services provided at a school location to be on the Individualized Education Plan (IEP) and will only be provided for the time of the appointment.
- These regulations prohibit transportation of parents to visit children in residential placements, even if it's part of family therapy.
- These regulations prohibit transportation of children to summer camps, schools, daycare facilities, or afterschool programs even if its part of their Individual Treatment Plan (ITP).

Due Process

- These regulations give discretion to the Broker to deny transportation if they think the provider is inappropriate or too far away, in contradiction to the Person-Centered Planning Team or Treatment Team.
- These regulations allow Brokers to deny transportation immediately "if a documented safety incident has occurred" without notice and without opportunity for appeal and during appeal in contradiction of federal and state law.