**Section 140.490 Medical Transportation**

a) Payment for medical transportation shall be made to an individual, public, private or not-for-profit transportation carrier, whose operators are properly licensed, who provides the appropriate form of transportation and who bills and receives payment from the general public and other third party payors (except for private autos pursuant to subsection (a)(5)). Eligible providers to be considered for payment include:

1) Ambulance providers who hold a valid license, permit or certification from the state where the business is headquartered or from the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law [625 ILCS 5/3-401] and Section 8-101 of the Illinois Vehicle Code [625 ILCS 5/8-101]) and pass health/safety inspections annually by the Department of Public Health (see the Emergency Medical Services (EMS) Systems Act [210 ILCS 50]). Out-of-state ambulance providers who provide services within Illinois must be in compliance with the EMS Systems Act [210 ILCS 50]. Vehicles operated by municipalities must meet the certification requirements contained in 77 Ill. Adm. Code 535, Subpart C, by July 1, 1987. The Department will grant exceptions to this requirement if the municipality can demonstrate that the Illinois Department of Public Health has granted a waiver or exception to such requirement.

2) Medi-car vehicles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered. Medi-car service is defined as transportation provided to a patient who is confined to a wheelchair and requires the use of a hydraulic or electric lift or ramp and wheelchair lockdown when the patient's condition does not require medical observation, medical supervision, medical equipment, the administration of medications, or the administration of oxygen.

3) Taxicabs licensed by the Secretary of State and, when applicable, by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered.

4) Service cars licensed as livery cars by the Secretary of State and, when applicable, by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered. Service car service is defined as transportation provided to a patient by a passenger vehicle when that patient does not require ambulance or medi-car services.

5) Private automobiles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or licensed in the state of the owner's residence.

6) Helicopter providers who hold a valid license from the State of Illinois issued under the authority of the State of Illinois Department of Public Health, or are licensed in the state where services are provided.

7) Other modes of transportation such as buses, trains and commercial airplanes.

b) Except as provided in subsection (c), payment for medical transportation shall be made when transportation is provided for an eligible recipient to or from a source of medical care. Medical care is defined as any medically necessary service covered under the Medical Assistance Program. Payment for transportation will be made even when a covered medical service is provided free of charge or is reimbursed by a third party (for example, services provided by the U.S. Department of Veterans' Affairs).

c) Payment for medical transportation shall not be made when:

1) A means of transportation to the source of medical care is available free of charge;

2) The transportation is for the purpose of filling a prescription or obtaining medical supplies, equipment or any other pharmacy related item; or

3) Proper prior or post approval authorization has not been made by the Department or its authorized agent.

d) When more than one passenger requiring medical services is transported, payment for the first passenger will be at the full rate including mileage, base rate and ancillaries, if provided; payment for the second or additional passengers requiring medical services will be at only the base rate and ancillaries, if provided.

e) Coverage for an employee attendant and a non-employee attendant.

1) For the purposes of this subsection (e):

A) "Employee attendant" means a person, other than the driver, who is an employee of a medi-car, service car or taxicab.

B) "Non-employee attendant" means a family member or other individual who may accompany the patient when there is a medical need for such an attendant.

2) The Department will pay for an attendant to accompany an eligible patient to and from the source of a covered medical service, by a medi-car, a service car or a taxicab, when the circumstances constitute one of the following medical necessities. A physician's statement may be required to verify the medical necessity.

A) To accompany the patient to a medical provider when needed, such as a parent going with a child to the doctor or when an attendant is needed to assist the patient;

B) To participate in the patient's treatment when medically necessary; or

C) To learn to care for the patient after discharge from the hospital.

3) The Department does not pay for transportation of family members to visit a hospitalized patient.

4) For dates of service prior to July 1, 2006, the use of an attendant is subject to prior approval in all situations except for the non-emergency trips described in Section 140.491(b)(2). In the instances that prior approval is not required for an attendant, medical necessity must be documented in the record. The Department's authorized prior approval agent may require documentation of medical necessity. A medi-car company may bill for the services of an employee and a non-employee attendant. Billings for the services of an employee attendant and a non-employee attendant are allowable when the services are rendered during a single trip. Service car and taxicab providers may receive payment only for a non-employee attendant.

5) For dates of service on or after July 1, 2006, the use of an attendant is subject to prior approval in all situations except for the non-emergency trips described in Section 140.491(b)(2). In the instances in which prior approval is not required for an attendant, medical necessity must be documented in the record. The Department's authorized prior approval agent may require documentation of medical necessity. A medi-car, service car or taxicab may bill for the services of an employee and a non-employee attendant.

f) Safety program certification requirement.

1) Safety training programs shall be approved by the Department and must include, at a minimum, all of the following components applicable to both drivers and employee attendants:

A) Passengers Assistance. Training must contain and/or convey information on courteous treatment of passengers; an understanding of different disabilities; instructions on safely loading and unloading passengers, including passengers with disability devices; and procedures for dropping off and picking up passengers.

B) Vehicle Operation and Passenger Safety. Training must contain information on vehicle inspection; proper seatbelt usage for adults; proper infant and child restraint usage, including proper method for securing child seats; and proper usage of security lock-down devices.

C) Emergency Procedures. Training must contain information on the usage of vehicle emergency equipment; procedures to follow in case of an accident or breakdown; and proper precautions and cleanup of blood borne pathogens.

2) For dates of service on or after July 1, 2008, all providers of non-emergency medi-car and service car transportation must certify that all drivers and employee attendants have completed a safety program approved by the Department, prior to supplying medical transportation to a client. For services provided between July 1, 2008 and October 31, 2008, the Department will consider providers in compliance with the safety program certification requirement if the employee driver and/or attendant completed an approved safety training program by November 1, 2008.

3) Drivers and employee attendants transporting participants of the Department's Medical Assistance programs must complete an approved safety program every three years. Documentation certifying completion of an approved safety program must be maintained by the transportation provider and available to the Department upon request. The safety program certification shall not be issued by an entity affiliated with the transportation provider.

4) The names of the driver and employee attendant actually transporting the participant shall be documented in the medical transportation service record as required at Section 140.494(a).

5) Failure of the transportation provider to maintain and, upon request from the Department, produce the documentation of required training shall result in the recovery of all payments made by the Department for services rendered by a non-certified driver or employee attendant.

6) Exceptions to the safety program certification requirement will be permitted only in the following circumstances and documentation substantiating the exception must be available to the Department upon request.

A) The medi-car or service car provider receives federal funding under 49 USC 5307 or 5311. The exception is applicable only during the period of federal funding.

B) The driver or attendant is licensed as an Emergency Medical Technician by the Illinois Department of Public Health, or comparable licensing entity in the state in which the transportation provider is located. This exception is applicable only for periods that the individual holds an active EMT license.

C) The driver or attendant holds a valid School Bus Driver Permit pursuant to 625 ILCS 5/6-106.1 and is providing services on behalf of a local education agency. This exception is applicable only for periods that the individual holds a current valid school bus permit.

(Source: Amended at 43 Ill. Reg. 4094, effective March 25, 2019)